

**CALIFORNIA COASTAL COMMISSION**

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# W13b

## ADDENDUM

October 1, 2020

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

**SUBJECT: ADDENDUM TO ITEM W13b, COASTAL DEVELOPMENT PERMIT AMENDMENT APPLICATION NO. 5-18-0875-A1 (Peter's Landing Marina) FOR THE COMMISSION MEETING OF WEDNESDAY, October 7, 2020.**

### **A. CHANGES TO SPECIAL CONDITIONS.**

#### **Changes to Special Condition No. 1 State Lands Commission Approval.**

Commission staff is recommending the following corrections to Special Condition No. 1 State Lands Commission Approval (additions shown in **bold, underline**; deletions shown in ~~strike-through~~):

#### **1. State Lands Commission Approval.**

**A. WITHIN SIXTY (60) DAYS OF COASTAL COMMISSION ACTION** on CDP Amendment No. 5-18-0875-A1, the applicant shall submit to the Executive Director for review and approval, written evidence that a lease amendment application for the proposed development has been received by the California State Lands Commission **(CSLC)**.

**B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall submit to the Executive Director for review and approval, a written determination from **CSLC** ~~the California State Lands Commission~~ that:

1. No state lands are involved in the development; or

2. State lands are involved in the development, and all permits/approvals required by **CSLC the California State Lands Commission** have been obtained: or

3. State lands may be involved in the development, but pending a final determination of state land involvement, an agreement has been made by the applicant with **CSLC the California State Lands Commission** for the project to proceed without prejudice to the determination.

C. Any project change(s) required by CSLC that are not in substantial conformance with the proposed plans shall require an amendment to this permit or an additional coastal development permit from the Coastal Commission.

### **Changes to Special Condition No. 2 Revised Marsh Enhancement Plan.**

Commission staff is recommending the following corrections to Special Condition No. 2 Revised Marsh Enhancement & Monitoring Plan (additions shown in **bold, underline**; deletions shown in ~~strike through~~):

### **2. Revised Marsh Restoration Enhancement & Monitoring Plan.**

#### **A.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT

AMENDMENT, the applicant shall submit for review and written approval of the Executive Director, a final detailed revised Marsh **Restoration Enhancement** and Monitoring Plan to restore the coastal pocket marsh area, that is in substantial conformance with the marsh restoration described in the Public Access and Marine Resource Enhancement Plan for Peter's Landing Marina, prepared by Merkel & Associates, Inc., dated September 2020 (except as modified herein). A biologist qualified in the preparation of ecological restoration plans shall design the revised Marsh **Restoration Enhancement** and Monitoring Plan. The revised Marsh **Restoration Enhancement** and Monitoring Plan shall at a minimum include the following:

**A1.** Creation of 610 square ~~foot~~**feet** of coastal salt marsh habitat.

**2.B.** A description of existing site conditions including an updated habitat map with existing site conditions.

**3C.** A detailed proposed habitat map, including proposed plantings and contour elevations.

**4D.** A detailed written description, supported by maps and plans, of the goals and objectives of the marsh restoration.

**5E.** Non-native plant eradication methods (e.g. grow-kill cycling, manual weed removal, etc.), timing/schedule, and details for why the respective methods have been selected for use and are expected to be successful.

**6F.** A description of timing/schedule for the various proposed elements of the plan.

**7G.** A description of the annual qualitative and quantitative monitoring including a description of the methods that will be employed. The final monitoring plan shall include specific ecological performance or “success” criteria that relate logically to the goals of the marsh restoration.

**8H.** A detailed description of final success criteria. Generally, these criteria will include standards for plant species richness ~~diversity of both perennial and annual plants,~~ and absolute native vegetative cover, ~~and approximate dispersion patterns of major species.~~ Relative success criteria provide a comparison of the restored site with appropriate reference site(s). If relative success criteria (a comparison of the restored site with appropriate reference site(s)) are pursued, the rationale for the choice of reference site must be described. The specific reference site must be identified in the restoration plan. A preliminary field sample must be taken and the results included in the restoration plan. Regardless of whether performance criteria are absolute or relative, the comparison procedure, and the basis for judging differences to be significant must be specified.

**9I.** Plans for adaptive management to be applied in the event the success criteria are not achieved, indicating that changes in restoration approach are warranted.

**10J.** Provisions for submission of reports of monitoring results to the Executive Director at six months and annually with a final report at year five from the date of initial completion of installation of the proposed restoration vegetation. Each report shall document the condition of the marsh restoration ~~enhancement~~ with photographs taken from the same fixed points in the same directions and report on the quantitative monitoring results. Each report shall also include a “Performance Evaluation” section where information and results from the monitoring program are used to evaluate the status of the restoration project in relation to the performance criteria. The final report at the end of the five years must evaluate whether the marsh restoration ~~enhancement~~ conforms to the goals, objectives, and performance criteria set forth in the approved final Marsh Restoration and Monitoring Plan.

