

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

45 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260

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Date

May 24, 1996

Permit Application No.

1-95-64

ADMINISTRATIVE PERMIT

APPLICANT:

COLLEGE OF MARIN

W 15a

PROJECT DESCRIPTION:

Renovate an existing 682-square-foot wharf without enlargement by (1) removing the deteriorating deck, structural members, and one rotted pile; (2) cleaning, repairing, and wrapping existing piles with polyethylene wrap; (3) installing new structural beams, decking, fencing, handrail, benches, gangway, and floating dock, and (4) installing a submersible transfer pump.

PROJECT LOCATION:

450 feet south of Brighton Avenue on Wharf Road, Bolinas, Marin County, APN 192-082-20.

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

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

Date: **Wednesday, June 12, 1996** Tel. No. (415) 499-3220
 Time: Meeting begins at 10:00 a.m., Item **15a**
 Place: Board of Supervisors Chambers
 Administration Building, Room 322
 Marin County Civic Center, San Rafael

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

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

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

PETER DOUGLAS
 Executive Director

By: Robert Merrill
 Title: Coastal Planner

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 this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an administrative permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, is in conformity with the provisions of the Humboldt County and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:1. Project/Site Description

The applicant proposes to renovate an existing 682-square-foot wharf located on Bolinas Lagoon, in Marin County, used by the College of Marin Marine Laboratory. The wharf is used for mooring boats and to provide access to College owned vessels. The application also includes installing a submersible pump underneath the wharf to supply sea water to the biology lab for research projects.

The specific work proposed involves renovating the wharf without enlargement by (1) removing the deteriorating deck, structural members, and one rotted pile; (2) cleaning, repairing, and wrapping existing piles with polyethylene wrap; (3) installing new structural beams, decking, fencing, handrail, benches, gangway, and floating dock, and (4) installing a submersible transfer pump.

2. Fill in Coastal Waters and Protection of Marine Resources.

The Coastal Act defines fill as including "earth or any other substance or material ... placed in a submerged area." The project involves placing a very minor amount of fill materials in coastal waters, as most of the existing piles will be wrapped in a protective casing, and the proposed pump will extend down into the water beneath the wharf deck. No expansion fo the wharf deck and no new piles are proposed. The total area of fill proposed in coastal waters is less than 10 square feet.

Section 30233 of the Coastal Act address the placement of fill within coastal waters. Section 30233(a) provides as follows, in applicable part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

...

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities, and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities...

...

(8) Nature study, aquaculture, or similar resource dependent activities.

...

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary....

The above policies set forth a number of different limitations on what fill projects may be allowed in coastal waters and environmentally sensitive habitat areas. For analysis purposes, the limitations can be grouped into three general categories or tests. These tests are:

- a. that the purpose of the project is limited to one of eight uses;
- b. that the project has no feasible less environmentally damaging alternative; and
- c. that adequate mitigation measures to minimize the adverse impacts of the proposed project on habitat values have been provided.

The Executive Director finds that the proposed project meets the criteria of Section 30233 of the Coastal Act. The two purpose of the project are allowable purposes for fill pursuant to Section 30233(a)(4). The proposed fill for wrapping the piles can be considered fill provide "new or expanded boating facilities," as the College uses the wharf for boating access to Bolinas Lagoon. The proposed pump is fill for nature study, aquaculture, or similar resource dependent activities, as the pump is used to pump seawater to the College's adjoining marine biology lab for use in biological research projects involving the study of the marine environment.

No feasible alternatives to the proposed project resulting in less environmental damage have been identified. The no project alternative would eventually result in the collapse of the wharf, and the elimination of its usefulness in provide boating access and providing a support for the pump. Thus, the no project alternative is not acceptable as it would not achieve the project objectives. Building an entirely new wharf at the same site or another location would result in far more fill than just the pile wrapping material, as an entire new piling would need to be located in the lagoon. Finally, no other alternative for repairing the existing structure has been identified that would involve less fill. An earlier alternative involving the addition of two piles was eliminated as it would involve more fill than the current proposal.

No significant impacts of the project as proposed have been identified, assuming construction materials and debris are removed from the site and properly disposed of. To ensure that this occurs, the Executive Director attaches Special Condition No. 1, which requires all excess construction materials and debris to be removed. As this measure is clearly feasible and will eliminate the only potential impact of the project, adequate mitigation has been provided to minimize the adverse impacts of the proposed project as required by the third test of Section 30233.

Therefore, the Commission finds that the proposed amendment is consistent with Sections 30233 of the Coastal Act.

3. California Environmental Quality Act (CEQA).

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. As discussed above, the project does not have a significant adverse effect on the environment within the meaning of CEQA.

SPECIAL CONDITIONS: NONE

1. Disposal of Excess Materials.

All surplus construction material and debris shall be removed from the site upon completion of the project. Placement of any surplus material or debris in the coastal zone at a location other than in a licensed landfill will require a coastal development permit.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

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

Applicant's Signature

Date of Signing