

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
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# F18

**Prepared December 2, 2019 (for December 13, 2019 Hearing)**

**To:** Coastal Commissioners and Interested Persons

**From:** Dan Carl, Central Coast District Director  
Susan Craig, Central Coast District Manager

**Subject: Central Coast District Director's Report for December 2019**

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 December 13, 2019. 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 December 13th in Calabasas.

With respect to the December 13th 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 December 13, 2019 (see attached)**

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**CDP Waivers**

- 3-19-0338-W, Storm Drainage Maintenance Plan (City of Monterey)
- 3-19-1062-W, Olde Port Fish and Seafood Company Addition (Avila Beach)

**CDP Amendments**

- None

**CDP Extensions**

- A-3-SLO-07-041-E10, Richissin Single-Family Dwelling (Los Osos)

**Emergency CDPs**

- G-3-19-0049, Carmel River Lagoon Sandbar Management (Monterey County)
- G-3-19-0050, Lovers Point Parking Lot Repairs (City of Pacific Grove)
- G-3-19-0051, Monterey Bay Aquarium Concrete Foundation/Wall Repair (City of Monterey)
- G-3-19-0053, ODSVRA Emergency Dust Control Measures (San Luis Obispo County)

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** November 27, 2019  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Alexandra McCoy, Coastal Planner  
**Subject:** Coastal Development Permit (CDP) Waiver 3-19-0338-W  
Applicant: City of Monterey

### Proposed Development

Annual maintenance for five years of four storm drainage sites within the Coastal Zone, two in the City of Monterey and two in the City of Seaside, as part of a five-year maintenance program in order to maximize stormwater conveyance and reduce flood risk as described in the City of Monterey's Storm Drainage Maintenance Plan (SDMP).

### 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 City of Monterey's SDMP covers operations and maintenance activities necessary for the upkeep and continued functioning of 29 high-priority storm drainage sites in the Cities of Monterey and Seaside over a five-year period (i.e. through December 13, 2024) in advance of a longer-term management program. Four storm drainage sites discussed in the SDMP are located within the Coastal Zone; two are located within the City of Monterey and two are located in the City of Seaside. Sites within the City of Seaside include Site 30, a 50-square-foot area associated with an outfall that conveys water out of the storm system and into Laguna Grande Lake, and Site 31, a 50-square-foot area associated with an approximately 15-foot-wide inlet channel that conveys water out of the storm system and into Roberts Lake. Sites within the City of Monterey include Site 29, an approximately 12x7 foot rock-lined swale at a storm drain outfall that drains into Laguna Grande Lake, and Site 34, a three-foot-wide shallow earthen swale that runs from Encina Avenue to the north end of Laguna Grande Lake. Both cities have requested that the Commission act on a consolidated CDP, with the City of Monterey acting as the Applicant because the City of Monterey will perform the storm drainage maintenance within both jurisdictions. The maintenance activity proposed at these four sites will be limited to mowing or vegetation removal (of mostly tule reeds) at storm system culverts, inlets and outlets. No sediment removal or ground disturbance beyond that resulting from the vegetation removal is proposed at these sites.

The proposed work is relatively minor in scope to ensure the continued efficacy of the Cities' storm drains, involving only minor vegetation removal and no structural work. The City has worked closely with Commission staff to refine the construction Best Management Practices (BMPs) to avoid and/or minimize impacts to sensitive riparian and coastal resources, including pre-activity biological surveys

## **NOTICE OF PROPOSED PERMIT WAIVER**

CDP Waiver 3-19-0338-W (City of Monterey Storm Drainage Maintenance Plan)

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for special status species with potential to be found on project sites such as the tricolored blackbird, western pond turtle, and northern California legless lizard. Further, the City shall list all BMPs on all pre- and post-activity reports, including the annual maintenance plan. These reports will be submitted to the Executive Director for review and approval prior to any maintenance event. For these reasons, the proposed project will not adversely impact coastal resources, and thus is consistent with the Coastal Act.

