

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CALIFORNIA 94105-2421
PH (415) 904-5260 OR (415) 904-5200 FAX (415) 904-5400
WWW.COASTAL.CA.GOV



February 19, 2021

Permit Application Number: **2-20-0443****NOTICE OF INTENT TO ISSUE PERMIT**

(Upon satisfaction of special conditions)

THE SOLE PURPOSE OF THIS NOTICE IS TO INFORM THE APPLICANT OF THE STEPS NECESSARY TO OBTAIN A VALID AND EFFECTIVE COASTAL DEVELOPMENT PERMIT ("CDP"). A Coastal Development Permit for the development described below has been approved but is not yet effective. Development on the site cannot commence until the CDP is effective. In order for the CDP to be effective, Commission staff must issue the CDP to the applicant, and the applicant must sign and return the CDP. **Commission staff cannot issue the CDP until the applicant has fulfilled each of the "prior to issuance" Special Conditions.** A list of all the Special Conditions for this permit is attached.

The Commission's approval of the CDP is valid for two years from the date of approval. To prevent expiration of the CDP, you must fulfill the "prior to issuance" Special Conditions, obtain and sign the CDP, and commence development within two years of the approval date specified below. You may apply for an extension of the permit pursuant to the Commission's regulations at Cal. Code Regs. title 14, section 13169.

On February 12, 2021, the California Coastal Commission approved Coastal Development Permit No. **2-20-0443** requested by **San Mateo County Harbor District** subject to the attached conditions, for development consisting of: **Construction of a 'living shoreline' project (comprised of a beach and dune system established through beach nourishment and stabilizing materials) to protect and restore the affected shoreline area, as well as related trail, stormwater/drainage and habitat improvements** more specifically described in the application filed in the Commission offices. **Commission staff will not issue the CDP until the "prior to issuance" special conditions have been satisfied.**

The development is within the coastal zone located at **the shoreline area within Pillar Point Harbor and along the Harbor's West Trail (providing public access from the West Point Avenue parking area to Maverick's Beach) in the unincorporated Princeton-by-the-Sea community, north of Half Moon Bay, in San Mateo County.**

If you have any questions regarding how to fulfill the "prior to issuance" Special Conditions for CDP No. 2-20-0443, please contact the District Manager identified below.

February 19, 2021

Permit Application No.: 2-20-0443

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Sincerely,



John Ainsworth
Executive Director
Original on File signed by:

Jeannine Manna
District Manager

cc: Commissioners/File
ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this Notice and fully understands its contents, including all conditions imposed.

<u>2/21/2021</u>	
Date	Permittee

Please sign and return one copy of this form to the Commission office at the above address.

1. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

- 1. Notice of Receipt and Acknowledgment.** 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

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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.

2. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Approved Project.** This CDP authorizes the construction of a living shoreline along approximately 300 feet of shoreline, and stormwater/drainage improvements, all substantially consistent with the proposed plans (i.e., as shown in *GHD, Inc., San Mateo County Harbor District Pillar Point Harbor West Trail Living Shoreline Project* dated June 25, 2020 (see **Exhibit 2**)) subject to the terms and conditions of this CDP.
2. **Construction Plan.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit two copies of a Construction Plan to the Executive Director for review and written approval. The Construction Plan shall, at a minimum, include and provide for the following:
 - (a) **Construction Areas.** The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas within which construction activities and/or staging are to take place shall be minimized to the fullest extent feasible in order to have the least impact on public access and other coastal resources, including by using, as feasible, inland areas for staging and storing construction equipment and materials. Construction areas shall be sited and designed to minimize impacts to public beach access and public views from West Trail, including but not limited to public views across the site. Signage shall be posted in the West Trail parking lot indicating alternative parking and access options if portions of the lot are being used for staging activities.

