

CALIFORNIA COASTAL COMMISSION

North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105
(415) 904-5260



F6a

Filed: 2/29/2008
49th Day: 4/18/2008
180th Day: 8/27/2008
Staff: Madeline Cavalieri - SF
Staff Report: 5/23/2008
Hearing Date: June 13, 2008
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 2-07-027

APPLICANT: City of Pacifica

PROJECT LOCATION: Seaward terminus of Clarendon Road, City of Pacifica (San Mateo County)

PROJECT DESCRIPTION: After-the-fact authorization for repairs to the Clarendon outfall, including replacement of approximately 60 feet of an existing outfall with a new steel 24-inch pipe and replacement of existing pier piles.

1.0 EXECUTIVE SUMMARY

This permit application is for after-the-fact approval of repairs to the Clarendon storm water outfall, including replacement of approximately 60 feet of the existing 300-foot outfall with new steel 24-inch pipe and replacement of existing pier piles.

The Clarendon outfall carries storm water from Highway 1, the West Sharp Park neighborhood and portions of the Sanchez Creek Watershed to the ocean. The outfall is located on the sandy beach west of the intersection of Clarendon Road and Beach Boulevard, at the southern end of the public promenade that lines Beach Boulevard. The outfall consists of a 24" diameter steel pipe that is supported by piles. The outfall and piles are above ground for approximately 50% of the width of the beach, and extend into the surf zone. The outfall provides flood protection for the Sharp Park neighborhood, by releasing the storm water that travels through the gravity-fed

drainage system into the ocean. During the FEMA 1628 disaster period of December 17, 2005 to January 3, 2006, large waves broke off two sections of the outfall pipe and the pipe tide gate, and damaged three pile caps. This caused the pipe to become blocked with sand and resulted in flooding in the neighborhood.

Under emergency permit 2-07-007-G, the sand covering the pipe was excavated to repair the break in the pipeline, and approximately 60 feet of new steel pipe was installed to replace approximately 80 feet of failed plastic pipe. Also, ten concrete piles were replaced with three steel piles. During this first emergency repair, the contractor was unable to remove the existing broken concrete piles because the excavators on site were not powerful enough. This left the concrete piles and reinforcing bars exposed on the sandy beach, posing a hazard. Therefore, the Commission granted the City a second emergency permit, 2-07-029-G, which authorized the city to cut and cap six piles eight feet below the sand as well as remove the remaining six piles and all of the exposed reinforcing bars.

The Emergency Permits were conditioned to avoid impacts to marine resources, water quality, and public access. The city complied with these conditions, but they did not obtain follow-up coastal development permits within the timeframe required by the emergency permits, and the emergency permits expired. Therefore, development has taken place without benefit of a coastal development permit. The city is now seeking after-the-fact authorization for the repairs.

Although the outfall provides some flood protection for the Sharp Park neighborhood, the low elevation still causes the southern portion of the neighborhood to experience regular flooding. Further, when the city repaired the outfall, they made the pipe 20 feet shorter. According to the City's engineer, this may increase the frequency of flooding due to sand burying the tide valve.

A longer-term comprehensive solution to the flooding is being considered that would avoid the public access and visual issues of maintaining an outfall on the beach. The City of San Francisco owns the Sharp Park golf course, and is currently considering constructing an enlarged wetland area on the property that would treat storm water and potentially obviate the need for this outfall on the beach.

Staff recommends approval of this repair project because it will maintain the existing flood protection system for the neighborhood. Due to the potential for increased flooding because of the shortened outfall and the consideration of a broader storm water treatment project that may make the outfall on the beach unnecessary, the permit is conditioned with a five-year term of authorization. This limited authorization will ensure that removal of the beach outfall is considered after a long-term storm water solution is found, and will ensure that if the frequency of flooding does increase, appropriate measures will be taken to reduce the hazard.

2.0 STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution to approve Coastal Development Permit No. 2-07-027 subject to the conditions in Sections 2.1 and 2.2 below.

Motion:

I move that the Commission approve the coastal development permit no. 2-07-027 subject to conditions pursuant to the staff recommendations.

Staff Recommendation of Approval:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve the Permit:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or (2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

2.1 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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
3. 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.
4. 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.

2.2 Special Conditions

1. Length of Repair Authorization

This repair authorization is valid from June 13, 2008 through June 13, 2013. Any application to amend any term or provision of this CDP shall include an alternatives analysis. The alternatives analysis shall include all feasible measures to provide dependable flood protection for the Sharp Park neighborhood. Alternatives shall include, but not be limited to removal of the outfall and installation of an alternative gravity route that would direct the storm water into nearby wetlands, instead of directly into the ocean.

