

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
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F7a

Staff: M. Kraemer-A
Date: November 22, 2019

ADMINISTRATIVE PERMIT

Application No.: 1-19-0298

Applicant: Cherie Evans

Agent: Trever Parker, SHN Consulting Engineers & Geologists, Inc.

Project Description: (1) Replace approximately 200 feet of 4-inch diameter drainage pipe with new 8-inch diameter drainage pipe, a new drain inlet at the foot of Rayipa Lane, and new rock energy dissipater at the pipe's coastal bluff outlet location, and (2) add approximately 30 feet of new roadside curb to direct surface runoff from the street to the new drain inlet.

Project Location: 98 Rayipa Lane, Trinidad area, Humboldt County
(APN 514-181-063)

EXECUTIVE DIRECTOR'S DETERMINATION

The findings for this determination and any special conditions appear on subsequent pages.

Note: A permit issued pursuant to Public Resources Code (PRC) 30624 shall not become effective until it is reported to the Commission at its next meeting and the Commission completes that review pursuant to section 13153 of Title 14 of the California Code of Regulations. If one-third or more of the appointed membership of the Commission so request, the permit shall not become effective, and the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Coastal Commission at the following time and place:

1-19-0298 (Evans)
Administrative Permit

Friday, December 13, 2019 – 9:00 a.m.
King Gillete Ranch
26800 Mulholland Hwy.
Calabasas, CA 91302

IMPORTANT: Before you may proceed with development, the following must occur:

Pursuant to Title 14, California Code of Regulations sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging your receipt of the permit and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

JOHN AINSWORTH
Executive Director

By: _____
MELISSA B. KRAEMER
Supervising Planner

STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

- 1. Notice of Receipt and Acknowledgement.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions is returned to the Commission Office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS: SEE PAGES 11 THROUGH 13.

EXECUTIVE DIRECTOR'S DETERMINATION (CONTINUED):

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC section 30624, qualifies (on the basis of development not in excess of \$100,000) for approval by the Executive Director through the issuance of an administrative permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the policies of Chapter 3 of the California Coastal Act, including those policies regarding public access and coastal recreation opportunities, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION

A. PROJECT DESCRIPTION AND PURPOSE

The project site is an approximately 0.35-acre parcel located at 98 Rayipa Lane, a private street, approximately two miles south of the City of Trinidad in Humboldt County (APN 514-181-063). The proposed development includes the following: (1) replace approximately 200 feet of 4-inch diameter drainage pipe with new 8-inch diameter drainage pipe, a new drain inlet at the foot of Rayipa Lane, and a new rock energy dissipater at the drain pipe's coastal bluff outlet location, and (2) add approximately 30 feet of new roadside curb to direct surface runoff from the street to the new drain inlet. The majority of the existing drainage pipe lies above ground, extending from the northeastern corner of the property along the base of the existing deck attached to the north side of the existing residence and wrapping around the base of the west side of the residence towards the pipe's existing outlet near southern property line. The proposed replacement drain pipe would follow the same alignment.

The purpose of the subject drainage pipe is to collect and route stormwater drainage from an approximately 1-acre area that includes over 250 feet of paved impermeable roadway (Rayipa Lane and the applicant's existing off-street parking area). The applicant's property is located at the western, or downhill, end of Rayipa Lane, and stormwater runoff flows directly towards the site and into the existing drop inlet and drainage pipe. Approximately 10 feet of the existing pipe beginning at its inlet near the foot of Rayipa Lane is below ground and beneath a portion of the existing wooden deck and walkway on the north side of the residence. Replacement of the drainage pipe with the new pipe and proposed improvements to the drainage inlet would necessitate removal of portions of the deck and walkway for pipe access. Upon completion of the pipe replacement work, the existing deck and walkway would be repaired as needed within the same footprint.

According to the application, the existing 4-inch pipe has become clogged on multiple occasions, especially at the beginning of the rainy season when debris is carried in the

stormwater runoff. A clog during a heavy rain event could redirect the flow out of the pipe and onto other parts of the property and bluff in an uncontrolled manner, potentially resulting in significant erosion if the clog is not immediately noticed. Thus, the applicant's engineer has recommended, based on supporting calculations, that the existing pipe be replaced by an 8-inch drainage pipe to allow leaves, needles, small sticks, etc. to more freely flow through the pipe. Proposed modifications to the existing drop inlet include a new 18-inch by 18-inch foundry gate, which would prevent any larger trash and debris from flowing through the pipe.

