

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO DISTRICT OFFICE  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
PH (619) 767-2370 FAX (619) 767-2384  
WWW.COASTAL.CA.GOV



# W19

**Prepared June 30, 2021 (for the July 7, 2021 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Karl Schwing, San Diego Coast District Deputy Director  
**Subject:** **San Diego Coast District Deputy Director's Report for July 2021**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the San Diego Coast District Office are being reported to the Commission on July 7, 2021. 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 San Diego Coast District Office in San Diego. Staff is asking for the Commission's concurrence on the items in the San Diego Coast District Deputy 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 July 7th.

As a result of the COVID-19 emergency and the Governor's Executive Orders [N-29-20](#) and [N-33-20](#), this Coastal Commission meeting will occur virtually through video and teleconference. Please see the **Coastal Commission's Virtual Hearing Procedures** posted on the Coastal Commission's webpage at [www.coastal.ca.gov](http://www.coastal.ca.gov) for details on the procedures of this hearing. If you would like to receive a paper copy of the Coastal Commission's Virtual Hearing Procedures, please call 415-904-5202.

With respect to the July 7th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this 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 July 7, 2021 (see attached)**

### **Waivers**

- 6-21-0257-W, Miramontez & Fowler ADU (Solana Beach)
- 6-21-0280-W, Murphy SFR (Solana Beach)
- 6-21-0319-W, Genck & Pavlik Condo Addition (Solana Beach)
- 6-21-0336-W, Wilkinson SFR (Solana Beach)
- 6-21-0375-W, Condon ADU (Solana Beach)
- 6-21-0395-W, Carsten Condo Remodel (Solana Beach)

### **Immaterial Amendments**

- 6-03-003-A9, UCSD Gliderport Parking (San Diego)

**Emergency Permits**

- G-6-21-0024, San Diego Metropolitan Transit System Chollas Creek Trolley Bridge Repairs (San Diego)

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June 25, 2021

## Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 6-21-0257-W

**Applicant:** Joshua Miramontez & Chrystalynn Fowler

**Location:** 655 Ida Avenue, Solana Beach (San Diego County) (APN: 298-140-18)

**Proposed Development:** Demolition of an existing 250 sq. ft. detached garage and construction of an approximately 437 sq. ft. detached garage and attached 1,128 sq. ft., 2-story ADU on a 12,718 sq. ft. lot. A 1,294 sq. ft., 1-story single-family residence will remain.

**Rationale:** The proposed project is located in an established residential neighborhood consisting of single-family residences similar in size and scale to the proposed development. The proposed accessory unit is consistent with the City of Solana Beach standards for accessory units in an area designated for low/medium-density residential uses. The development will not block any public views and adequate parking will be provided. The project is consistent with the planning and zoning designations for the City and its certified LUP, as well as all applicable Chapter 3 policies of the Coastal Act, and no adverse impacts to coastal resources are anticipated.

This waiver will not become effective until reported to the Commission at its July 2021 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

**Coastal Development Permit De Minimis Waiver**  
6-21-0257-W

Sincerely,

John Ainsworth  
Executive Director

Original on File signed by:

Dennis Davis  
Coastal Program Analyst

cc: Commissioners/File

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June 25, 2021

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**Waiver:** 6-21-0280-W

**Applicant:** John & Heidi Murphy

**Location:** 520 North Cedros Avenue, Solana Beach (San Diego County) (APN: 263-062-23)

**Proposed Development:** Demolition of an existing 1,379 sq. ft., 1-story single-family residence, 400 sq. ft. detached garage, and 552 sq. ft. detached guest house and construction of an approximately 3,471 sq. ft., 2-story single-family residence with a 537 sq. ft. attached garage and on a 10,920 sq. ft. lot; hardscape improvements including pool and spa, fences, and retaining walls.

**Rationale:** The residence is located within an established residential neighborhood consisting of single-family residences similar in size and scale to the proposed development; therefore, the project will not be out of character with the existing community. The development will not block any public views or impact public access, is not subject to any relevant special overlays in the City of Solana Beach's certified Land Use Plan and is consistent with the zoning and plan designations for the City. The project is consistent with all Chapter 3 policies of the Coastal Act, and no impacts to coastal resources are expected.