2. Repair and Maintenance.

- A. The permittees shall maintain the existing outfall for the life of the structure.
- B. This coastal development permit authorizes repair and maintenance activities for a period of 5 years from the date of this approval as per Special Condition No. 1, only if carried out in accordance with all of the following conditions:
 1. Maintenance and repairs shall be limited to uncovering the tide valve if it is buried by sand
 2. Construction activities and equipment shall avoid Pacific Ocean waters and minimize beach disturbance to the maximum extent feasible by project design and implementation including, but not limited to, limiting construction to during the lowest possible tides. No construction equipment, materials, or debris may be placed where they may be subject to ocean waters or dispersion.
 3. All construction equipment shall be staged inland at the intersection of Clarendon Avenue and Beach Boulevard. Only that amount of construction equipment and materials required for the repair activities shall be stored at the inland staging location.
 4. No construction equipment or materials may be stored on the beach.
 5. Only rubber-tired construction vehicles shall be permitted on the beach. Track vehicles may be used with approval from the Executive Director, only if they are required to safely carry out construction. All such vehicles shall be driven at the most inland beach location as possible and avoid contact with ocean waters and intertidal areas.
 6. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach and/or the adjacent marine environment are prohibited. The construction site and staging area shall maintain good construction housekeeping (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain; 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 beach). The Permittee shall clean up, collect, contain, and properly dispose of all construction leaks, drips, by-products, and any similar contaminants through the use of containment structures or equivalent, as necessary. This shall include the use of collection devices and absorbent materials placed below any above-ground work where such contaminants are possible and/or expected. A floating containment boom shall be placed around all active portions of a construction site where any floatable debris could enter the water. Equipment washing, refueling, and/or servicing on the beach is prohibited. Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or clean up of foreign materials not properly contained.

7. All beach areas and beach access points impacted by repair and maintenance activities shall be restored 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.

C. Repair and maintenance activities identified in Subsection B shall be completed as soon as possible but no later than 30 days after the discovery of the need for the repair and maintenance activity.

D. Repair and maintenance activities other than those identified in Subsection B shall require an amendment to this permit or a new coastal development permit.

3. State Lands Commission Approval.

PRIOR TO COMMENCEMENT OF ANY REPAIR AND MAINTENANCE ACTIVITIES AUTHORIZED BY SPECIAL CONDITION 2, the applicants shall submit, for the review and approval of the Executive Director, either (1) approval of the outfall repair by the California State Lands Commission, or (2) a written determination by the California State Lands Commission that no such approval is required for the project.

4. Permit Expiration and Condition Compliance

Because the proposed development has already commenced, this coastal development permit shall be deemed issued upon the Commission's approval and will not expire. Failure to comply with the special conditions of this permit may result in the institution of an action to enforce those conditions under the provisions of Chapter 9 of the Coastal Act.

3.0 Findings and Declarations

The Commission hereby finds and declares:

3.1 Project Description

The Clarendon outfall carries storm water from Highway 1, the West Sharp Park neighborhood and portions of the Sanchez Creek Watershed to the ocean. The outfall is located on the sandy beach west of the intersection of Clarendon Road and Beach Boulevard, at the southern end of the public promenade that lines Beach Boulevard. The outfall consists of a 24" diameter steel pipe that is supported by piles. The outfall and piles are above ground for approximately 50% of the width of the beach, and extend into the surf zone. The outfall provides flood protection for the Sharp Park neighborhood, by releasing the storm water that travels through the gravity-fed drainage system into the ocean. During the FEMA 1628 disaster period of December 17, 2005 to January 3, 2006, large waves broke off two sections of the outfall pipe and the pipe tide gate, and damaged three pile caps. This caused the pipe to become blocked with sand and resulted in flooding in the neighborhood.

Under emergency permit 2-07-007-G, the sand covering the pipe was excavated to repair the break in the pipeline, and approximately 60 feet of new steel pipe was installed to replace approximately 80 feet of failed plastic pipe. Also, ten concrete piles were replaced with three steel piles. During this first emergency repair, the contractor was unable to remove the existing broken concrete piles because the excavators on site were not powerful enough. This left the concrete piles and reinforcing bars exposed on the sandy beach, posing a hazard. Therefore, the Commission granted the City a second emergency permit, 2-07-029-G, which authorized the city to cut and cap six piles eight feet below the sand as well as remove the remaining six piles and all of the exposed reinforcing bars.

Although the outfall provides some flood protection for the Sharp Park neighborhood, the low elevation still causes the southern portion of the neighborhood to experience regular flooding. Further, when the city repaired the outfall, they made the pipe 20 feet shorter. According to the City's engineer, this may increase the frequency of flooding due to sand burying the tide valve.

A longer-term comprehensive solution to the flooding is being considered that would avoid the public access and visual issues of maintaining an outfall on the beach. The City of San Francisco owns the Sharp Park golf course, and is currently considering constructing an enlarged wetland area on the property that would treat storm water and obviate the need for this outfall on the beach.

3.2 Permit Authority, Extraordinary Methods of Repair and Maintenance, Shoreline Protection Structures

Coastal Act Section 30610(d) generally exempts from Coastal Act permitting requirements the repair or maintenance of structures that does not result in an addition to, or enlargement or expansion of the structure being repaired or maintained. However, the Commission retains authority to review certain extraordinary methods of repair and maintenance of existing

structures which involve a risk of substantial adverse environmental impact as enumerated in Section 13252 of the Commission regulations.