In addition, the project has received a Streambed Alteration Agreement permit from the California Department of Fish and Wildlife. The US Army Corps of Engineers has determined that a Section 404 permit is not required for the project. The City of Monterey has applied to the Regional Water Quality Control Board for a Waste Discharge Requirements permit and that application is pending. ***This waiver is not effective until all other agency approvals have been obtained.***

### **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 December 13, 2019, in Calabasas. 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 Alexandra McCoy in the Central Coast District office.**

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** November 27, 2019  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Brian O'Neill, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-19-1062-W**  
Applicant: Olde Port Fish and Seafood Company, Inc.

### Proposed Development

Construct a 54-square-foot, nine-foot-tall addition to an existing building, including a sloped roof, an exhaust fan, and a commercial sign on the Harford Pier in the community of Avila Beach, San Luis Obispo County.

### Executive Director's Waiver Determination

Pursuant to Title 14, Section 13253 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 a coastal-related wholesale fish market that supports the coastal-dependent commercial fish industry at the Harford Pier. The existing market is moving into a smaller location of an existing building due to upcoming repairs to the pilings and pier infrastructure under the market's existing location. The proposed addition is necessary to meet Health and Safety Department regulations for installation of a ventilation system and exhaust fan for a fish smoker and steamer. The small addition will replace existing sliding doors and a loading area on the north side of the building. The addition will not require removal of any public parking or recreational space and no new piles or pier infrastructure are necessary. The addition will be designed to match the existing building's exterior and the exhaust fan will be concealed with a small commercial sign for the market. In addition, the project includes Best Management Practices for debris containment, spill prevention and response, and daily housecleaning to ensure the ocean's water quality is protected during construction. Accordingly, the project will not have any significant adverse impacts on coastal resources and will enhance coastal-related development at Harford Pier.

### 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 December 13, 2019 in Calabasas. 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 EXTENSION

**Date:** November 27, 2019  
**To:** All Interested Parties  
**From:** Susan Craig, Central Coast District Manager  
Brian O'Neill, Coastal Planner  
**Subject:** **Proposed Extension to Coastal Development Permit (CDP) A-3-SLO-07-041**  
Applicant: Brent Richissin

### Original CDP Approval

CDP A-3-SLO-07-041 was approved by the Coastal Commission on October 15, 2008, and provided for the construction of a single-family residence located at 2737 Austin Court, in the unincorporated coastal community of Los Osos, San Luis Obispo County.

### Proposed CDP Extension

The expiration date of CDP A-3-SLO-07-041 has been extended by the Commission nine times previously (to October 15, 2011, October 15, 2012, October 15, 2013, October 15, 2014, October 15, 2015, October 15, 2016, October 15, 2017, October 15, 2018, and October 15, 2019 respectively), and would be extended in this case by one year to October 15, 2020. The Commission's reference number for this proposed extension is **A-3-SLO-07-041-E10**.

### 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 December 13, 2019 in Calabasas. If three or more Commissioners object to the Executive Director's changed circumstances determination at that time, a full hearing on whether changed circumstances exist will be scheduled pursuant to the Commission's regulations.

**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.**



California Coastal Commission

**EMERGENCY COASTAL DEVELOPMENT PERMIT**  
**Emergency CDP G-3-19-0049 (Carmel River Lagoon Sandbar Management)**

Issue Date: November 26, 2019

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This ECDP authorizes Monterey County, acting as contractor and agent for the California Department of Parks and Recreation, to manage the sandbar at Carmel River State Beach during the 2019-20 rainy season, including by cutting and managing a channel between the lagoon and Carmel Bay to reduce the water level in the lagoon so as to avoid/minimize flooding of existing residences and State Beach facilities upstream of the lagoon fronting Carmel River State Beach (all as more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee (Monterey County), the Carmel River Lagoon is currently below flood elevation; however, there is a risk that any significant rainfall could lead to flooding of approximately 12 residential homes, loss of the State Beach parking lot, and undercutting of the State Beach restroom, all located upstream and along the bank of the lagoon. Monterey County has estimated the flood elevation to be 15.74 feet (NAVD88). To avoid exceeding flood elevation, mobilization and mechanical breaching of the sandbar will commence when one or more of the following conditions is met: 1) lagoon water level reaches a surface elevation of 13.27 feet (NAVD88); 2) the rise in lagoon water levels indicates there is less than six hours until the water surface elevation reaches 12.77 feet (NAVD88) or when Carmel River flows reach or exceed 200 cubic feet per second at the Los Padres Dam and at Esquiline Road Bridge stream gauges; 3) wave over-topping begins to rapidly increase water levels of the lagoon and increases the sandbar elevation.