The drainage pipe would be secured to the bluff hillside with anchorage (installed every 20 feet) consisting of 6-foot galvanized T-posts driven a minimum of 3-feet into the ground and secured to the pipe with 12-gauge galvanized wire wrapped around the posts and pipe. Currently, there is no rock energy dissipater at the pipe outlet, which is on the face of a vegetated coastal bluff on the applicant's property above Moonstone Beach, a popular beach park in Humboldt County. The new rock energy dissipater, intended to prevent erosion at the outfall, would consist of 6-inch rock placed just below the outlet end of the drainage pipe at a depth of approximately 2 feet over an approximately 12.5-square-foot area.

B. ENVIRONMENTAL SETTING

The property is currently developed with a pre-Coastal Act single-family residence and on-site sewage disposal system. The property is served by a community water system provided by the Westhaven Community Services District.

The site is located on a coastal bluff between the first through public road (Scenic Drive) and the sea, at an elevation of approximately 100 feet above mean sea level. The existing house is situated on the eastern-most portion of the lot, just off the terminus of Rayipa Lane, on a grade break that slopes to the west with gradients ranging from ~10% to 80%.

There are no known environmentally sensitive habitat areas on the parcel. However, the property is located directly adjacent to (above) and is visible from Moonstone Beach County Park, a popular park and recreation area that provides year-round public access to both rocky and sandy beach areas.

C. PREVIOUS COMMISSION ACTIONS

In 1983, the Commission granted coastal development permit (CDP) 1-83-118 for a lot line adjustment of an approximately 500-square-foot area between the subject parcel and the adjacent parcel to the east. The purpose of the lot line adjustment was to correct an error in the original construction of the existing single family residence across the property boundary. The CDP approval did not include any special conditions.

In 2012, the Commission granted CDP 1-12-014 to (1) construct a new retaining wall structure to replace and stabilize the remains of two existing retaining walls that had been damaged by a fallen tree (one critically damaged and the other with soil undermining) and which protect the existing pre-Coastal Act residence on the property, and (2) replace a stairway access along the north side of the house also critically damaged by the fallen tree that is necessary for access to the west side of the house. The Commission granted its approval of CDP 1-12-014 subject to seven special conditions relating to (a) conformance of final plans

with geotechnical recommendations; (b) assumption of risk; (c) deed restriction recordation of permit conditions; (d) landscape plan; (e) retaining wall color plan; (f) construction responsibilities; and (g) revegetation standards and restrictions.

D. STANDARD OF REVIEW

Although Humboldt County has a certified local coastal program (LCP), the property is located in a non-certified area (area of deferred certification, or ADC) that includes all of the privately owned lands, other than lands owned by the Trinidad Coastal Land Trust, located west of Scenic Drive, west of Stagecoach Road, and west of Patricks Point Drive (where each is the first public road paralleling the sea), and along the route of the Sixth Avenue Trail in the Westhaven area. In denying certification for this area of the Trinidad Area Plan (LUP) in 1982, the Commission suggested that the Plan's policies regarding the protection of the public's right of access where acquired through use (i.e. potential prescriptive rights) be modified to conform to the natural resource, hazard, and public access policies of the Coastal Act. The County did not accept the suggested modifications, and the geographic area became an ADC. As a consequence, the Commission retains CDP jurisdiction over the site, and the standard of review for issuance of a CDP is whether the development is consistent with the Chapter 3 policies of the Coastal Act.

E. OTHER APPROVALS AND STAFF CONSULTATIONS

The proposed project requires no approvals from other agencies. Given the project's proximity to Moonstone Beach County Park, staff referred the project to County park staff for comment. County park staff responded that the County had no objection to the proposed project. Staff also referred the project to the tribal contacts recommended for consultation by the Native American Heritage Commission and other tribal representatives with known interest in the project area region.¹ Representatives from four tribes (the Wiyot Tribe, the Blue Lake Rancheria, the Hoopa Valley Tribe, and the Bear River Band of the Rohnerville Rancheria) responded to the Commission's referral stating that they had no comments on the project.