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- (b) Construction Methods.** The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separate from public recreational use areas as much as possible (including using unobtrusive temporary fencing or equivalent measures to delineate construction areas), and including verification that equipment operation and equipment and material storage will not, to the maximum extent feasible, significantly degrade public access and public views during construction. The Plan shall limit construction activities to avoid coastal resource impacts as much as feasible, and lighting of the work area is prohibited.
- (c) Construction Timing.** Construction is prohibited during weekends, from the Saturday of Memorial Day through Labor Day inclusive, and during non-daytime hours (i.e., from one-hour after sunset to one-hour before sunrise), unless due to extenuating circumstances the Executive Director authorizes such work.
- (d) Construction BMPs.** The Construction Plan shall identify the type and location of all erosion control and water quality best management practices that will be implemented during construction to protect coastal water quality, including at a minimum all of the following:
- 1. Runoff Protection.** Silt fences, straw wattles, or equivalent apparatus shall be installed at the perimeter of all construction areas to prevent construction-related runoff and sediment from discharging from the construction area or entering into storm drains or otherwise offsite or towards the beach and ocean. Similar apparatus shall be applied on the beach area for the same purpose when potential runoff is anticipated. Special attention shall be given to appropriate filtering and treating of all runoff, and all drainage points, including storm drains, shall be equipped with appropriate construction-related containment, filtration, and treatment equipment. All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each workday.
 - 2. Equipment BMPs.** Equipment washing, refueling, and servicing shall take place at an appropriate off-site and inland location to help prevent leaks and spills of hazardous materials at the project site, at least 50 feet inland from the beach and preferably on an existing hard surface area (e.g., a road) or an area where collection of materials is facilitated. All construction equipment shall also be inspected and maintained at a similarly sited inland location to prevent leaks and spills of hazardous materials at the project site.
 - 3. Good Housekeeping BMPs.** The construction site shall maintain good construction housekeeping controls and procedures at all times (e.g., clean

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- up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including covering exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site; etc.).
- 4. Rubber-tired Construction Vehicles.** Only rubber-tired construction vehicles are allowed on the beach, except track vehicles may be used if the Executive Director determines that they are required to safely carry out construction. When transiting on the beach, all vehicles shall remain as far away from the ocean as possible and avoid contact with ocean waters.
- 5. Construction Material Storage.** All construction materials and equipment placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed in their entirety from these areas by one-hour after sunset each day that work occurs, except for necessary erosion and sediment controls and construction area boundary fencing where such controls and fencing are placed as far inland as possible, and are minimized in their extent.
- (e) Restoration.** All construction debris shall be removed, and all beach area and other public recreational access and use areas and all beach access points impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any native materials impacted shall be appropriately filtered as necessary to remove all construction debris.
- (f) Construction Site Documents.** The Construction Plan shall provide that copies of the signed CDP and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times, and that such copies are available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, as well as the public review requirements applicable to them, prior to commencement of construction.
- (g) Construction Coordinator.** The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and that the construction coordinator's contact information (i.e., address, phone numbers, email, etc.), including, at a minimum, an email address and a telephone number that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where

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such contact information is readily visible from public viewing areas while still protecting public views as much as possible, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name and contact information (i.e., address, email, phone number, etc.) and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. All complaints and all actions taken in response shall be summarized and provided to the Executive Director on at least a weekly basis.

- (h) Construction Specifications.** The construction specifications and materials shall include appropriate control provisions that require remediation for any work done inconsistent with the terms and conditions of this CDP.
- (i) Notification.** The Permittee shall notify planning staff of the Coastal Commission's North Central Coast District Office at least three working days in advance of commencement of construction, and immediately upon completion of construction.

All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved Construction Plan. Minor adjustments to the above requirements, as well as to the Executive Director-approved Plan, which do not require a CDP amendment or new CDP (as determined by the Executive Director) may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

- 3. Additional Construction Habitat BMPs.** The Permittee shall comply with all habitat protection measures outlined in **Exhibit 5** and the following as described below:

(a) Eelgrass.

- 1. Surveys.** A pre-construction eelgrass clearance survey for the project area shall be completed no more than 60 days prior to the beginning of construction and shall be valid until the next period of active eelgrass growth (typically April-October). The eelgrass survey and mapping shall be prepared in full compliance with the latest version of the "California Eelgrass Mitigation Policy (CEMP) and Implementing Guidelines" and shall be prepared in consultation with the National Marine Fisheries Service (NMFS) and California Department of Fish and Wildlife (CDFW). Surveys shall include, at

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a minimum: sampling methods that include metrics on visibility, such as Secchi disk depths; vegetative cover; turion (shoot) density by area, spatial distribution or aerial extent of vegetation and unvegetated habitat; and a record of bathymetry. The Permittee shall submit the pre-construction eelgrass survey for review and approval by the Executive Director within five business days of completion of each eelgrass survey and, in any event, no later than 15 business days prior to commencement of any construction activities.