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.

Enclosure: (1) Emergency Coastal Development Permit Acceptance Form

cc: (via email)

Brent Marshall, California Department of Parks and Recreation  
Sophie DeBeukelaer, Monterey Bay National Marine Sanctuary  
Katerina Galacatos, U.S. Army Corps of Engineers  
Jacob Martin, U.S. Fish and Wildlife Service  
Amanda Morrison, National Marine Fisheries Service  
Linda Connolly, California Department of Fish and Wildlife  
Joe Sidor, Monterey County Planning Department  
Marc Wiener, City of Carmel-by-the-Sea

# Emergency CDP G-3-19-0049 (Carmel River Lagoon Sandbar Management)

Issue Date: November 26, 2019

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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

## 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 December 11, 2019). This ECDP is not valid unless and until the acceptance form has been received in the Central Coast District Office.
2. Only that emergency development specifically described in this ECDP is authorized. Any additional and/or different emergency and/or other development requires separate authorization from the Executive Director and/or the Coastal Commission.
3. The emergency development authorized by this ECDP extends through the 2019-20 rainy season (i.e., until April 15, 2020) only, unless extended for good cause by the Executive Director.
4. The emergency development authorized by this ECDP is only temporary, and shall no longer be authorized if it is not followed-up by a regular CDP that provides a comprehensive response to flooding along Carmel Lagoon in a manner that is most protective of Carmel River/Lagoon resources and public recreational access, including through application of the least environmentally damaging alternatives for addressing flood risks and shoreline erosion, and allowing the river/lagoon system to operate as naturally as possible without artificial manipulation. Within one year of the date of this permit (i.e., by November 26, 2020), the Permittee shall submit a complete application for such a regular CDP. (The CDP application may be found at: <http://www.coastal.ca.gov/cdp/cdp-forms.html>.) Otherwise, the temporary emergency development shall no longer be authorized and all areas affected by it shall be restored to their original pre-emergency development condition. 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. 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 Wildlife, California State Lands Commission, Monterey Bay National Marine Sanctuary, United States Army Corps of Engineers, National Marine Fisheries Service, United States Fish and Wildlife Service, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
6. All emergency development shall be limited in scale and scope to that specifically identified in the materials submitted by the Permittee (dated received in the Coastal Commission's Central Coast District Office on November 14, 2019).