Section 30610 of the Coastal Act provides, in relevant part:

Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas: . . .

(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter. [Emphasis added.]

Section 13252 of the Commission regulations provides, in relevant part:

(a) For purposes of Public Resources Code section 30610(d), the following extraordinary methods of repair and maintenance shall require a coastal development permit because they involve a risk of substantial adverse environmental impact:

(1) Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:

(A) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;

. . .

. . .

(D) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams.

. . .

(b) Unless destroyed by natural disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not repair and maintenance under section 30610(d) but instead constitutes a replacement structure requiring a coastal development permit.

[Emphasis added.]

The proposed project did not involve replacement of 50% or more of the outfall and thus, is considered a repair and maintenance project under Section 13252(b) of the Commission's regulations. Section 13252 of the Commission's regulations requires a coastal development permit for extraordinary methods of repair and maintenance enumerated in the regulation. The development involved repair to an existing outfall that included replacement of pilings and use of mechanized equipment and materials on a sandy beach. The proposed repair and maintenance therefore requires a coastal development permit under Section 13252(a)(1) of the Commission's regulations.

In considering a permit application for a repair or maintenance project pursuant to the above-cited authority, the Commission reviews whether the *method* of repair or maintenance is consistent with the Chapter 3 policies of the Coastal Act. The Commission's evaluation of such repair and maintenance projects does not extend to an evaluation of the conformity with the Coastal Act of the underlying existing development.

3.3 Marine Resources and Water Quality Protection

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

The repairs to the Clarendon outfall included excavating sand around the project area, welding pilings to the pipe on the beach, and using large construction equipment on the beach. Because these activities took place on the beach, there was potential for discharge of debris or materials into the ocean. Allowing such debris or materials to enter the ocean could have adversely affected water quality and marine organisms, inconsistent with Coastal Act Sections 30230 through 30232. Therefore, the emergency permits required construction best management practices (BMPs) to avoid impacts from construction equipment and water quality BMPs to

contain the discharge of materials and runoff. These conditions can be found in the emergency permits, attached as **Exhibits 4 through 6**.

The summary of the work completed and construction notes, which the City submitted with the permit application for CDP 2-07-027, confirms that the City complied with the conditions of the emergency permits.

Future repairs, authorized by Condition 2, may involve excavating sand and using large construction equipment on the beach. These activities have the potential to adversely impact marine resources and water quality. Therefore, the repairs are conditioned with construction and water quality BMPs to minimize marine and water quality impacts. These BMPs are contained in **Special Condition 2.B**. Special Condition 2.B. limits the extent of staging areas, limits the type of equipment allowed on the beach, and requires containment measures to ensure no debris or hazardous materials are discharged into the environment.

The Commission finds that the project, as conditioned, protects the biological productivity and the quality of coastal waters in conformity with Sections 30230, 30231 and 30232 of the Coastal Act.

3.4 Public Access

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

The repair project required construction staging in public areas and the use of large construction equipment on the public beach. Therefore the emergency permits were conditioned to avoid public access impacts. The conditions required construction equipment to be staged only at the intersection of Clarendon Avenue and Beach Boulevard. No construction equipment was allowed to be stored on the beach, and all beach areas and beach access points impacted by construction activities were required to be restored to their pre-construction condition within three days of the completion of the construction.

The summary of the work completed and construction notes, which the City submitted with the permit application for CDP 2-07-027 confirms that the City complied with the conditions of the emergency permits.

Future repairs, authorized by Special Condition 2, may involve construction staging in public areas and using large construction equipment on the beach. These activities have the potential to adversely impact public access. Therefore, the repairs are conditioned to minimize impacts to public access through **Special Condition 2.B.** Special Condition 2.B. limits the extent of staging areas, prohibits construction equipment and materials from being stored on the beach, and requires all beach areas and beach access points that are impacted by repair and maintenance activities to be restored to their pre-construction condition, or better, within three days of completion of construction.

As conditioned, the Commission finds that the project is consistent with Sections 30210 and 30211 of the Coastal Act.

3.5 Unpermitted Development

The applicant received emergency permits to complete the repairs, but did not obtain follow-up coastal development permits within the timeframe required by the emergency permits, and the emergency permits expired. Therefore, development has taken place without benefit of a coastal development permit. Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to the alleged violation, nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

3.6 Other Agency Approvals

California State Lands Commission

The portion of the outfall that is seaward of the Mean High Tide Line is located on state tidelands, but the City does not have an existing lease for the development. Therefore, **Special Condition 3** requires the applicant to provide the Executive Director with written verification of SLC approval of the outfall, prior to commencement of any repair and maintenance activities authorized by Special Condition 2.

3.7 California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing that the application, as conditioned by any conditions of approval, to be consistent with any applicable

requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. The proposed project has been conditioned to mitigate or eliminate any significant impacts to public access, marine resources and water quality. As discussed above, as conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impacts which the development may have on the environment. Therefore, the Commission finds that the proposed project has been conditioned to mitigate the identified impacts and can be found consistent with Coastal Act requirements to conform to CEQA.