- 2. Potential Impacts.** If the eelgrass clearance survey identifies any eelgrass within the project area, the Permittee shall consult with applicable resource protection agencies including NMFS and CDFW, on how best to avoid, minimize, and mitigate such impacts, and shall implement all associated measures as directed by the Executive Director.
- 3. Resource Agency Coordination.** The Permittee shall comply with all requirements, requests, and mitigation measures identified by the applicable resource agencies with respect to preservation and protection of eelgrass. Any change to the approved project that may be required by such agencies shall be submitted to the Executive Director in order to determine if the proposed change requires an amendment to this CDP.

(b) Nesting Birds

- 1. Surveys.** For any construction work that would occur during the avian breeding season (i.e., January 15 to September 15), pre-construction surveys will be completed by a qualified wildlife biologist with experience in observing reproductive and nesting behavior to identify displays of nesting behavior and/or active nests (i.e., as occupied by eggs or nestlings) in the proposed construction areas. The following shall apply:
 - (a)** Surveys shall commence no more than 30 days prior to the initiation of construction and shall occur weekly thereafter over the project season, with the last survey occurring no more than 72 hours prior to the start of construction.
 - (b)** Surveys shall extend 300 feet from the project work area to locate any active non-raptor nests, and 500 feet to locate any active raptor (bird of prey) nests.
 - (c)** If active nests are located for non-colonial species, clearly marked no-disturbance buffers of 300 feet shall be established for non-raptor species

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and 500 feet for raptors, unless evidence is provided to demonstrate to the Executive Director's satisfaction that a different distance is appropriate. A qualified biologist shall determine when a nest has fully fledged or is no longer in use, at which point its no-disturbance buffer can be removed.

- (d) For colonial nesting species (e.g., great blue herons, black-crowned night herons, white egrets), if more than three active nests are located within the cypress grove concurrently, a no-disturbance buffer of 500 feet will be established around the outermost extent of the colony.
- (e) Maps identifying the location of any active nests detected shall be provided, and at a minimum, indicate the date of survey, nest stage (e.g., eggs, nestlings, etc.), and the buffers.
- 2. Buffers.** Any birds that begin nesting within an active construction area or the designated survey area amid construction activities may be assumed to be habituated to construction-related noise and disturbance levels. No prescribed buffers are required to be established around active nests in these cases; however, further encroachment shall be avoided, the nests shall continue to be monitored by the biologist, and if the nesting birds begin to show distress associated with construction activities, the qualified biologist shall reestablish the prescribed no-disturbance buffers.
- 3. Disturbance.** If under any circumstances either construction staff or the biologist observe signs of distress (e.g., parents flush from the nest and do not readily return as activities continue, anxious warning calls, etc.), work shall be stopped immediately, and the biologist shall consult with the Executive Director to determine necessary modifications to activities. Activities will resume only after the biologist is satisfied that the modifications are sufficient to avoid continued disturbance to the nests.
- 4. Monitoring.** A monitoring report shall be provided to the Executive Director within 90 days of construction completion and shall include: all survey results and associated maps; along with a brief narrative describing the survey methods and observations of the species' tolerances to noise, vibration, and visual disturbance cues. If any incidents have resulted in a need for further consultation with the project biologist and/or the Executive Director, these will also be noted and discussed.

All requirements above shall be enforceable components of this CDP, and the Permittee shall undertake development in accordance with this condition. Minor adjustments to the above requirements which do not require a CDP amendment or

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new CDP (as determined by the Executive Director) may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