F. PROTECTION OF WATER QUALITY AND ADJACENT PARK AREAS

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms

¹ Commission staff referred the project (via email) to tribal representatives from the Yurok Tribe, Trinidad Rancheria, Big Lagoon Rancheria, Wiyot Tribe, Blue Lake Rancheria, Bear River Band of the Rohnerville Rancheria, and Hoopa Valley Tribe on May 21, 2019. On November 13, 2019, staff resent (via email) the project referral to the same tribes, as well as to the Tsurai Ancestral Society, requesting comments on the project.

adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

There are no known environmentally sensitive habitat areas (ESHA) on the parcel. However, the property includes coastal bluff areas located directly adjacent to (above) Moonstone Beach County Park, which includes both rocky and sandy beach areas along the Pacific Ocean and Little River estuary. Sections 30230 and 30231 of the Coastal Act require the protection of marine resources and the biological productivity and quality of coastal waters and wetlands. For proposed development adjacent to ESHA and park and recreation areas, section 30240(b) of the Coastal Act requires that development be designed to prevent impacts that would significantly degrade adjacent ESHA and park and recreation areas and be compatible with the continuance of the sensitive area(s).

The location of the existing drainage pipe outlet near the southern boundary of the subject property is approximately 150 feet (slope distance) northeast of, and approximately 60 feet higher in elevation than, the nearest sandy beach portion of Moonstone Beach. Directly downslope from (south of) the pipe outlet is vegetated bluff adjacent to the County's beach access paved parking area at the foot of Moonstone Beach Road, which is approximately 100 feet (slope distance) away from, and 40 feet lower in elevation than, the proposed drainage pipe outlet and associated rock energy dissipater.

The applicant considered alternative alignments for the drainage pipe other than the proposed alternative, which, as previously described, is to replace the drainage pipe in its existing alignment. Routing the pipe due westward across the property rather than west then south as

currently proposed still would result in directing drainage to a bluff face. Under this alternative however, the drainage outlet would be closer to Moonstone Beach itself, rather than to the County's paved beach parking lot, as is currently proposed. Another alternative considered was to route the stormwater drainage from Rayipa Lane away from the bluff altogether, either northward or southward. However, these alternatives were deemed infeasible due to the fact that drainage in those directions would mean (1) placing pipe infrastructure off the applicant's property onto other properties; and (2) pumping discharge up hill, which would not be possible during electrical outages, as frequently occur during large storm events in the area.

As mentioned, there is no known ESHA on the parcel. Typical bluff vegetation within the project area includes a mix of native species, such as sword fern (*Polystichum munitum*), wild cucumber (*Marah* sp.), salal (*Gaultheria shallon*), and California blackberry (*Rubus ursinus*), and nonnative invasive species, including English ivy (*Hedera helix*), pampas grass (*Cortaderia* sp.), and Scotch broom (*Cytisus scoparius*). The project involves no grading, no major vegetation removal, and no significant ground disturbance.

All but the first 10 feet of the existing pipe is installed above ground, and the new replacement pipe will be installed in the same manner. As proposed, the existing pipe will be removed and disposed of, and the new pipe will be secured to the hillside using 6-foot galvanized T-posts installed at 20-foot intervals a minimum of 3-feet into the ground and secured to the drainage pipe with 12-gauge galvanized wire wrapped around the posts and pipe. Construction Best Management Practices (BMPs) proposed by the applicant to avoid erosion, sedimentation, and water quality impacts (shown on construction plans) include general measures for (1) dust control; (2) stockpile management (i.e., securing/covering stockpiles, and surrounding stockpiles with silt fence or fiber rolls for erosion control); (3) general erosion control BMPs; and (4) minimizing disturbance of existing vegetation by clearly marking the limits of the work area prior to commencement of construction. The plans also state that all work will be done by hand, and no heavy equipment will be used for construction.