EXHIBITS:

1. Regional map
2. Project location map
3. Repair plan
4. Emergency Permit 2-07-007-G
5. Amendment to Emergency Permit 2-07-007-G
6. Emergency Permit 2-07-029-G



EXHIBIT 1
Regional Map
City of Pacifica
2-07-027

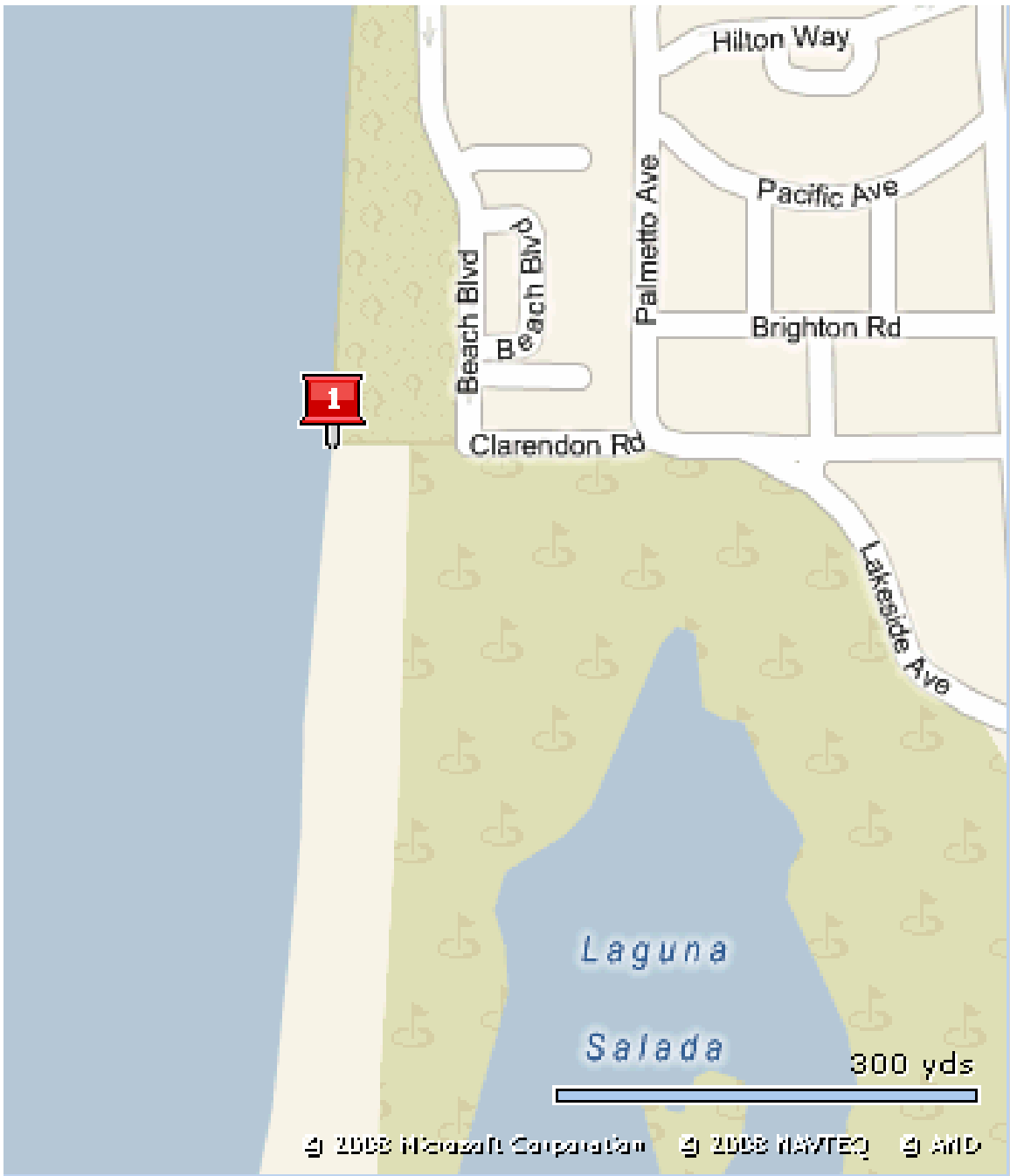
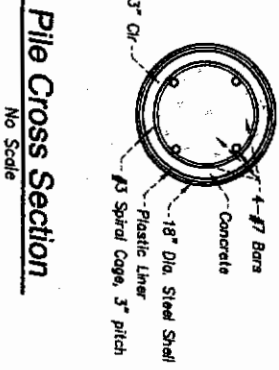
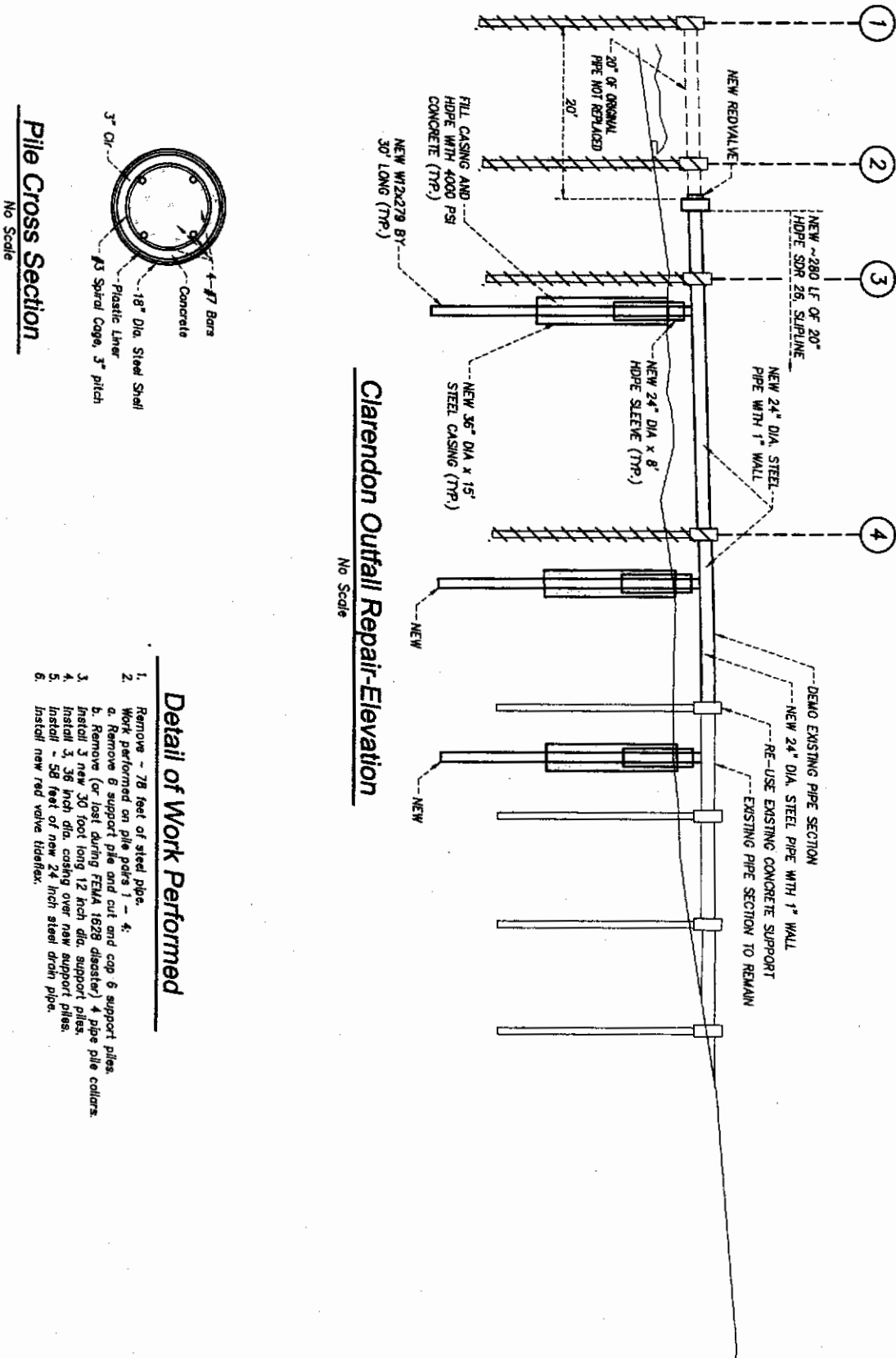