- 4. As-Built Plans.** WITHIN THREE MONTHS OF COMPLETION OF CONSTRUCTION, the Permittee shall submit two copies of As-Built Plans to the Executive Director for review and written approval showing all elements the approved project. The As-Built Plans shall be substantially consistent with the approved project identified in **Special Condition 1**. The As-Built Plans shall include color photographs (in both color hard copy 8½ x 11 and digital jpg formats) that clearly show the as-built project and that are accompanied by a site plan that notes the location of each photographic viewpoint and the date and time of each photograph. At a minimum, the photographs shall be from upcoast, seaward, inland, and downcoast viewpoints on the beach, and from a sufficient number of viewpoints as to provide complete photographic coverage. Such photographs shall be at a scale that allows comparisons to be made with the naked eye between photographs taken in different years and from the same vantage points. The As-Built Plans shall include vertical and horizontal reference markers from inland surveyed benchmarks for use in future monitoring efforts. The As-Built Plans shall be submitted with certification by a licensed civil engineer with experience in coastal structures and processes, acceptable to the Executive Director, verifying that the project has been constructed in conformance with the approved project identified in **Special Condition 1** and the terms and conditions of this CDP.
- 5. Habitat Creation Plan.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit a final Habitat Creation Plan to the Executive Director for review and written approval. With an overarching goal to establish a self-sustaining natural beach dune habitat integrated into the living shoreline, and native wetland vegetation within the bioswale, the Plan shall be prepared by a qualified restoration ecologist and take into account the specific conditions of the site (including soil, exposure, water flows, temperature, moisture, wind, etc.). The Habitat Creation Plan shall be in substantial conformance with the proposed dune plan (i.e., by Peter R. Baye, Ph.D., *Pillar Point Harbor beach and foredune vegetation establishment and related environmental enhancement options* dated June 27, 2019 (see Substantive File Documents), and the bioswale design as shown in *GHD, Inc., San Mateo County Harbor District Pillar Point Harbor West Trail Living Shoreline Project* dated June 25, 2020 (see **Exhibit 2**)), but shall be modified to provide and be consistent with all of the following:

 - (a) Baseline Assessment.** A baseline assessment, including narrative, maps, and photographs, of the current physical and ecological condition of the habitat creation areas.

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- (b) Project Goals and Objectives.** A description of the specific habitat goals and objectives, including supporting rationale based on historical conditions, relevant published information for the area, and/or appropriate reference sites.
- (c) Invasive Species Removal.** All invasive plant species (as listed by the California Invasive Plant Council) shall be removed from the project areas prior to habitat creation, and their establishment and encroachment from adjacent areas shall be addressed on an as-needed basis to ensure that absolute cover be maintained below 5%.
- (d) Vegetation Planting.** A detailed planting plan emphasizing the use of seeds, plugs, or container plants planted prior to fall rains, unless another time period or planting method is fully described and justified within the Plan. All vegetation planted in the habitat creation areas shall consist only of plants native to the target habitats and originating from local genetic stock, and the Plan shall be submitted with adequate evidence demonstrating that that is the case. The planting plan should be based on vegetation community structure (e.g., species and relative densities) at an approved nearby reference site and shall be designed to avoid the use of irrigation following the plant establishment stage. If irrigation is considered necessary to initiate restoration, it should be temporary and provisions for its removal must be included in the Plan.
- (e) Fencing and Signage.** Fencing and informational signs shall be installed around the dune areas to identify and protect them from activities that could harm the habitat. All signage and fencing details shall be provided, which shall be sited and designed to protect the habitat establishment and to protect public views as much as possible (e.g., materials that are made of natural materials and colors that blend with the environment, such as rope and post) while allowing for continued public access to the beach and water through designated footpaths consistent with **Special Condition 1**.
- (f) Monitoring and Maintenance.** A detailed monitoring program designed to evaluate the success of the habitat creation efforts, and to guide any adaptive management actions for ensuring long-term success shall be provided. Monitoring and maintenance of the habitat creation areas shall continue for as long as any portion of the approved development exists and shall at a minimum include:
- 1) Schedule.** An initial five-year monitoring schedule, with conditional inclusion of additional years of the same monitoring if success criteria are not met in the initial five-year time frame, until such time as they are met.