While these proposed measures will help reduce the potential for impacts to water quality and adjacent park and recreation areas, in some cases the proposed measures do not go far enough or are not specific enough to ensure that runoff is controlled, water quality is maintained, and adjacent park and recreation areas will not be significantly degraded consistent with the mandates of sections 30230, 30231, and 30240(b). For example, the project proposes to use fiber rolls as "temporary" erosion and sediment control measures during construction. Plastic netting used in these and similar products (e.g., mulch control netting, erosion control blankets, straw wattles, and reinforced silt fences) has been found to entangle wildlife and contribute to marine debris/plastic pollution. Although erosion and sediment control products classified as temporary are designed to degrade after a period of time, several temporary erosion and sediment control products with netting – such as mulch control netting, erosion control blankets, and fiber rolls – are commonly left in place permanently, particularly when used with seeding. The length of time it takes for netting to begin to degrade depends on the netting composition and the environmental conditions but can remain intact many years after installation. When plastic netting does eventually fall apart, plastic fragments may be blown

or washed into waterways and the ocean, creating an entanglement and ingestion hazard for marine life, potentially for many years. Due to its durability, buoyancy, and ability to concentrate toxins present in the ocean, plastic can be very harmful to marine life. In addition, the proposed development includes construction of a new 30-foot-long, 4-inch curb on the northeast side of the property to direct surface runoff from Rayipa Lane to the subject drain inlet. However, no BMPs have been proposed for this development. Installation of concrete and pavement may pose water quality and habitat concerns, especially during the mixing and curing stages. Certain cements are alkaline, which can result in elevated pH levels in surface water runoff. High pH water is caustic or toxic to aquatic organisms, and powdered cement can create soil conditions that adversely impact native vegetation.

To ensure that the project implements the full suite of appropriate BMPs to protect water quality and adjacent park and recreation areas, the Executive Director attaches **Special Condition 1**. This condition lists construction responsibilities that must be adhered to during construction, including the BMPs proposed by the applicant, summarized above as modified and augmented by various additional requirements needed to protect adjacent beach and recreation areas and to maintain the biological productivity and quality of coastal waters consistent with sections 30240(b), 30230, and 30231 of the Coastal Act. These additional requirements include: (a) properly containing trash and removing it from the work site on a regular basis; (b) prohibiting the use of temporary rolled erosion and sediment control products with plastic netting to minimize the potential for wildlife entanglement and plastic debris pollution; (c) requiring the use of only certified weed-free straw mulch for erosion control and prohibiting seeding or revegetation of disturbed areas with invasive or problematic plant species to avoid the inadvertent introduction of nonnative and/or problematic plant species to surrounding park areas; and (d) the use of appropriate BMPs for construction of the concrete curb, such as preventing concrete pieces and washout from entering any drainage inlet, to avoid pollution of down-slope waters and park areas.

Therefore, the Executive Director finds that the proposed project, as conditioned, will maintain the biological productivity and quality of coastal waters and protect adjacent sensitive habitat and park and recreation areas consistent with sections 30230, 30231, and 30240 of the Coastal Act.

F. HAZARDS

Section 30253 of the Coastal Act states in part:

New development shall do all of the following:

- (a) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs...*

The property is situated on an uplifted Pleistocene marine terrace overlooking Moonstone Beach. The portion of the property that is developed with the existing residence is gently to moderately sloped westward, with elevations ranging from 120 feet above mean sea level (MSL) near the eastern side of the residence to 80 feet above MSL near the western side of the residence. The applicant completed geotechnical investigations for the property in 2012^{2,3} to support a CDP application at that time proposing to construct a new retaining wall structure to replace and stabilize the remains of two existing retaining walls that had been damaged by a fallen tree and which protect the existing pre-Coastal Act single family residence on the property. The geotechnical investigations, which included both a quantitative slope stability analysis and bluff retreat rate/erosion analysis, describe the subsurface conditions at the site as generally well-drained, sandy, marine terrace deposits, with bedrock estimated at least 50 feet below ground surface. The slope stability analysis concluded that the factor of safety calculations for static and seismic conditions were “...not within, but near the range of values recommended by the Coastal Commission.” The bluff retreat/erosion analysis concluded that the bluff edge on the site “has not had any discernable retreat between 1942 and 2011... The absence of bluff retreat at the project site can be attributed to protection from environmental factors (wind, wave action) provided by heavy vegetation and the surrounding bedrock outcroppings...”