EXHIBIT 2
Project Location Map
City of Pacifica
2-07-027



Pile Cross Section
No Scale

Clarendon Outfall Repair-Elevation
No Scale

Detail of Work Performed

1. Remove - 78 feet of steel pipe.
2. Work performed on pile piers 1 - 4:
 - a. Remove 6 support pile and cut and cap 6 support piles
 - b. Remove (or test during FEMA 1628 disaster) 4 pipe pile collars
3. Install 3 new 30 foot long 12 inch dia. support piles.
4. Install 3, 36 inch dia. casing over new support piles.
5. Install - 58 feet of new 24 inch steel drain pipe.
6. Install new red valve tideflex.

Exhibit 3
Repair plan
2-07-027
City of Pacifica

DATE	11/14/07
NO.	2
REV.	
BY	SS2

PROJECT: **2006 FEMA REPAIRS**
Clarendon Outfall Repair

CLIENT: City of Pacifica
170 Santa Maria Ave.
Pacifica, CA 94044

GeoSoil, Inc.
Geotechnical • Geologic • Coastal • Environmental

5741 Palmer Way, Carlsbad, CA 92010
760-438-3155

DRAFTING BY:
SCHMAHL
DRAFTING

DAVE SCHMAHL
(760)414-3878

Professional Engineer
No. C 47857
Exp. 12/31/07
City of California

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5260
FAX (415) 904-5400



EMERGENCY PERMIT

Elizabeth Claycomb
City of Pacifica
170 Santa Maria Avenue
Pacifica, CA 94044

Date: February 23, 2007

Emergency Permit: 2-07-007-G

LOCATION OF EMERGENCY WORK:

Clarendon Outfall (Outfall) located on the beach at the south end of Beach Boulevard and the Storm drains along Clarendon Avenue and Palmetto Avenue, Pacifica, (San Mateo County)

WORK PROPOSED:

Apply metal collar bracket and cement patch to Outfall pipe between its second and third cement collars. Insert two sections of polyethene pipe into the Outfall using an excavator. A fuser/welder will fuse the two sections of polyethene pipe together at the Outfall once the first section of pipe is inserted in the existing Outfall structure. Pump sand, excess water, debris, and other materials out of storm drains at inland access locations using a vactor truck. Add sandbags to properties prone to flooding.


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 flooding of private workspaces/residence along Palmetto Avenue and Clarendon Avenue requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. 14 Cal. Admin. Code Section 13009. The Executive Director of the Coastal Commission hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms
- (b) Public comment on the proposed emergency action has been reviewed if time allows;
- (c) As conditioned, the work proposed would be consistent with the requirements of the California Coastal Act of 1976.

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

Sincerely,

PETER M. DOUGLAS
Executive Director


By: MICHELLE JESPERSON
Coastal Program Analyst

cc: Local Planning Department

Enclosures: 1) Acceptance Form; 2) Regular Permit Application Form

Exhibit 4
1st Emergency Permit
2-07-027
City of Pacifica

Emergency Permit Number: 2-07-007-G

Date: February 23, 2007

Page 2 of 3

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER 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. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed within 30 days of the date of this permit (i.e., by March 24, 2007).
4. Within 60 days of the date of this permit (i.e., by April 23, 2007), the permittee shall apply for a regular Coastal Permit to have the emergency work be considered permanent. The Permittee may also submit a revised project description to the existing permit application (2-06-014) that includes this repair to the Clarendon Outfall to have the emergency work considered permanent. If no such application is received, the emergency work shall be removed in its entirety within 150 days of the date of this permit (i.e., by July 22, 2007), unless this requirement is waived in writing by the Executive Director.
5. 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.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., Dept of Fish and Game, U.S. Fish and Wildlife, U.S. Army Corps, State Lands Commission).
7. All work shall take place during daylight hours and lighting of the beach area is prohibited.
8. Construction activities and equipment shall avoid Pacific Ocean waters and minimize beach disturbance to the maximum extent feasible by project design and implementation including, but not limited to, limiting construction to the lowest possible tides. No construction equipment, materials, or debris shall be placed where they may be subject to ocean waters or dispersion.
9. Construction equipment including an excavator, fuser/welder, vector truck, pumps, and City of Pacifica Public Works vehicles shall be staged at the intersection of Clarendon Avenue and Beach Boulevard. A back-up excavator shall be available at the staging area in the event that any of the equipment used for the repairs is stuck on the beach; any such equipment that becomes stuck shall be retrieved as soon as feasibly possible.
10. No construction equipment or materials shall be stored on the beach. All construction equipment and materials used for the emergency repair shall be stored at the inland staging location (i.e., at Clarendon Avenue and Beach Boulevard). Only that amount of construction equipment and materials required for the emergency repair activities shall be stored at the inland staging location.

**Exhibit 4
1st Emergency Permit
2-07-027
City of Pacifica**

Emergency Permit Number: 2-07-007-G

Date: February 23, 2007

Page 3 of 3

11. Only rubber-tired construction vehicles are allowed on the beach, except track vehicles may be used if the Executive Director agrees that they are required to safely carry out construction. When transiting on the beach, all such vehicles shall remain as high on the upper beach as possible and avoid contact with ocean waters and intertidal areas.
12. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach and/or the adjacent marine environment are prohibited. The Permittee shall collect, contain, and properly dispose of all construction leaks, drips, by-products, and any similar contaminants through the use of containment structures or equivalent as necessary (including through the use of collection devices and absorbent materials placed below any above-ground work where such contaminants are possible and/or expected). Equipment washing, refueling, and/or servicing shall not take place on the beach.
13. All beach 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 beach sand impacted shall be filtered as necessary to remove all construction debris from the beach.
14. Adequate vacator truck capacity capable of pumping all drain materials (including but not limited to sand, storm water, debris, etc.) shall be maintained during all emergency work, and all such materials shall be pumped and disposed of by vacator truck or equivalent. No such materials shall be otherwise discharged at the construction site. At least one vacator truck shall be present at all times during construction.
15. Construction Site Documents. A copy of the signed emergency coastal development permit shall be maintained in a conspicuous location at the staging area site at all times, and such copy shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the emergency coastal development permit, including all of its terms and conditions, prior to commencement of construction.
16. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.