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- 2) Monitoring Methods.** The monitoring program shall be supported by a clear rationale for the selected approaches and must describe the monitoring methods that will be used in detail (e.g., metrics, sampling frequency, timing, etc.). Power analyses shall inform the design of the sampling scheme and the analytical framework to be used for assessments shall also be clearly described in the narrative.
- 3) Success Criteria.** At a minimum, final success criteria for vegetation species diversity (including richness and evenness), native vegetation cover, non-native vegetation with less than or equal to 5%, and specific measures for any sensitive plant or wildlife species located in the created areas, shall be provided. Criteria may be relative or fixed, may be based on reference sites or relevant literature, and shall be supported by a clear technical rationale.
- 4) Data and Statistical Analysis.** A description of the data analysis methods and statistical thresholds employed shall be established as assessment rules for each success criterion. The statistical tests that will be used (e.g., a one or two sample t-test) to detect differences between success criteria and conditions observed at the restoration areas shall be specified.
- (g) Reporting.** Monitoring reports shall be submitted annually to the Executive Director for review and approval by December 31st of every year for 5 years or for an adjusted time period dependent on habitat creation success, as required in subsection (1) above. The reports shall identify the location of all vegetation plantings or seedings conducted in the habitat creation areas, present monitoring results, assessment of progress toward meeting success criteria, and any adaptive management recommendations. Raw data and associated metadata shall be provided in a digital format with the reports. The reports shall also include photographs (in both color hard copy 8½ x 11 and digital jpg formats) that clearly show the created habitat areas from at least the same vantage points as the initial photo documentation as well as subsequent monitoring reports. Any proposed actions necessary to maintain the created habitat areas shall be implemented within 30 days of Executive Director approval of the monitoring reports, unless a different time frame for implementation is identified by the Executive Director.

All requirements above and all requirements of the approved Habitat Creation Plan shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved Habitat Creation Plan. Minor adjustments to the above requirements which do not require a CDP amendment or new CDP (as determined by the Executive Director) may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and

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necessary; and (2) do not adversely impact coastal resources.

- 6. Monitoring and Reporting.** The Permittee shall ensure that the condition and performance of the approved as-built project is regularly monitored and maintained, with reports to the Executive Director as described in this condition. Such monitoring evaluation shall, at a minimum, address whether any significant weathering or damage has occurred that would adversely impact future performance, and identify any structural or other damage or wear and tear requiring repair to maintain the living shoreline and the drainage improvements in a structurally sound manner and their approved state, including at a minimum with regards to the following:
- (a) Living Shoreline.** The approved living shoreline shall be monitored by a licensed civil engineer with experience in coastal structures and processes to ensure structural integrity and project performance consistent with the requirements of **Special Condition 8** (Adaptive Management Plan), and success of proposed dune habitat creation consistent with the requirements of **Special Condition 5** (Habitat Creation Plan).
- (b) Drainage Improvements.** The approved stormwater/drainage improvements shall be regularly monitored to ensure they are functioning properly, including that the uphill channels are kept free of build-up and debris, and wetland vegetation has been successfully established in the drainage swale consistent with the requirements of **Special Condition 5** (Habitat Creation Plan).
- (c) Photo Documentation.** All monitored elements shall be photographed at least bi-annually from an adequate number of inland and seaward locations as to provide complete photographic coverage of the approved project, including from all vantage points included in the approved As-Built Plans (**see Special Condition 4**). All photographs shall be documented on a site plan that notes the location of each photographic viewpoint and the date and time of each photograph, including to allow naked eye comparison of the same views over time. Such photo documentation shall commence no later than the date of construction completion. To assist in such an effort, monitoring plans should provide vertical and horizontal reference distances from armoring structures to surveyed benchmarks for use in future monitoring efforts.
- (d) Reporting.** Monitoring reports covering the above-described evaluations (**Special Condition 6 Sections (a), (b), and (c)**) shall be submitted to the Executive Director for review and approval by May 1st of every fifth year from the date of CDP approval (i.e., May 1, 2026, May 1, 2031, etc.) for as long as any part of the approved project remains extant. The reports shall identify the existing configuration and condition of the approved project, including providing vertical

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and horizontal reference distances between the approved As-Built Plans' surveyed reference markers and the inland benchmarks, and shall recommend any actions necessary to maintain these project elements in their approved and required state consistent with the final approved Adaptive Management Plan (**Special Condition 8**). The reports shall also include photographs (in both color hard copy 8½ x 11 and digital jpg formats) that clearly show all components of the as-built project from at least the same vantage points as the approved As-Built Plans and initial photo documentation as well as subsequent monitoring reports. Any proposed actions necessary to maintain the approved as-built project in a structurally sound manner and its approved state shall be implemented within 30 days of Executive Director approval unless a different time frame for implementation is identified by the Executive Director. In addition to the every five year requirement, separate and additional monitoring reports shall be submitted within 30 days following either (1) an El Niño storm event comparable to a 20-year or larger storm, or (2) an earthquake of magnitude 5.5 or greater with an epicenter in Marin County.