This waiver will not become effective until reported to the Commission at its meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

**Coastal Development Permit De Minimis Waiver**  
6-21-0280-W

Sincerely,

John Ainsworth  
Executive Director

Original on File signed by:

Dennis Davis  
Coastal Program Analyst

cc: Commissioners/File

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June 25, 2021

## **Coastal Development Permit Waiver Improvements to Existing Structures or Repair and Maintenance Coastal Act Section 30610**

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13250(c), Section 13252(e), or Section 13253(c), Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 6-21-0319-W

**Applicant:** Kris Genck & John Pavlik

**Location:** 515 South Sierra Avenue, Unit #109, Solana Beach (San Diego County)  
(APN: 298-211-79-18)

**Proposed Development:** Conversion of an approximately 52 sq. ft. patio to interior living space to an existing 1,716 sq. ft. condominium unit.

**Rationale:** The proposed development is located within an existing condominium unit. The condominium building is located within 50 ft. of the edge of a coastal bluff; however, the proposed project will not affect the stability of the coastal bluff. The development does not result in alteration of greater than 50% of the exterior walls of the existing structure. The proposed development will not affect public views or coastal access, and no adverse impacts to coastal resources are anticipated. The project is consistent with the zoning and plan designations for the City of Solana Beach and its certified Land Use Plan, as well as all applicable Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

**Coastal Development Permit Waiver**  
6-21-0319-W

Sincerely,

John Ainsworth  
Executive Director

Original on File signed by:

Dennis Davis  
Coastal Program Analyst

cc: Commissioners/File



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June 22, 2021

## **Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7**

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 6-21-0336-W

**Applicant:** Philip Wilkinson

**Location:** 778 West Solana Circle, Solana Beach, San Diego County. (APN: 298-340-10-00)

**Proposed Development:** Demolition of an existing 1,500 sq. ft. single-family residence and carport on a 4,700 sq. ft. lot. Construction of a new approximately 1,900 sq. ft. single-family residence with 292 sq. ft. attached garage and roof deck. Minor grading and landscaping.

**Rationale:** The residence is located within an established residential neighborhood consisting of single-family residences similar in size and scale to the proposed development; therefore, the project will not be out of character with the existing community. The development will not block any public views or impact public access, is not subject to any relevant special overlays in the City of Solana Beach's certified Land Use Plan, and is consistent with the zoning and plan designations for the City. The project is consistent with all Chapter 3 policies of the Coastal Act, and no impacts to coastal resources are expected

This waiver will not become effective until reported to the Commission at its July 2021 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

**Coastal Development Permit Waiver**  
6-21-0336

Sincerely,

John Ainsworth  
Executive Director

Original on File signed by:

Trevor Hill  
Coastal Program Analyst

cc: Commissioners/File

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June 25, 2021

## Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 6-21-0375-W

**Applicant:** Stephan & Trish Condon

**Location:** 338 Punta Baja Drive, Solana Beach (San Diego County) (APN: 263-611-12)

**Proposed Development:** Demolition of an existing pergola and construction of a 586 sq. ft. ADU attached to an existing 1,896 sq. ft. single-family residence with a 562 sq. ft. attached garage on a 11,930 sq. ft. lot.

**Rationale:** The proposed project is located within an established residential neighborhood consisting of single-family residences similar in size and scale to the proposed development, thus the project will not be out of character with the existing community. The proposed accessory unit is consistent with the City of Solana Beach standards for accessory units in an area designated for low/medium-density residential uses. The development will not block any public views and adequate parking will be provided. Additionally, the project is consistent with the zoning and plan designations for the City of Solana Beach and its certified Land Use Plan, as well as all applicable Chapter 3 policies of the Coastal Act, and no adverse impacts to coastal resources are anticipated.

This waiver will not become effective until reported to the Commission at its July 2021 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

**Coastal Development Permit De Minimis Waiver**  
6-21-0375-W

Sincerely,

John Ainsworth  
Executive Director

Original on File signed by:

Dennis Davis  
Coastal Program Analyst

cc: Commissioners/File

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June 25, 2021

## **Coastal Development Permit Waiver Improvements to Existing Structures or Repair and Maintenance Coastal Act Section 30610**

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13250(c), Section 13252(e), or Section 13253(c), Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 6-21-0395-W

**Applicant:** Douglas Carsten

**Location:** 233 S. Helix Avenue, #31, Solana Beach (San Diego County) (APN: 298-520-01-31)

**Proposed Development:** Remodel involving replacement of a sliding door with a new wall and installation of new windows to an existing 1,450 sq. ft. condominium unit.