## Emergency CDP G-3-19-0049 (Carmel River Lagoon Sandbar Management)

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7. A qualified biologist (including with a minimum of three years experience with anadromous salmonids) shall be present during all emergency development activities, and shall monitor the lagoon and sandbar on a daily basis for as long as the emergency development activities authorized under this ECDP persist. The biological monitor shall ensure that all emergency development is limited to the least amount necessary to abate the emergency, and that it avoid impacts to adjacent marine and lagoon resources as much as possible, including through adaptive management measures to respond to changing conditions and/or understandings relative to flood risk and habitat impacts.
8. Prior to any mechanical breaching of the sandbar, the Permittee shall have ensured that all other possible flood protection measures (e.g., sand bags, rubber dams, etc.) have been applied to protect surrounding flood water threatened homes, infrastructure, and other development to the maximum extent feasible.
9. For the construction of the channel, the Permittee shall excavate a channel through the sandbar in a direction and manner as agreed upon in consultation with NOAA Fisheries, and in a manner that results in a more natural and less erosive breach. A sand plug will be left in place at the end of the excavation channel that is closest to the lagoon, with the intention that wave action or rising lagoon water levels will naturally breach the plug. Based on typical beach and sandbar conditions, the excavation channel would be constructed to the south and result in the excavation and side-casting of approximately 100 – 250 cubic yards of beach sand. The channel will be excavated to an approximate depth elevation of 10 feet (NGVD29) or 12.77 feet (NAVD88). The primary area of site disturbance (including the channel, side-cast area, and sand stockpile area) is estimated at approximately 0.60 acre and 300 linear feet. If existing shoreline conditions prevent establishing a diagonal channel in the manner described above, the Permittee may, in conjunction with the other responsible agencies identified in Condition #5 above, be authorized to modify the channel configuration (i.e., length, width, and location) to reduce flood risks in a manner that also protects sensitive resources and species to the greatest extent practicable..
10. Following any sandbar breach and after high inflows from the river have receded, the lagoon shall either be allowed to naturally close or remain with an open outlet channel flowing over the beach in the alignment described in Condition #9 above (i.e., a long meandering channel that mutes tidal influence and rapid draining of the lagoon), whichever is more protective of resources, including as directed by the biological monitor.
11. If excessive scour is observed, contaminant-free in-situ Carmel River beach sand will be pushed into the outlet channel to reduce further scour or to close the sandbar if deemed necessary in consultation with NOAA Fisheries. The minimum lagoon elevation shall be maintained at 8.77 feet (NAVD88). The excavated channel will be managed in consultation with NOAA Fisheries, which may include closure by backfilling the channel plug to maximize the volume of aquatic habitat in the dry season, up to a maximum lagoon level of 12.77 feet (NAVD88).
12. All emergency development activities shall limit impacts to coastal resources (including public recreational access, shoreline bluff, Carmel River and the lagoon, and the Pacific Ocean) to the maximum extent feasible including by, at a minimum, adhering to the following construction requirements (which may be adjusted by the Executive Director if such adjustments: (1) are deemed necessary due to extenuating circumstances; and (2) will not adversely impact coastal resources):



## Emergency CDP G-3-19-0049 (Carmel River Lagoon Sandbar Management)

Issue Date: November 26, 2019

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- a. All construction areas shall be minimized, shall allow public recreational access along Carmel River State Beach, and shall protect public safety to the maximum extent feasible. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
- b. Construction work and equipment operations shall not be conducted seaward of the mean high water line unless tidal waters have receded from the authorized work areas.
- c. Grading of intertidal areas is prohibited.
- d. Any construction materials and equipment delivered to the beach area shall be delivered by rubber-tired construction vehicles. When transiting on the beach, all such vehicles shall remain as high on the upper beach as possible and avoid contact with ocean waters and intertidal areas.
- e. Any construction materials and equipment placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed in their entirety from the beach area by sunset each day that work occurs.
- f. All construction areas shall be minimized and demarked by temporary fencing designed to allow through public access and protect public safety to the maximum extent feasible. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
- g. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep equipment covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach; etc.).
- h. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach or the adjacent marine environment are prohibited. Equipment washing, refueling, and/or servicing shall not take place on the beach. Any erosion and sediment controls used shall be in place prior to the commencement of construction as well as at the end of each work day.
- i. All accessways impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand in the area that is impacted by construction shall be filtered as necessary to remove any construction debris.
- j. All exposed slopes and soil surfaces in and/or adjacent to the construction area shall be stabilized with erosion control native seed mix, jute netting, straw mulch, or other applicable best management practices (for example, those identified in the California Storm Water Best Management Practice Handbooks (March, 1993)). The use of non-native invasive species (such as ice-plant) is prohibited.
- k. All contractors shall ensure that work crews are carefully briefed on the importance of observing the construction precautions given the sensitive work environment. Construction contracts shall contain appropriate penalty provisions sufficient to offset the cost of retrieval/clean-up of foreign

## Emergency CDP G-3-19-0049 (Carmel River Lagoon Sandbar Management)

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materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.

1. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of construction and required restoration activities. If planning staff should identify additional reasonable restoration measures, such measures shall be implemented immediately.
13. Copies of this ECDP shall be maintained in a conspicuous location at the emergency development area at all times for as long as emergency development activities authorized under this ECDP persist, and such copies shall be available for public review on request. All persons involved with the emergency development activities shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
14. The Permittee shall designate a coordinator to be contacted during all emergency development activities and for as long as the emergency development activities authorized under this ECDP persist should questions arise regarding these activities (in case of both regular inquiries and emergencies). The coordinator's contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of emergency development activities, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The coordinator shall record the name, phone number, and nature of all complaints received regarding the time that emergency development activities authorized under this ECDP persist, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
15. The Permittee shall submit monthly reports to the Executive Director for review by the 15th of each month that emergency development activities authorized under this ECDP persist. Each report shall identify all flood protection measures (e.g., sand bags, rubber dams, etc.) that have been applied to protect surrounding flood water threatened homes, infrastructure, and other development to the maximum extent feasible; shall document all emergency development activities (including through narrative as well as site plans and cross sections accompanied by photographs, maps, and /or graphics); and shall include a section prepared by the biological monitor providing his/her monitoring observations, including in terms of potential impacts to habitat resources (including identification of any fish mortality and/or harm or harassment (e.g., fish entrainment in the outlet channel during breaching)) and recommendations for project changes to avoid such impacts. The monthly reports shall clearly identify all areas affected by emergency development activities, and include the location and extent of grading, sand borrow, and fill areas; pre-existing and resulting alignments of the river; elevations showing finished slopes; and, estimated quantity of sand moved. The monthly reports shall also include color photographs (in hard copy and jpg format) that clearly depict all emergency development activities, that are accompanied by a site plan that notes the location of each photographic viewpoint and the date and time of each photograph, and that are accompanied by a description of what is shown in each photograph. At a minimum, the photographs shall be from enough upcoast, seaward, and downcoast viewpoints as to provide complete

## **Emergency CDP G-3-19-0049 (Carmel River Lagoon Sandbar Management)**

**Issue Date: November 26, 2019**

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photographic coverage of the emergency development activities authorized under this ECDP at a scale that allows comparisons to be made with the naked eye between photographs taken at different times from the same vantage points.

16. In exercising this ECDP, the Permittee agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
17. The Permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and (2) required by a court) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this ECDP. The Permittee shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.
18. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
19. 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.
20. 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 #16 above, the emergency development carried out under this ECDP is at the Permittee's risk and is considered to be temporary work done in an emergency situation to abate an emergency. If Monterey County wishes to have the emergency development become permanent development, a regular CDP must be obtained. A regular CDP is subject to all of the provisions of the California Coastal Act and may be conditioned or denied accordingly.

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



## California Coastal Commission

# EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-3-19-0050 (Lover's Point Parking Lot, Pacific Grove)

Issue Date: November 25, 2019

Page 1 of 4

This emergency coastal development permit (ECDP) authorizes emergency development consisting of replacement of five feet of concrete curb and a ten-foot-long section of wood fence that separate an off-street triangular parking lot in the vicinity of Lover's Point. The project site is bound by Ocean View Boulevard and the Monterey Bay Coastal Recreation Trail in the City of Pacific Grove (all more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee (City of Pacific Grove), a car accident damaged five feet of a parking lot curb and a ten-foot section of a wooden split-rail fence that separates the parking lot from the Recreational Trail. (A retaining wall on the coastal bluff on the seaward side of the coastal trail was also damaged in the accident; authorization to repair the retaining wall will be reviewed in a subsequent coastal development permit application.) The current lack of a parking curb and fence in this area presents a risk to the safety of users of the Recreational Trail and the City would like to make repairs prior to upcoming storms to ensure the safety of all Recreational Trail users. The proposed emergency development is necessary to abate safety concerns and also to prevent debris from entering Monterey Bay. The submitted application materials include the Commission's typical best management practices to protect water quality during construction over coastal waters. 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.

A handwritten signature in cursive script that reads "Susan Craig".