- (e) Future Mitigation.** If the CDP authorization has not expired pursuant to the long-term adaptive management triggers identified in the final approved Adaptive Management Plan (**Special Condition 8**) by February 12, 2041, and if the Permittees intend to keep the approved living shoreline in place beyond the end of that initial 20-year mitigation period (i.e., past February 12, 2041), the Permittees shall submit a complete CDP amendment application to the Coastal Commission that shall reassess mitigation for the ongoing impacts of the approved living shoreline, including an evaluation of actions that could be taken to reduce or eliminate those impacts. The complete application shall be submitted no later than 6 months prior to the end of the original mitigation period (i.e., by August 12, 2040). The application shall include analysis of feasible alternatives to modify the living shoreline, trail, and any related development, in order to eliminate to the maximum extent feasible such living shoreline's impacts on coastal resources, and shall propose mitigation for unavoidable coastal resource impacts associated with the retention of the living shoreline and/or any modified living shoreline beyond the initial 20-year mitigation period. In addition, if the Permittee applies for a separate CDP or an amendment to this CDP to modify the approved living shoreline, or to perform repair work affecting 50% or more of the living shoreline, the Permittee shall be required to propose additional commensurate mitigation for the impacts on public views, public recreational access, shoreline processes, and all other affected coastal resources that have not already been mitigated through this CDP, at that time.

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7. Future Maintenance/Repair. This CDP authorizes future maintenance and repair of the approved project components as described in this special condition. The Permittee acknowledges and agrees on behalf of itself and all successors and assigns that it is the Permittee's responsibility to: (1) maintain the approved project, including the living shoreline and drainage improvements (see **Special Condition 1**), and all related development in a structurally sound manner, visually compatible with the beach and bluff shoreline surroundings, and in their approved and required states, including the habitat creation areas pursuant to **Special Condition 5**, and shall be maintained throughout the life of the system; (2) retrieve any failing portions of the permitted structures or related improvements that might otherwise substantially impair the use, aesthetic qualities, or environmental integrity of the beach, ocean, trail, wetland and upland areas; and (3) bi-annually or more often inspect the living shoreline and drainage improvements for signs of compromise. Any such maintenance-oriented development associated with the approved living shoreline, drainage improvements, and related development shall be subject to the following:

(a) Maintenance/Repair. "Maintenance" and "repair" as understood in this special condition means development that would otherwise require a CDP whose purpose is to maintain and/or repair living shoreline and drainage improvements in their approved and/or required state pursuant to the terms and conditions of this CDP.

(b) Other Agency Approvals. The Permittee acknowledges that these maintenance and repair stipulations do not obviate the need to obtain permits and/or authorizations from other agencies for any future maintenance or repair.

(c) Maintenance/Repair Notification. At least two weeks prior to commencing any maintenance and/or repair activity, the Permittee shall notify, in writing, planning staff of the Coastal Commission's North Central Coast District Office. The notification shall include: (1) a detailed description of the maintenance/repair proposed; (2) any plans, engineering, geology, or other reports describing the event; (3) a construction plan that clearly describes construction areas and methods, and that is consistent with the parameters of **Special Condition 2** above; (4) other agency authorizations; and (5) any other supporting documentation describing the maintenance/repair event. Maintenance or repair may not commence until the Permittee has been informed by planning staff of the Coastal Commission's North Central Coast District Office that the maintenance proposed complies with this CDP. If the Permittee has not been given a verbal response or sent a written response within 30 days of the notification being received in the North Central Coast District Office, the maintenance shall be

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authorized as if planning staff affirmatively indicated that the maintenance/repair complies with this CDP. The notification shall clearly indicate that maintenance/repair is proposed pursuant to this CDP, and that the lack of a response to the notification within 30 days constitutes approval of it as specified in the CDP. If the notification does not clearly and explicitly indicate same, then the automatic authorization provision does not apply. In the event of an emergency requiring immediate maintenance, the notification of such emergency shall be made as soon as possible, and shall (in addition to the foregoing information) clearly describe the nature of the emergency.