**Rationale:** The proposed development is located within an existing condominium unit. The condominium building is located within 50 ft. of the edge of a coastal bluff; however, the proposed project will not affect the stability of the coastal bluff. The development does not result in alteration of greater than 50% of the exterior walls of the existing structure. The proposed development will not affect public views or coastal access, and no adverse impacts to coastal resources are anticipated. The project is consistent with the zoning and plan designations for the City of Solana Beach and its certified Land Use Plan, as well as all applicable Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its July 2021 meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

**Coastal Development Permit Waiver**  
6-21-0395-W

Sincerely,

John Ainsworth  
Executive Director

Original on File signed by:

Dennis Davis  
Coastal Program Analyst

cc: Commissioners/File

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June 25, 2021

**NOTICE OF PROPOSED IMMATERIAL PERMIT  
AMENDMENT**Coastal Development Permit Amendment No. **6-03-003-A9****To:** All Interested Parties**From:** John Ainsworth, Executive Director**Subject:** Permit No. **6-03-003** granted to **UC San Diego** for: Temporary use (through 2007) of a 30-acre undeveloped and unimproved site for construction staging and storage, contractor parking as needed, golf tournament parking, and glider operations.**Project Site:** North of Torrey Pines Scenic Dr. and west of North Torrey Pines Rd., San Diego (San Diego County) (APN: 342-010-18)

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

Amend existing temporary use permit to allow continued use (through July 2024) of a 30-acre undeveloped and unimproved site for construction staging and storage, contractor parking as needed, golf tournament parking, and glider operations. Ingress and egress to the temporary lot will be maintained from the permanent parking lot adjacent to Sanford Consortium.

**FINDINGS**

The Executive Director has determined this amendment to be IMMATERIAL within the meaning of section 13166(b) of the Commission's regulations.<sup>1</sup> Pursuant to section 13166(b)(1), if no written objection to this notice of immaterial amendment is received at the Commission office listed above within ten (10) working days of mailing said notice, the determination of immateriality shall be conclusive, and the amendment shall be approved (i.e., the permit will be amended as proposed).

Pursuant to section 13166(b)(2), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive

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<sup>1</sup> The Commission's regulations are codified in Title 14 of the California Code of Regulations.

## **Notice of Proposed Immaterial Permit Amendment**

6-03-003-A9

director determines that the objection does not raise an issue of conformity with the Coastal Act or certified local coastal program if applicable, the amendment shall not be effective until the amendment and objection are reported to the Commission at its next regularly scheduled meeting. If any three Commissioners object to the executive director's designation of immateriality, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting. If no three Commissioners object to the executive director's designation of immateriality, that designation shall stand, and the amendment shall become effective.

Pursuant to section 13166(b)(3), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does raise an issue of conformity with the Coastal Act or a certified local coastal program if applicable, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting.

The Executive Director has determined this proposed amendment to be "immaterial" for the following reason(s):

The university population is not increasing in reliance on this temporary parking, and thus the number of Average Daily Trips on the roads surrounding the university will not increase. Faculty and students that are already coming to campus will be redirected to the temporary parking lot. The site is adjacent to the San Diego Gliderport and Torrey Pines State Beach, and the hours of operation of the lot will avoid the busy weekends. No new gravel will be deposited on the site and runoff will be able to infiltrate into the underlying ground. Thus, the proposed development will not adversely impact coastal resources and can be found in conformance to the policies of Chapter 3 of the Coastal Act.

If you wish to register an objection to the processing of this amendment application as an immaterial amendment, please send the objection in writing to the address above.

If you have any questions about this notice, please contact Erin Prahler at the phone number provided above.

cc: Commissioners/File



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**EMERGENCY PERMIT**

Issue Date: June 25, 2021  
Emergency Permit No. G-6-21-0024

**APPLICANT:** San Diego Metropolitan Transit System

**LOCATION OF EMERGENCY:** Chollas Creek trolley bridge, west of the western terminus of Norman Scott Road, Barrio Logan, San Diego (APN:550-500-20)

**EMERGENCY WORK:** Repairs to bridge pilings, including surrounding the piles with fiberglass reinforced polymer jackets and filling the voids with underwater grout; pile caps, including removing the cover over existing reinforced steel bars for the entire concrete surface, cleaning the bars of rust, installing zinc anodes to prevent further erosion, and encapsulating the bars in new concrete; and abutments, including three localized areas of deterioration in a similar approach as the pile caps. Existing riprap will be removed to conduct the work and replaced following construction. Implementation of water capture and treatment of water from jetting activities, as well as best management practices to prevent debris from entering the water during construction activities, will occur. All work will be conducted by hand.