**BK.** A commitment that if the final report indicates that the marsh restoration project has been unsuccessful, in whole or in part, based on the approved success criteria, the applicant shall submit, within 90 days of completion of the final report (and no more than five years and six months from the date the restoration plan installation was completed) a revised or supplemental plan to meet the approved success criteria. The revised marsh restoration plan, if necessary, shall be processed as an amendment to this coastal development permit amendment.

**C.L.** The applicant shall implement the proposed Marsh Restoration and Monitoring Plan, consistent with the terms and deadlines therein, within 90 days of its approval by the Executive Director. The Executive Director may grant additional time for good cause.

**DM.** If, over the 75-year life of the project, the restored marsh area becomes inundated due to sea level rise such that it no longer functions as an intertidal marsh habitat, the applicant shall plant the same 610 square foot area with eelgrass. Once every five years, the applicant shall submit an update on the function of the marsh.

**EN.** The applicant shall monitor and manage the marsh restoration site in accordance with the approved Marsh Restoration and Monitoring plan, including any revisions to the plan approved by the Coastal Commission. Any proposed changes to the approved Marsh Restoration and Monitoring plan shall be reported to the Executive Director. No changes to the approved Marsh Restoration and Monitoring plan shall occur without a Commission amendment to this coastal development permit amendment unless the Executive Director determines that no amendment is legally required.

### **Changes Special Condition No. 3 Eelgrass Planting & Monitoring Plan.**

Commission staff is recommending the following corrections to Special Condition No. 3 Eelgrass Planting & Monitoring Plan (additions shown in **bold, underline**; deletions shown in ~~strike-through~~):

### **3. Revised Eelgrass Planting & Monitoring Plan.**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall submit for review and written approval of the Executive Director, a final detailed revised Eelgrass Planting and Monitoring Plan that is in substantial conformance with the Public Access and Marine Resource Enhancement Plan for Peter's Landing Marina, prepared by Merkel & Associates, Inc., dated September 2020 except as modified herein.

**B. Pre-Planting Eelgrass Survey.** A valid pre-planting eelgrass survey shall be completed for the project site. The pre-planting survey shall be completed no more than 60 days prior to the beginning of proposed eelgrass planting and shall be valid until the next period of active growth. The eelgrass survey and mapping shall be prepared in full compliance with the California Eelgrass Mitigation Policy (CEMP), and in consultation with the National Marine Fisheries Service (NMFS) and California Department of Fish and Wildlife (CDFW). If side-scan sonar methods will be used, evidence of a permit issued by the California State Lands Commission (CSLC) for such activities shall also be provided prior to the commencement of survey work, where CSLC approval is required. The applicant shall submit the pre-planting eelgrass survey for review and approval by the Executive Director within five (5) business days of completion of the eelgrass survey and in any event, no later than fifteen (15) business days prior to

commencement of eelgrass planting. The required pre-planting survey shall establish the baseline, pre-planting condition.

**C. Eelgrass Planting.** Following the pre-planting survey, and as soon as possible following the issuance of this coastal development permit amendment 5-18-0875-A1, and between the months of April through August (inclusive of those months), the applicant shall carry out the eelgrass planting as proposed in the Public Access and Marine Resource Enhancement Plan for Peter's Landing Marina, prepared by Merkel & Associates, Inc., dated September 2020 (except as modified herein).

**D. Eelgrass Monitoring.** The 538 square feet of eelgrass planted pursuant to Subsection C above shall be surveyed to assess survival and plant expansion or contraction during the periods of 6, 12, 24, 36, 48, and 60 months post-planting. The status of eelgrass shall be documented including spatial and density metrics in full compliance with the CEMP California Eelgrass Mitigation Policy (CEMP, NMFS-2014). This means that eelgrass will be assessed for vegetated cover, areal extent, and spatial distribution. Eelgrass bed turion (shoot) density shall be evaluated. A reference site within the general project area shall also be monitored to evaluate whether the planting site performs differently than would be expected based on the observed changes in the reference site. The eelgrass planting success shall be based on comparison to the reference site as laid out in the CEMP performance milestones (Page 26 CEMP). Reporting as to the status of the eelgrass planting habitat at the subject site and the reference site shall be conducted at the same time, for each of the 6, 12, 24, 36, 48, and 60-month survey intervals.