- (d) Maintenance/Repair Coordination.** Maintenance/repair activity shall, to the degree feasible, be coordinated with other maintenance/repair activity proposed in the immediate vicinity with the goal being to limit coastal resource impacts, including the length of time that construction occurs in and around the beach and beach access points. As such, the Permittee shall make reasonable efforts to coordinate their maintenance/repair activity with other adjacent property maintenance/repair activities, including adjusting their maintenance/repair activity scheduling as directed by planning staff of the Coastal Commission's North Central Coast District Office.
- (e) Restoration.** The Permittee shall restore all beach and other public access areas impacted by construction activities to their pre-construction condition or better within three days of completion of construction. Any beach sand impacted shall be filtered as necessary to remove all construction debris from the beach. The Permittee shall notify planning staff of the Coastal Commission's North Central Coast District Office upon completion of restoration activities to allow for a site visit to verify that all project and beach-area restoration activities are complete. If planning staff should identify additional reasonable measures necessary to restore project and/or beach areas, such measures shall be implemented as quickly as feasible.
- (f) Noncompliance Provision.** If the Permittee is not in compliance with permitting requirements of the Coastal Act, including the terms and conditions of any Coastal Commission CDPs or other coastal authorizations that apply to the subject property, at the time that a maintenance/repair event is proposed, then maintenance/repair that might otherwise be allowed by the terms of this future maintenance/repair condition may be disallowed by the Executive Director until the Permittee is in full compliance with the permitting requirements of the Coastal Act, including all terms and conditions of any outstanding CDPs and other coastal authorizations that apply to the subject properties.

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(g) Emergency. Notwithstanding the emergency notifications set forth in subsection (c) of this special condition, nothing in this condition shall affect the emergency authority provided by Coastal Act Section 30611, Coastal Act Section 30624, and Subchapter 4 of Chapter 5 of Title 14, Division 5.5, of the California Code of Regulations (Permits for Approval of Emergency Work).

(h) Duration of Covered Maintenance/Repair. Future maintenance under this CDP is allowed subject to the above terms throughout the duration of the authorization and as further specified in **Special Conditions 6 and 8** subject to Executive Director review and written approval every 5 years (i.e., by July 9, 2026; July 9, 2031; and so on) to verify that there are not changed circumstances associated with such allowance of maintenance/repair events that necessitate re-review. It is the Permittee's responsibility to request Executive Director approval prior to the end of each 5-year maintenance/repair period pursuant to these maintenance/repair provisions, and the term shall only be extended if the Permittee requests an extension prior to the end of each 5-year maintenance/repair period and only if the Executive Director extends the maintenance/repair term in writing. The intent of this CDP is to allow for 5-year extensions of the maintenance/repair term for as long as the approved project remains authorized unless there are changed circumstances that may affect the consistency of this maintenance/repair authorization with the policies of Chapter 3 of the Coastal Act. The Permittee shall maintain the approved project in its approved and required state.

8. Adaptive Management Plan. PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit two sets of a Final Adaptive Management Plan to the Executive Director for review and written approval. The Plan shall clearly describe how monitoring, maintenance and adaptive management of the living shoreline will be conducted consistent with the requirements of **Special Conditions 6 and 7** including analyzing dune change over time (shape and volume), beach change over time (e.g., mean sea level shoreline changes), and beach sand volume changes; frequency of beach overtopping and trail damage; and success of proposed dune habitat creation (vegetative cover and composition as detailed in the Habitat Creation Plan (**Special Condition 5**)). The Adaptive Management Plan shall also describe 1) adaptive management efforts that will be used to maintain the living shoreline in its approved configuration based on defined maintenance triggers; 2) adaptive management efforts to adapt the living shoreline based on performance standards; and 3) adaptive management efforts to abandon and remove aspects of the living shoreline based on performance triggers. The Plan shall be in substantial conformance with the proposed plan (i.e., *GHD, Draft Adaptive Management and Monitoring Plan Pillar*