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

Enclosure: Emergency Coastal Development Permit Acceptance Form

cc: (via email): Daniel Gho, Public Works Director, City of Pacific Grove ([dgho@cityofpacificgrove.org](mailto:dgho@cityofpacificgrove.org))  
Joyce Halabi, Public Work Deputy Director, City of Pacific Grove ([jhalabi@cityofpacificgrove.org](mailto:jhalabi@cityofpacificgrove.org))

## Emergency CDP G-3-19-0050 (Lover's Point Parking Lot, Pacific Grove)

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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 December 10, 2019). This ECDP is not valid unless and until the acceptance form has been received in the Central Coast District Office.
2. Only that emergency development specifically described in this ECDP is authorized. Any additional and/or different emergency and/or other development requires separate authorization from the Executive Director and/or the Coastal Commission.
3. The emergency development authorized by this ECDP must be completed within 30 days of the date of this permit (i.e., by December 25, 2019) unless extended for good cause by the Executive Director.
4. All emergency development is limited to the least amount necessary to abate the emergency. Within 90 days of the date of this permit (i.e. by February 23, 2020), 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 deadline 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. 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 November 12, 2019.
7. All emergency development is limited to the least amount necessary to abate the emergency.
8. 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 shall take place during daylight hours. All construction materials and equipment shall be removed in their entirety by sunset each day that work occurs. The only exceptions will be for 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,
  - b. 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

## Emergency CDP G-3-19-0050 (Lover's Point Parking Lot, Pacific Grove)

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(including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.

- c. 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.).
  - d. 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 or adjacent to coastal waters. 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.
  - e. 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.
  - f. 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.
  - g. 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 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.
10. 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

**Emergency CDP G-3-19-0050 (Lover's Point Parking Lot, Pacific Grove)**

**Issue Date: November 25, 2019**

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Permittee shall submit the record (of complaints/inquiries and actions taken in response) to the Executive Director.

11. 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.
12. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
13. 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 considered to be temporary work done in an emergency situation to abate an emergency, and is undertaken at the Permittee's risk. For the development to be authorized under the Coastal Act and/or if the City of Pacific Grove 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.



## California Coastal Commission

# EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-3-19-0051 (Monterey Bay Aquarium, 886 Cannery Row)

Issue Date: November 25, 2019

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This emergency coastal development permit (ECDP) authorizes emergency development consisting of repair of a concrete seawall/foundation at the Monterey Bay Aquarium. The approximately 8' high by 26'-6" wide concrete seawall adjacent to the Great Tide Pool was discovered to be damaged in three places (on both ends of the wall and near the center of the wall), with large chunks of concrete breaking away from the wall and exposing the rebar behind them. The damaged areas total approximately 9 to 12 square feet.

Based on the materials presented by the Permittee (Monterey Bay Aquarium), the work will consist of installing a temporary work platform, removing the suspended concrete and adjacent compromised concrete areas, patching the damaged areas with new concrete to cover the rebar, and injecting concrete with admixture in adjacent open cracks on the concrete surface. The proposed emergency development is necessary to abate the incidental release of concrete to the marine environment (i.e. the Great Tide Pool area) and to preserve the structural integrity of the walkways and patio areas located above and inland of the wall. All work will occur at night as so as to not interfere with daytime Aquarium activities and visitors. Lighting of the marine environment at night will be minimized by the use of small, battery operated lights and headlamps. The temporary platform will be installed above the low tide water line and all work will occur during low tides; no work will occur in coastal waters. All equipment used during construction will be equipped with vacuum dust collection capacity and any larger concrete chunks will be collected on the platform and properly disposed of at the end of each working day. All temporary structures and supporting bolts (needed to allow construction workers to access the wall) will be removed after construction is completed. The submitted application materials include the Commission's typical best management practices (BMPs) to protect water quality during construction near coastal waters. 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.

Enclosures: (1) Emergency Coastal Development Permit Acceptance Form

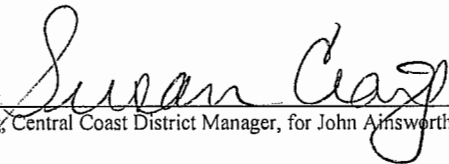
cc: (via email) Email Heather Marquard, Senior Manager, Monterey Bay Aquarium ([hmarquard@mbayaq.org](mailto:hmarquard@mbayaq.org))  
Kim Cole, City of Monterey ([cole@monterey.org](mailto:cole@monterey.org))  
Karen Grimmer, Monterey Bay National Marine Sanctuary ([Karen.grimmer@NOAA.gov](mailto:Karen.grimmer@NOAA.gov))