**E. Detailed Description of Final Success Criteria.** ~~Generally, absolute performance criteria shall include values for plant species richness and total vegetative percent cover. Relative success criteria provide a comparison of the restored site with appropriate references site(s). As CEMP compliance involves the use of a reference site(s), If relative success criteria (a comparison of the restored site with appropriate references site(s)) are pursued, the rationale for the choice of reference site(s) must be described. The specific reference site(s) must be identified in the restoration plan. A preliminary field survey must be conducted and the results included in the restoration plan. Regardless of whether performance criteria are absolute or relative, the comparison procedure, The quantitative method for comparing the planting site with the reference site(s) and the basis for judging differences to be significant must be specified.~~

**F. Failure to Establish.** If after the 60-month period of monitoring review, the proposed 538 square foot area of eelgrass fails to establish successfully based on comparison to the reference site, the permittee shall submit an amendment to this coastal development permit amendment to propose another means of offsetting the temporal loss of providing the required fishing piers. This may include habitat enhancement to improve the fishing experience at the site, or it may include a non-

habitat alternative that in some other way offsets the temporal loss of providing the required fishing piers. ~~This shall include a~~**A** detailed description with supporting documentation (written description, project plans/graphics, etc.) **shall** must be provided along with an application for an amendment to this coastal development permit amendment.

**G. Approved Final Plan.** The permittee shall undertake development in accordance with the approved final plans.

### **Changes Special Condition No. 5 Revised Signage Plan**

Commission staff is recommending the following corrections to Special Condition No. 2 Revised Marsh Enhancement & Monitoring Plan (additions shown in **bold, underline**; deletions shown in ~~strike through~~):

#### **5. Revised Signage Plan.**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit for review and written approval of the Executive Director, a revised Signage Plan that is in substantial conformance with the proposed signage contained in the Public Access and Marine Resource Enhancement Plan for Peter's Landing Marina, prepared by Merkel & Associates, Inc., dated September 2020, and also includes all of the following elements:

**A. Specific Details of the proposed signage;** such signage shall be placed so that it is visible to the general public from the Peter's Landing public boardwalk along the bulkhead; such signage shall include signs in English and Spanish, as well as in **one** other non-English languages **predominant** spoken in Orange County. The required Signage Plan shall include:

1. size and dimensions of each sign, including the height and width of each sign, the size of the lettering and any graphics on each sign;
2. the language/content to be used on each sign;
3. identification of designated fishing areas, health warnings regarding consumption of fish from the harbor, management of trash, restrictions on discharges, notices for safety and protection of public and private property, and prohibitions on fish cleaning and disposal of fishing wastes on site.
4. the location of each signage within Peter's Landing shall be depicted on a plan/graphic; and
5. the means of posting each sign (mounted on railing, free standing, etc.).

**B. Way finding signage** directing the general public to the public fishing opportunities, particularly to the more remote fishing dock; such signage shall be placed such that it is visible to the general public from the Peter's Landing public boardwalk along the bulkhead; such signage shall include signs in English and

Spanish, as well as in other non-English languages spoken in Orange County. The required Signage Plan shall include:

1. size and dimensions of each sign, including the height and width of each sign, the size of the lettering and any graphics on each sign;
2. the language/content to be used on each sign;
3. the location of each signage within Peter's Landing shall be depicted on a plan/graphic; and
4. the means of posting each sign (mounted on railing, free standing, etc.).

C. The Signage Plan shall be carried out as approved.

### **Changes Special Condition No. 6 Promotional Plan.**

Commission staff is recommending the following corrections to Special Condition No. 6 Promotional Plan (additions shown in **bold, underline**; deletions shown in ~~strike through~~):

### **6. Promotional Plan**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit for review and written approval of the Executive Director, a Promotional Plan that includes all of the following elements:

- A. A plan for making the general public aware of the public fishing opportunities and free parking available at Peter's Landing Marina, including members of the general public who may not otherwise be aware of Peter's Landing and the public fishing opportunities available there, and in particular members of historically underserved communities. This plan may include:
  1. advertising in established mediums for English and non-English speaking populations, such as, but not necessarily limited to, smart phone apps, radio, websites and/or print publications including, but not limited to, those specializing in:
    - a) fishing interests, in the Orange County area,
    - b) the promotion of recreational opportunities in the Orange County area,
    - c) the promotion of family activities in the Orange County area.
  2. The plan ~~may~~**shall** include **methods of** distribution of promotional information **to appropriate venues such as**: (with appropriate permissions) at Title 1 schools, Boys & Girls Clubs, community centers and/or other areas where families may gather.
  3. The promotional platforms **described in subsection 1 and 2 above** may be part of larger outreach that includes similar, no or low-cost recreational sites and opportunities in addition to the public fishing opportunities available at Peter's Landing Marina.