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Point Harbor West Trail Living Shoreline Project received on October 6, 2020), but shall be modified to provide for and be consistent with all of the following:

(a) Monitoring. The Permittee shall monitor the approved project for a period of 10 years after initial construction to measure the performance of the living shoreline and determine when or if maintenance or adaptation is needed. Quantifiable and measurable criteria shall be developed for performance metrics for which the physical monitoring plan is being prepared, including metrics that address, at a minimum, the following topics:

1. Viability of the actively managed dune, cobble, and rock finger system for preventing erosion of the trail;
2. The adequacy of the proposed dune size to prevent damage to the trail;
3. The stability of the dune system and sandy beach;
4. The sand losses for established native dune vegetation including how they will be measured and what, if anything, will be used for comparison;
5. Event characteristics (e.g., incident waves, water depth, duration of overtopping, etc.) that will be documented during 'extreme events' and what criteria will be used to characterize an event as extreme;
6. The size and amount of sand dredged from the overwash shoal beach and geomorphic response of the overwash shoal beach after dredging events;
7. The effects of the proposed project on down-drift beach conditions; and
8. Relationship between dune vegetation types, cover, etc. and physical dune resilience.

(b) Adaptation Triggers. Triggers for adaptive management efforts shall be clearly established and identified that could be applied to assist in maintaining and/or adapting the living shoreline, including additional or modified revegetation efforts and opportunistic events such as availability of dredged sand or identified impacts to recreational access including hazardous conditions or continued exposure of cobble or rock fingers. No changes to the design shall occur without written approval from the Executive Director.

(c) Adverse Impact Triggers. Triggers to address any detrimental impacts to the proposed source site (the overwash shoal beach), such as sustained periods of

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erosion at or downdrift of the overwash shoal beach, shall be clearly established and identified.

(d) Long Term Triggers. Triggers for implementation of a long-term strategy, including removal of all or portions of the living shoreline if necessary, shall be clearly established along with a schedule for reporting to the Executive Director on the reasons for implementation of a long-term strategy; if applicable, elements of the project that would be removed; and elements of the project that would be retained and continuation or changes to the other associated projects. If the triggers for implementation of a long-term strategy are met, within 30 days of reporting to the Executive Director, the Permittee shall apply for a permit or permit amendment to restore the beach to the pre-project condition, or agreed upon condition that reflects current conditions of the site.

All requirements above and all requirements of the approved Final Adaptive Management Plan shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved Final Adaptive Management Plan. Minor adjustments to the above requirements, as well as to the Executive Director-approved Final Adaptive Management Plan, which do not require a CDP amendment or a new CDP may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

9. Other Authorizations. PRIOR TO CONSTRUCTION, the Permittee shall provide to the Executive Director written documentation of authorizations from all entities from which such authorization is necessary for the approved project, including at a minimum San Mateo County, the California State Lands Commission, the Monterey Bay National Marine Sanctuary, and the U.S. Army Corps of Engineers, State Lands Commission, Natural Marine Fish and Wildlife Service, United States Department of Fish and Wildlife, California Department of Fish and Wildlife, or evidence that no such authorizations are required from each of these entities. The Permittee shall also obtain an encroachment permit from the San Mateo County Department of Public Works prior to any material transport on County roads. The Permittee shall inform the Executive Director of any changes to the project required by any other such authorizations. Any such changes shall not be incorporated into the project until the Permittee obtains a Commission amendment to this CDP, unless the Executive Director determines that no amendment is legally required.

10. Future Permitting. All future proposed development related to this CDP shall require a new CDP or a CDP amendment that is processed through the Coastal Commission, unless the Executive Director determines a CDP or CDP amendment is not legally required.

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11. Assumption of Risk, Waiver of Liability, and Indemnity. By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns: (a) that the project area is subject to coastal hazards, including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, tidal scour, storms, tsunamis, coastal flooding, landslides, earth movement, and the interaction of all of these, many of which will worsen with future sea level rise; (b) to assume the risks to the Permittee and the properties that are the subject of this CDP of injury and damage from such hazards in connection with this permitted development; (c) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (d) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the CDP against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (e) that any adverse effects to property caused by the permitted project shall be fully the responsibility of the Permittee.