# Emergency CDP G-3-19-0051 (Monterey Bay Aquarium, 886 Cannery Row)

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Susan Craig, Central Coast District Manager, for John Ajisworth, Acting Executive Director

## 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 December 10, 2019). This ECDP is not valid unless and until the acceptance form has been received in the Central Coast District Office.
2. Only that emergency development specifically described in this ECDP is authorized. Any additional and/or different emergency and/or other development requires separate authorization from the Executive Director and/or the Coastal Commission.
3. The emergency development authorized by this ECDP must be completed within 30 days of the date of this permit (i.e., by December 25, 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 the date of this permit (i.e. by February 23, 2020), 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 deadline 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, 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 November 18, 2019.
8. All emergency development is limited to the least amount necessary to abate the emergency.
9. All emergency construction activities shall limit impacts to coastal resources (including public

## Emergency CDP G-3-19-0051 (Monterey Bay Aquarium, 886 Cannery Row)

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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 shall take place at night (when the Aquarium is closed) and any lighting of the marine environment shall be minimized to the greatest extent feasible by directing lighting exclusively to the portions of wall that need repair. Direct lighting of the intertidal area is prohibited.
  - b. 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.
  - c. 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, etc.).
  - d. All construction activities that result in discharge of materials, polluted runoff, or wastes to the adjacent marine environment are prohibited. Contractors shall ensure that no material will be discharged to the adjacent marine environment by use of appropriate BMPs. 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.
  - 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/cleanup 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 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 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 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

**Emergency CDP G-3-19-0051 (Monterey Bay Aquarium, 886 Cannery Row)**

**Issue Date: November 25, 2019**

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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.

12. 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.
13. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
14. 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 and/or if the Permittee 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.



## California Coastal Commission

# EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-3-19-0053 (ODSVRA Emergency Dust Control)

Issue Date: November 27, 2019

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This emergency coastal development permit (ECDP) authorizes the installation of temporary emergency dust control measures within the Oceano Dunes State Vehicular Recreation Area (ODSVRA), comprised of the installation of perimeter fencing around 48 acres of dune area (and closure of this area to off-highway vehicle and camping use) and the installation of dust/wind monitoring equipment. These measures are required pursuant to a Stipulated Order of Abatement (SOA) between the California Department of Parks and Recreation (State Parks) and the San Luis Obispo County Air Pollution Control District (APCD) to reduce sand transport and dust emissions emanating at ODSVRA (all as more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee (State Parks' Off-Highway Motor Vehicle Recreation Division), the temporary emergency dust control and monitoring measures are needed to: 1) reduce dust emissions impacting air quality and public health downwind at Nipomo Mesa; 2) gather information regarding the measure's effectiveness in doing so; and 3) ensure State Parks' compliance with the terms and requirements of the SOA. Specifically, State Parks is under an APCD order to reduce dust emissions emanating from ODSVRA and the two parties entered into the SOA, which dictates the necessary steps State Parks is to take to reduce dust emissions and ensure compliance with applicable State and Federal air quality requirements for particulate matter (PM10). On November 18, 2019, State Parks and APCD agreed to a revision in the SOA that, among other things, requires the immediate fencing off and closure of 48 acres of dune area currently available to off-highway vehicle (OHV) activity and camping. This measure was deemed critical to reduce dust emissions by the Scientific Advisory Group, an entity formed pursuant to the SOA to review and comment on all technical air quality matters and proposals at the ODSVRA. Thus, State Parks is required to undertake this development pursuant in order to meet air quality standards consistent with the terms of the SOA. Failure to implement this development would result in continued adverse air quality and State Parks' noncompliance with the terms of the SOA. Therefore, the Executive Director of the California Coastal Commission hereby finds that:

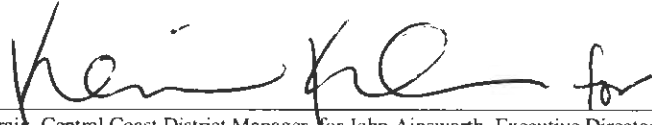
- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary CDPs, and that the development can and will be completed within 30 days unless otherwise specified by the terms of this ECDP; and
- (b) Public comment on the proposed emergency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