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information that an unexpected occurrence in the form of spalling and cracks on the bridge piles of the Chollas Creek trolley bridge requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services pursuant to 14 Cal. Admin. Code Section 13009. 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 Emergency Permit; and
- (b) Public comment on the proposed emergency development has been reviewed if time allows.

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

Sincerely,

John Ainsworth  
Executive Director  
By: Karl Schwing, Deputy Director

Enclosures: 1) Acceptance Form

## CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the San Diego Metropolitan Transit System and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Work is further limited to that specifically identified in the plans titled Las Chollas Bridge Repair for Permit, dated January 26, 2021, and shown on the plans attached to this permit, as well as the email to Commission staff dated June 22, 2021, which describes the method of riprap removal and replacement, and the proposed construction best management practices. Any additional work requires separate authorization from the Executive Director.
3. All work shall take place in a time and manner to minimize any potential damages to any resources, including intertidal species, and to minimize impacts to public access.
4. The work authorized by this permit must be completed within 120 days of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.
5. Within 30 days following completion of the emergency work, the applicant shall submit as-built plans providing information on the rock volume and size for the bridge abutments and pile, along with plan and profile views, to scale, of the work authorized by this permit. The applicant shall submit certification by a registered civil engineer, acceptable to the Executive Director, verifying that the authorized work has been constructed in conformance with the emergency work project description.
6. The applicant recognizes that the emergency work is considered temporary and subject to removal unless and until a regular coastal development permit permanently authorizing the work is approved. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for mitigation for fill impacts.
7. In exercising this permit, the applicant 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.
8. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the California Department of Fish & Wildlife, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, and the California State Lands Commission.
9. Within 60 days of issuance of this Emergency Permit, or as extended by the Executive Director through correspondence, for good cause, the applicant shall either: (a) remove all of the materials placed or installed in connection with the emergency development authorized in this Permit and restore all affected areas to their prior condition after consultation with California Coastal Commission staff, and consistent with the Coastal Act. In some instances, a permit may be needed for removal; or (b) submit a complete follow-up Coastal Development Permit (CDP) that satisfies the requirements of Section 13056 of Title 14 of the California Code of

Regulations. If the Executive Director determines that the follow-up CDP application is incomplete and requests additional information, the applicant shall submit this additional information by a certain date, as established by the Executive Director. If such a follow-up CDP application is withdrawn by the applicant or is denied by the Commission, or if the follow-up CDP application remains incomplete for a period of 120 days after the Executive Director informs the applicant that the application is incomplete, the emergency-permitted development shall be removed and all affected areas restored to their prior condition, after consultation with CCC staff and consistent with the Coastal Act, within 60 days, subject to any regulatory approvals necessary for such removal. In some instances, a permit may be needed for removal.

10. Failure to a) submit a complete follow-up CDP Application that complies with Condition 9 above, or b) remove the emergency development and restore all affected areas to their prior condition after consultation with CCC staff, and consistent with the Coastal Act (if required by this Emergency Permit) by the date specified in this Emergency Permit<sup>1</sup>, or c) comply with all terms and conditions of the required follow-up CDP, including any deadlines identified therein, or d) remove the emergency-permitted development and restore all affected areas to their prior condition after consultation with CCC staff and consistent with the Coastal Act immediately upon denial of the required follow-up CDP<sup>2</sup> will constitute a knowing and intentional violation of the Coastal Act<sup>3</sup> and may result in formal enforcement action by the Commission or the Executive Director. This formal action could include a recordation of a Notice of Violation on the applicant's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties for violations involving public access; and/or a civil lawsuit, which may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day, and other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation.

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<sup>1</sup> In some instances, a permit may also be required for removal.

<sup>2</sup> As noted above, in some instances, a permit may also be required for removal.

<sup>3</sup> The Coastal Act is codified in sections 30000 to 30900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.