The promotional materials shall be made available in both English and Spanish and one other non-English languages predominant spoken in Orange County, and shall be directed to inform historically underserved communities about the recreational opportunities.

The promotional activity shall be carried out periodically (a minimum of quarterly) for the first year following completion and opening of the public fishing platform and public fishing dock.

The plan shall include, at a minimum, specific details of the  
methods of promotion,  
the means of promotion, and  
the timing and frequency of promotion.

Once the Promotional Plan has been approved and implemented, evidence that the promotion is being carried out shall be provided to the Executive Director within 90 days of completion and opening of the public fishing platform and public fishing dock.

B. The Promotional Plan shall be carried out as approved.

#### **Changes Special Condition No. 7 Additional On-Site Amenities.**

Commission staff is recommending the following corrections to Special Condition No.

7. Additional On-Site Amenities (additions shown in **bold, underline**; deletions shown in ~~strike through~~):

#### **7. Additional On-Site Amenities Provision of Fishing Rod/Pole Holders.**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit for review and written approval of the Executive Director, a plan, ~~in substantial conformance with the Public Access and Marine Resource Enhancement Plan for Peter's Landing Marina, prepared by Merkel & Associates, Inc., dated September 2020,~~ but that also includes **depicts the type, number and location of** fishing rod/pole holders along the railing of the fishing platform and fishing dock. ~~The plan shall identify the type and location of the fishing rod/pole holders.~~

#### **Changes Special Condition No. 8 Project Timing.**

Commission staff is recommending the following corrections to Special Condition No.

8. Project Timing be deleted in its entirety (deletions shown in ~~strike through~~) (the numbering of the following special conditions shall be adjusted accordingly):

#### ~~8. Project Timing.~~

~~The applicant shall comply with all special conditions of project approval. Information and actions as described and required in each "prior to issuance" special condition shall be provided to the Executive Director within sixty days of Commission action on this~~



~~coastal development permit amendment application. The applicant shall commence the project as conditioned within sixty days of issuance of the coastal development permit amendment and pursue it diligently as required by this coastal development permit amendment until all aspects of the project are in place and all required special conditions are in place. The permittee shall maintain the project in accordance with the Commission's approval.~~

### **Changes to Special Condition No. 9 Water Quality.**

Commission staff is recommending the following corrections to Special Condition No. 9. Water Quality be modified as follows (additions shown in **bold, underline**; deletions shown in ~~strike through~~) (the numbering of the following special conditions shall be adjusted accordingly):

## **9. Water Quality.**

### **A. Construction Responsibilities and Debris Removal**

- (1) No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion;
- (2) Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project;
- (3) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
- (4) Machinery or construction materials not essential for project improvements ~~shall~~ **will** not be allowed at any time in the intertidal zone;
- (5) If turbid conditions are generated during construction a silt curtain ~~shall~~ **will** be utilized to control turbidity;
- (6) Floating booms ~~shall~~ **will** be used to contain debris discharged into coastal waters and any debris discharged ~~shall~~ **will** be removed as soon as possible but no later than the end of each day;
- (7) Non buoyant debris discharged into coastal waters ~~shall~~ **will** be recovered by divers as soon as possible after loss;
- (8) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;

- (9) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
- (10) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit amendment shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
- (11) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- (12) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
- (13) The discharge of any hazardous materials into any receiving waters shall be prohibited;
- (14) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
- (15) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
- (16) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

## **B. Best Management Practices Program**

By acceptance of this permit amendment the applicant agrees that the long-term water-borne berthing of boat(s) in the approved dock and/or boat slip **shall** will be managed in a manner that protects water quality pursuant to the implementation of the following BMPs.

### (1) Boat Cleaning and Maintenance Measures:

- a. In-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints, and debris;

b. In-the-water hull scraping or any process that occurs under water that results in the removal of paint from boat hulls shall be prohibited. Only detergents and cleaning components that are designated by the manufacturer as phosphate-free and biodegradable shall be used, and the amounts used minimized; and

c. The applicant shall minimize the use of detergents and boat cleaning and maintenance products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye.

(2) Solid and Liquid Waste Management Measures:

All trash, recyclables, and hazardous wastes or potential water contaminants, including old gasoline or gasoline with water, absorbent materials, oily rags, lead acid batteries, anti-freeze, waste diesel, kerosene and mineral spirits ~~shall~~ will be disposed of in a proper manner and ~~shall~~ will not at any time be disposed of in the water or gutter.