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

# Emergency CDP G-3-19-0053 (ODSVRA Emergency Dust Control)

Issue Date: November 27, 2019

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

## 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 December 12, 2019). This ECDP is not valid unless and until the acceptance form has been received in the Central Coast District Office.
2. Only the perimeter fencing surrounding the 48-acre dune area and the associated monitoring equipment are authorized under this ECDP. This ECDP does not authorize any deployment of straw bales, wind fencing, or dune vegetation. Any additional and/or different emergency and/or other development requires separate authorization from the Executive Director and/or the Coastal Commission. Minor changes to the parameters of this ECDP, including with respect to changes in deadlines, may be authorized by the Executive Director for good cause, provided such changes appropriately protect coastal resources.
3. The emergency development authorized by this ECDP must be completed within 30 days of the date of this permit (i.e., by December 27, 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. Within 60 days of the date of this permit (i.e. by January 26, 2020), the Permittee shall submit a complete application for a regular CDP to have the emergency development be considered permanent or for a different project. (The CDP application may be found at: <http://www.coastal.ca.gov/cdp/cdp-forms.html>). The deadline 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., United States Fish and Wildlife Service, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
7. All emergency development is limited to the least amount necessary to abate the emergency.
8. All emergency development, including monitoring equipment, shall limit impacts to coastal resources (including to dune resource habitat values) to the maximum extent feasible including by, at a minimum, adhering to the following construction requirements (which may be adjusted by the

## **Emergency CDP G-3-19-0053 (ODSVRA Emergency Dust Control)**

**Issue Date: November 27, 2019**

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Executive Director if such adjustments: (1) are deemed necessary due to extenuating circumstances; and (2) will not adversely impact coastal resources):

- a. All development shall be sited to have the least impact on dune habitats, and shall be sited to protect public health and safety to the maximum extent feasible. All perimeter fencing shall be “animal friendly” to allow for the natural movement of sand and wildlife in and out of the 48-acre area. Installation of monitoring equipment (including but not limited to activities, materials and/or equipment storage) is prohibited outside of the defined dust control and monitoring site areas authorized by this ECDP.
  - b. Emergency development shall not be placed seaward of the mean high water line.
  - c. All emergency development shall be limited to bare sand areas. Vehicles shall remain out of all vegetated dunes, unless absolutely required (as determined by the Executive Director) to install and/or remove the temporary monitoring equipment. Any dune habitat damaged during installation shall be restored immediately as directed by the Executive Director.
  - d. All development activities associated with this ECDP shall maintain good 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, dunes, or the adjacent marine environment; etc.).
  - e. All monitoring, installation, and removal activities that result in discharge of materials, polluted runoff, or wastes to the beach, dunes, or the adjacent marine environment are prohibited. Equipment washing, refueling, and/or servicing shall not take place in the dunes or on the beach. Any erosion and sediment controls used shall be in place prior to the commencement of activities as well as at the end of each work day.
  - f. All areas impacted by emergency development installation and removal activities shall be restored to their pre-construction condition or better, as conditioned above. Any dune or beach sand in the area that is impacted such installation and removal activities shall be filtered as necessary to remove any debris.
  - g. All contractors shall ensure that work crews are carefully briefed on the importance of observing the construction precautions given the sensitivity of the 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.
  - h. The Permittee shall notify the Executive Director (via planning staff of the Coastal Commission’s Central Coast District Office) immediately upon completion of monitoring and required restoration activities. If the Executive Director 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 temporary emergency

## **Emergency CDP G-3-19-0053 (ODSVRA Emergency Dust Control)**

**Issue Date: November 27, 2019**

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development locations at all times, and such copies shall be available for public review on request. All persons involved with the temporary emergency development 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. 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.
11. The Permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorney's 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.
12. 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.
13. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
14. 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 considered to be temporary work done in an emergency situation to abate an emergency, and is undertaken at the Permittee's risk. For the development to be authorized under the Coastal Act and/or if the Permittee 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.

**Emergency CDP G-3-19-0053 (ODSVRA Emergency Dust Control)**

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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.