As noted in Condition #4, the emergency work carried out under this permit is considered to be TEMPORARY work done in an emergency situation. If the property owner wishes to have the emergency work become a permanent development, a Coastal Permit must be obtained. 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 public access (such as an offer to dedicate and easement) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.

If you have any questions about the provisions of this emergency permit, please call the Commission's North Central Coast District Office at the address and telephone number listed on the first page.

Exhibit 4
Emergency Permit
2-07-027
City of Pacifica

CALIFORNIA COASTAL COMMISSION

North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
(415) 904-5280

**AMENDMENT TO EMERGENCY PERMIT**

Date: **March 2, 2007**

Permit Application No.: **2-07-007-G-A1**

Issued to:

City Of Pacifica, Attn: Elizabeth Claycomb

for:

Apply metal collar bracket and cement patch to Outfall pipe between its second and third cement collars. Insert two sections of polyethene pipe into the Outfall using an excavator. A fuser/welder will fuse the two sections of polyethene pipe together at the Outfall once the first section of pipe is inserted in the existing Outfall structure. Pump sand, excess water, debris, and other materials out of storm drains at inland access locations using a vactor truck. Add sandbags to properties prone to flooding.

at:

Clarendon Outfall (Outfall) located on the beach at the south end of Beach Boulevard and the storm drains along Clarendon Avenue and Palmetto Avenue, Pacifica (San Mateo County)

has been amended to include the following changes:

Excavate existing Outfall structure buried beneath sand; clear sand and debris from existing Outfall structure using an excavator. Remove failed sections of damaged Outfall pipe (approximately 40 ft). Remove twelve (12) failed piling structures using an excavator. Reinstall four (4) steel I-beams incased in a polyethene sleeves 20 feet into the sand and greenstone layer using a track-mounted drill rig. Install steel Outfall pipe through pile casings and secure pipe to pilings using a fuser/welder. Insert polyethene pipe (slip liner) through steel Outfall pipe. Install rubber pinch valve at seaward end of Outfall pipe using an excavator and bolt.

This amendment will become effective upon return of a signed copy of this form to the North Central Coast District Office. Please note that the original permit conditions are still in effect and new conditions have been added (pages 3 and 4).

Sincerely,
PETER M. DOUGLAS
Executive Director

By: *Michelle Jesperson*
Michelle Jesperson
Coastal Program Analyst

Exhibit 5
Amended Emergency Permit
2-07-027
City of Pacifica

AMENDMENT TO EMERGENCY PERMIT

Date: March 2, 2007

Permit Application No.: 2-07-007-G-A1

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ACKNOWLEDGMENT

I have read and understand the above amendment and agree to be bound by its Conditions and the remaining conditions of Permit No: **2-07-007-G-A1**

Date: _____

Signature: _____

AMENDMENT TO EMERGENCY PERMIT

Date: March 2, 2007

Permit Application No.: 2-07-007-G-A1

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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 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.

Additional Special Conditions of Approval:

(NEW) 16. **Containment Requirements.** Particular care shall be exercised to prevent foreign materials (e.g., construction scraps, outfall discharge, other chemicals, etc.) from entering Pacific Ocean waters. A floating containment boom shall be placed around all active portions of a construction site where any floatable debris could enter the water. Also, for any work on or beneath pilings located within tidal reach, heavy-duty mesh containment netting shall be maintained below all work areas where construction discards or other material could fall into the water. The floating boom and net shall be cleared daily or as often as necessary to prevent accumulation of debris. Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or clean up of foreign materials not properly contained.

17. The construction site and staging area shall maintain good construction housekeeping (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain); 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 beach).

18. Within 30 days of completion of the construction authorized by this emergency permit, the permittee shall submit site plans and cross sections prepared by a certified

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civil engineer or engineering geologist clearly identifying the work completed under the emergency authorization (comparing the emergency condition to the post-work condition), and a narrative description of all emergency construction activities undertaken pursuant to this emergency authorization.

19. Within 30 days (i.e. April 1, 2007) of issuance of this amended emergency permit, the permittee shall submit all outstanding information needed to complete and file Coastal Development Permit No. 02-06-014. This condition supercedes the 60-day requirement as indicated on the original emergency permit and acceptance form issued February 23, 2007.

20. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260 FAX (415) 904-5400
www.coastal.ca.gov

**EMERGENCY PERMIT**

Elizabeth Claycomb
City Of Pacifica
170 Santa Maria Avenue
Pacifica, CA 94044

Date: June 29, 2007
Emergency Permit No. 2-07-029-G

LOCATION OF EMERGENCY WORK:

Clarendon Outfall (Outfall) located on the beach at the south end of Beach Boulevard and the storm drains along Clarendon Avenue and Palmetto Avenue, Pacifica (San Mateo County)

WORK PROPOSED:

Excavate sand around twelve (12) failed pilings beneath existing Outfall structure using an excavator. Remove the 12 failed piling structures using a heavy duty excavator. Apply metal clamps to secure sections of the Outfall structure to pilings installed under Emergency Permit 2-07-007-G. Weld one clamp bolt to Outfall structure and secure two additional clamps to the Outfall using bolts. Place six (6) signs next to and/or attached to the Outfall structure to notify the public to stay off and away from the structure.