As previously described, the scope of this permit includes replacing an existing above-ground 4-inch drainage pipe on the property with a new above-ground 8-inch drainage pipe in the same alignment. The drainage pipe alignment extends from its drop inlet near the northeastern property boundary and near the foot of Rayipa Lane around the north and west sides of the existing residence to the outlet point on a vegetated coastal bluff near the southern property boundary. The drainage pipe will be secured with 6-foot galvanized T-posts driven a minimum of 3-feet into the ground and secured to the pipe with 12-gauge galvanized wire wrapped around the posts and pipe. The proposed rock energy dissipater, which will consist of 6-inch rock placed just below the outlet end of the drainage pipe at a depth of approximately 2 feet over an approximately 12.5-square-foot area, is intended to prevent stormwater discharge exiting the pipe from eroding the slope below the outfall. The energy dissipater will reduce water velocity exiting the pipe to allow the water to infiltrate within the surrounding vegetated slope.

The Commission’s engineer and geologist have reviewed the proposed plans and drainage calculations for the project and concur with the engineer’s assessment that the proposed drainage improvements as designed will assure stability and structural integrity and will neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or the surrounding area provided that the inlet and outlet to the drainage pipe are cleaned regularly and any clogging of the system or pipe breakages are repaired as soon as possible to

² LACO Associates (Giovanni Vadurro, CEG). August 23, 2012. Geotechnical Memorandum (Limited-Scope Soil Exploration, Qullman Construction – Retaining Wall Design, Charlie Quillman, Assessor’s Parcel Number 514-181-063). Project No. 7584.00. Eureka, CA.

³ LACO Associates (Bryan E. Dussell, CEG and Matthew R. Love, EIT). August 8, 2012. Slope Instability Report, Retaining Wall Replacement, 98 Rayipa Lane, Westhaven, California, Assessor’s Parcel Number 514-181-063). Project No. 7584.01. Eureka, CA.

avoid the inadvertent redirection of flow to other portions of the property and bluff in an uncontrolled manner that could cause erosion. Proper maintenance of the pipe infrastructure is important to ensure its ongoing functionality and for the continued assurance of the pipe's structural integrity and bluff stability. Therefore, the Executive Director attaches **Special Condition 2**. This condition requires that the drainage infrastructure authorized by this permit shall be inspected and maintained on a regular basis, at a minimum annually prior to the start of the rainy season (prior to October 1st each year). The drainage pipe inlet and outlet areas shall be cleaned regularly as needed, and any clogging of the system or pipeline breakages shall be repaired as soon as feasible to minimize the potential for erosion impacts. To ensure that future property owners are aware of the ongoing maintenance requirements of this permit, the Executive Director imposes **Special Condition 3** to require the applicant to record a deed restriction to impose the special conditions of this permit as covenants, conditions, and restrictions on the use and enjoyment of the property.

Therefore, the Executive Director finds that the proposed development, as conditioned, can be found to be consistent with section 30253 of the Coastal Act, which requires that risks to life and property be minimized, that stability and structural integrity are assured, and that proposed development neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

G. PROTECTION OF VISUAL RESOURCES

Section 30251 of the Coastal Act states, in applicable part, as follows:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

The property is not within a designated Highly Scenic Area. The project involves no grading or major vegetation removal, and all new development will be either at grade or only slightly above grade. Due to existing topography and abundance of vegetation, no new development will be visible from Moonstone Beach or other public vantage points. Therefore, the Executive Director finds that the proposed project, as designed, is consistent with section 30251, as the development will not (a) adversely affect views to or along the coast, (b) result in major landform alteration, or (c) be visually incompatible with the character of the surrounding area.

H. PUBLIC ACCESS PROTECTION

Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from overuse. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or

adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access to the sea gained by use or legislative authorization. Section 30214 of the Coastal Act provides, in part, that the public access policies of the Coastal Act shall be implemented in a manner that takes into account the capacity of the site and the fragility of natural resources in the area. In applying Sections 30210, 30211, 30212, and 30214, the Commission also is limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential access.

As noted previously, the project site is located above Moonstone Beach on a private street that does not currently support public access. There is no evidence of public use of the bluff top portions of the property for public access. Rayipa Lane is a private road, and there is no evidence of trails on the bluff top and no indication from the public that the site has been used for public access purposes in the past. The terrain is steep and thickly vegetated between the end of Rayipa Lane and the beach located over 100 feet below, such that vertical access through the area is infeasible. The public usually accesses Moonstone Beach via Moonstone Beach Road, just to the south of Rayipa Lane. The project as proposed will not block access along the shoreline and will not increase the demand for public access. Therefore, the Executive Director finds that the proposed project will not adversely affect public access, and the project as proposed without new public access is consistent with the requirements of Coastal Act sections 30210, 30211, 30212, and 30214.