(3) Petroleum Control Management Measures:

a. Boaters ~~shall~~ will practice preventive engine maintenance and ~~shall~~ will use oil absorbents in the bilge and under the engine to prevent oil and fuel discharges. Oil absorbent materials shall be examined at least once a year and replaced as necessary. Used oil absorbents are hazardous waste in California. Used oil absorbents must therefore be disposed in accordance with hazardous waste disposal regulations. The boaters ~~shall~~ will regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. The use of soaps that can be discharged by bilge pumps is prohibited;

b. If the bilge needs more extensive cleaning (e.g., due to spills of engine fuels, lubricants or other liquid materials), the boaters ~~shall~~ will use a bilge pump-out facility or steam cleaning services that recover and properly dispose or recycle all contaminated liquids; and

c. Bilge cleaners which contain detergents or emulsifiers ~~shall~~ will not be used for bilge cleaning since they may be discharged to surface waters by the bilge pumps.

**B. Changes to Summary of Staff Recommendation** (page 4 of the staff report)  
(additions shown in **bold, underline**; deletions shown in ~~strike through~~):

Commission staff recommends **approval** of coastal development permit amendment application **5-18-0875-A1**~~5-19-0974~~, as conditioned. The motion to adopt the staff recommendation is found on page 4.

### C. Changes to Staff Report on page 6:

Unless specifically altered by this amendment, all standard and special conditions attached to Coastal Development Permits P-76-8742, P-79-6083, and 5-98-085-A1, as amended up through amendment number 5-18-0875-A1, **remain in effect**.

### D. Changes to Staff Report Findings

On page 17 of the staff report findings, in the sub-heading Coastal Pocket Marsh, make the following changes (additions shown in **bold, underline**; deletions shown in ~~strike through~~):

#### Coastal Pocket Marsh **Restoration**Enhancement

The applicant is proposing to restore 72 square feet of coastal pocket marsh in an area located just inland of the proposed fishing dock location, in the inland corner between Docks A and B (**Exhibit 2**). The marsh enhancement includes creation of tidally influenced coastal salt marsh habitat from present weedy uplands. Excavation of approximately 82 cubic yards of sandy soil is proposed to lower the site. The applicant indicates that the soil will be disposed of outside the coastal zone. Within the coastal marsh restoration area, the applicant proposes to plant California cordgrass (*Spartina foliosa*), Pacific pickleweed (*Sarcocornia pacifica*), alkali heath (*Frankenia salina*), sea lavender (*Limonium californicum*), estuary seabligh (*Suaeda esteroa*), saltgrass (*Distichlis spicata*), shoregrass (*Distichlis (Monanthochloe) littoralis*), and woolly seabligh (*Suaeda taxifolia*). Although the area of marsh to be restored is proposed at 72 square feet, the applicant has provided plans for a marsh restoration of 610 square feet.

On page 31 of the staff report findings, under the heading F. Coastal Act Violations, make the following changes (additions shown in **bold, underline**; deletions shown in ~~strike through~~)

### E. Coastal Act Violations

Non-compliance with CDP P-79-6083 has occurred on the property, including, but not necessarily limited to, failure to provide two public fishing piers within the marina. Failure to comply with a previously issued permit constitutes a violation of the Coastal Act.

On October 5, 2015, Commission staff issued a notice of violation letter to Peter's Landing Marina for the above described permit non-compliance. The owner has worked with Commission staff to develop this application to provide improved public fishing

opportunities at the marina. The owner is requesting approval of installation of the public fishing platform, public fishing dock, eelgrass planting plan, coastal salt marsh restoration, signage, and maintenance and operation of the marina skimmers water quality features to bring the site into compliance with Commission requirements for public fishing opportunities at the site.

Although required development failed to take place prior to submission of this permit amendment application, consideration of this permit amendment by the Commission has been based solely on the consistency of the proposed development with the certified City of Huntington Beach Local Coastal Program and Chapter 3 policies of the Coastal Act. Approval of this permit amendment does not constitute a waiver of any legal action with regard to any unpermitted development or permit non-compliance that has been undertaken or has occurred on the subject site, except with regard to the alleged Coastal Act violations described herein, **and then only after approval of this application pursuant to the staff recommendation, issuance of the permit amendment, and the applicant's subsequent compliance with all terms and conditions of the permit,** nor does it constitute admission as to the legality of any development undertaken on the subject site without a valid coastal development permit, except with regard to the alleged Coastal Act violations described herein. Approval of this application pursuant to the staff recommendation, issuance of the permit amendment, and the applicants' subsequent compliance with all terms and conditions of the permit will result in resolution of the above described violations.