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 and our site inspection that an unexpected occurrence in the form of exposed rebar and cement pilings posing a threat to public safety requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. 14 Cal. Admin. Code Section 13009. The Executive Director of the Coastal Commission hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms of this permit;
- (b) Public comment on the proposed emergency action has been reviewed if time allows;
- (c) As conditioned, the work proposed would be consistent with the requirements of the California Coastal Act of 1976.

The work is hereby approved, subject to the conditions listed on the attached page. -

Sincerely,

PETER M. DOUGLAS
Executive Director

By: MICHELLE JESPERSEN
Coastal Program Analyst

cc: Local Planning Department

Enclosures: 1) Acceptance Form; 2) Regular Permit Application Form

Exhibit 6
2nd Emergency Permit
2-07-027
City of Pacifica

Emergency Permit Number: 2-07-029-G

Date: June 29 2007

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CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER 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. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed within 30 days of the date of this permit (i.e., by July 29, 2007).
4. Within 60 days of the date of this permit (i.e., by August 28, 2007), the permittee shall apply for a regular Coastal Permit to have the emergency work be considered permanent. The Permittee may also submit a revised project description to the existing permit application (2-07-028) for the Clarendon Outfall repair to have the emergency work considered permanent. If no such application is received, the emergency work shall be removed in its entirety within 150 days of the date of this permit (i.e., by November 26, 2007), unless this requirement is waived in writing by the Executive Director.
5. 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.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., Dept of Fish and Game, U.S. Fish and Wildlife, U.S. Army Corps, State Lands Commission).
7. All work shall take place during daylight hours and lighting of the beach area is prohibited.
8. Construction activities and equipment shall avoid Pacific Ocean waters and minimize beach disturbance to the maximum extent feasible by project design and implementation including, but not limited to, limiting construction to the lowest possible tides. No construction equipment, materials, or debris shall be placed where they may be subject to ocean waters or dispersion.
9. Construction equipment including an excavator, bucket, and fuser/welder, and City of Pacifica Public Works vehicles shall be staged at the intersection of Clarendon Avenue and Beach Boulevard. A back-up excavator shall be available at the staging area in the event that any of the equipment used for the repairs is stuck on the beach; any such equipment that becomes stuck shall be retrieved as soon as feasibly possible.
10. No construction equipment or materials shall be stored on the beach. All construction equipment and materials used for the emergency repair shall be stored at the inland staging location (i.e., at Clarendon Avenue and Beach Boulevard). Only that amount of construction equipment and materials required for the emergency repair activities shall be stored at the inland staging location.

Emergency Permit Number: 2-07-029-G

Date: June 29, 2007

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11. Only rubber-tired construction vehicles are allowed on the beach, except track vehicles may be used if the Executive Director agrees that they are required to safely carry out construction. When transiting on the beach, all such vehicles shall remain as high on the upper beach as possible and avoid contact with ocean waters and intertidal areas.
12. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach and/or the adjacent marine environment are prohibited. The Permittee shall collect, contain, and properly dispose of all construction leaks, drips, by-products, and any similar contaminants through the use of containment structures or equivalent as necessary (including through the use of collection devices and absorbent materials placed below any above-ground work where such contaminants are possible and/or expected). Equipment washing, refueling, and/or servicing shall not take place on the beach.
13. All beach 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 beach sand impacted shall be filtered as necessary to remove all construction debris from the beach.
14. Construction Site Documents. A copy of the signed emergency coastal development permit shall be maintained in a conspicuous location at the staging area site at all times, and such copy shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the emergency coastal development permit, including all of its terms and conditions, prior to commencement of construction.
15. Containment Requirements. Particular care shall be exercised to prevent foreign materials (e.g., construction scraps, outfall discharge, other chemicals, etc.) from entering Pacific Ocean waters. A floating containment boom shall be placed around all active portions of a construction site where any floatable debris could enter the water. Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or clean up of foreign materials not properly contained.
16. The construction site and staging area shall maintain good construction housekeeping (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain); 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 beach).
17. Within 30 days of completion of the construction authorized by this emergency permit, the permittee shall submit site plans and cross sections prepared by a certified civil engineer or engineering geologist clearly identifying the work completed under the emergency authorization and a narrative description of all emergency construction activities undertaken pursuant to this emergency authorization.

**Exhibit 6
2nd Emergency Permit
2-07-027
City of Pacifica**

Emergency Permit Number: 2-07-029-G

Date: June 29, 2007

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18. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.

As noted in Condition #4, the emergency work carried out under this permit is considered to be TEMPORARY work done in an emergency situation. If the property owner wishes to have the emergency work become a permanent development, a Coastal Permit must be obtained. 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 public access (such as an offer to dedicate and easement) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.

If you have any questions about the provisions of this emergency permit, please call the Commission's North Central Coast District Office at the address and telephone number listed on the first page.