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Executive Director incorporates his findings on conformity with the Chapter 3 policies of the Coastal Act at this point as if set forth in full. These findings address and respond to all public comments, if any, regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the development has been conditioned to be found consistent with the policies of the Coastal Act. Mitigation measures, which will minimize all adverse environmental impacts, have been required as permit special conditions. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Executive Director finds that the development as conditioned to mitigate the identified impacts is consistent with the requirements of the Coastal Act to conform to CEQA.

SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

- 1. Construction Standards, Restrictions, and Responsibilities.** The permittee shall employ construction-related “best management practices” (BMPs) to protect water quality and adjacent sensitive habitat areas. The permittee shall ensure that all on-site workers and contractors understand and agree to observe the standards and limitations for work outlined in this permit and in the detailed project description included as part of the application submittal and as revised by these conditions.
 - A. The following BMPs, proposed by the applicant, shall be implemented, consistent with the additional requirements specified in subsection (B) below:
 - (i) no heavy equipment will be used on the coastal bluff bluff-portion of the property west and south of the existing residence;
 - (ii) vegetation disturbance will be minimized by clearly marking the limits of the work area prior to commencement of construction;
 - (iii) sediment and runoff control BMPs will be installed on the site prior to site disturbance;
 - (iv) BMPs will be maintained in place during the course of construction work to ensure that no visible sediment leaves the site;
 - (v) appropriate stockpile management BMPs will be used to cover and contain stockpiles whenever there is a potential for rain to prevent polluted water runoff from the site; and
 - (vi) appropriate dust control BMPs will be implemented.
 - B. The following additional requirements, imposed by the Executive Director, also apply to the authorized construction work:
 - (i) *Plastic Netting Prohibition:* To minimize wildlife entanglement and plastic debris pollution, the use of temporary rolled erosion and sediment control products with plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers used in fiber rolls, erosion control blankets, and mulch control netting) is prohibited. Any erosion-control associated netting shall be made of natural fibers and constructed in a loose-weave design with movable joints between the horizontal and vertical twines;
 - (ii) *Straw Mulch:* If straw mulch is used for erosion, sediment, and runoff control, only certified weed-free straw mulch shall be used to avoid the inadvertent introduction of nonnative plant species to surrounding ESHA and park areas;
 - (iii) *Revegetation:* Any seed mixes used for seeding disturbed areas following construction shall not include any species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California. No plant species listed as a “noxious weed” by the governments of the State of California or the United States shall be utilized within the bounds of the property;
 - (iv) *Trash and Debris:* Any and all debris resulting from construction activities shall be removed from the project site and disposed of properly. During construction,

all trash shall be properly contained, removed from the work site on a regular basis, and properly disposed of to avoid contamination of habitat during demolition and construction activities; and

- (v) *Concrete BMPs*: Appropriate BMPs shall be used for the construction of the new 30-foot-long, 4-inch curb on the northeast side of the property including, but not necessarily limited to, preventing concrete pieces and washout from entering any storm drain, including the subject drainage inlet, to avoid pollution of down-slope waters and sensitive habitat areas.

2. Drainage System Maintenance Requirements. The drainage infrastructure authorized by this permit shall be inspected and maintained on a regular basis, at a minimum annually prior to the start of the rainy season (prior to October 1st each year), to ensure proper ongoing functionality. The drainage pipe inlet and outlet areas shall be cleaned regularly as needed, and any clogging of the system or pipeline breakages shall be repaired as soon as feasible to minimize the potential for erosion impacts.

3. Deed Restriction Recordation of Permit Conditions. WITHIN NINETY (90) DAYS OF ISSUANCE OF PERMIT NO. 1-19-0298, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (a) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (b) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

ACKNOWLEDGEMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Permittee's Signature

Date of Signing

ATTACHED EXHIBITS

- [1. Regional location map](#)
- [2. Vicinity map](#)
- [3. Parcel Map/Aerial Photo](#)
- [4. Project plans](#)
- [5. Project photos](#)