

CALIFORNIA COASTAL COMMISSION

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

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NORTH CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT

For the

March Meeting of the California Coastal Commission

MEMORANDUM

Date: March 12, 2010

TO: Commissioners and Interested Parties
FROM: Charles Lester, North Central Coast District Deputy Director
SUBJECT: *Deputy Director's Report*

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the North Central Coast District Office for the March 12, 2010 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the North Central Coast District.

EMERGENCY PERMITS

1. 2-10-007-G Land's End Associates, Llc; Rjr Engineering, Attn: Robert Anderson (Pacifica, San Mateo County)
2. 2-10-011-G Aimco, Esplanade Avenue Apartments, Llc, Attn: Sean Finnegan (Pacifica, San Mateo County)

TOTAL OF 2 ITEMS

DETAIL OF ATTACHED MATERIALS

REPORT OF EMERGENCY PERMITS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13142 of the California Code of Regulations because the development is necessary to protect life and public property or to maintain public services.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
2-10-007-G Land's End Associates, Llc Rjr Engineering, Attn: Robert Anderson	Construction of a temporary access road and installation of a riprap revetment on the beach along the length of the property, as shown in the project plans attached as Appendix 3 to the letter from RJR Engineering to Redwood Construction, dated January 31, 2010.	100 Esplanade Way, Pacifica (San Mateo County)
2-10-011-G Aimco, Esplanade Avenue Apartments, Llc, Attn: Sean Finnegan	Installation of an approximately 3,240-square-foot, 50-foot-high soil nail wall along an approximately 40-foot-long section of the upper bluff consisting of (1) approximately 50-foot-long soil nails placed at 5-foot intervals in both the vertical and horizontal direction, (2) a facing element such as shotcrete with wire mesh reinforcement, and (3) drainage panels behind the wall facing. NOTE: This Emergency Permit No. 2-10-011-G supercedes and replaces Emergency Permit No. 2-10-006-G previously approved by the Executive Director authorizing the following temporary emergency work: Installation of a soil nail wall along an approximately 40-foot long section of the upper bluff consisting of (1) approximately 30-foot-long soil nails placed at 5-foot vertical intervals in both the vertical and horizontal direction, (2) a facing element such as shotcrete with wire mesh reinforcement, and (3) drainage panels behind the wall facing.	360 Esplanade, Pacifica (San Mateo County)

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**EMERGENCY PERMIT**

Rob Anderson
RJR Engineering
3500 Camino Avenue, Suite 200
Oxnard, CA 93030

Date: February 16, 2010
Emergency Permit No. 2-10-007-G

FPA/BAF Land's End Associates, LLC
4665 MacArthur Court, Ste. 200
Newport Beach, CA 92660

LOCATION OF EMERGENCY

100 Esplanade Avenue (Pacifica, San Mateo County) APN 009-023-070

EMERGENCY WORK

Construction of a temporary access road and installation of a riprap revetment on the beach along the length of the property, as shown in the project plans attached as Appendix 3 to the letter from RJR Engineering to Redwood Construction, dated January 31, 2010.

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information that an unexpected occurrence in the form of accelerated bluff erosion posing a threat to the apartment complex requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services pursuant to 14 Cal. Admin. Code Section 13009. The Executive Director of the California Coastal Commission hereby finds that:

- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this Emergency Permit; and
- (b) Public comment on the proposed emergency development has been reviewed if time allows.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "P. Douglas", followed by the initials "(for)" in parentheses.

PETER M. DOUGLAS

Executive Director

cc: Todd Stark, Redwood Construction
City of Pacifica

8. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to, California Department of Fish & Game, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, and the California State Lands Commission. All work conducted under this emergency permit shall comply with the conditions and requirements of all necessary authorizations and/or permits.
9. Public access to and along the shoreline in the project area shall be permitted and provided to the maximum extent feasible, consistent with public safety.

Construction Responsibilities:

10. The beach and all other areas used for construction staging and access purposes shall be kept free from any debris or trash not needed for construction. Daily debris haul shall be implemented.
11. No construction equipment or materials shall be stored on the beach.
12. If, at any time while the work authorized by this Emergency Permit is occurring, any marine mammals are located on or seaward of the subject property, work must immediately stop and the Property Owner must immediately call the Marine Mammal Center in Sausalito, CA or the National Marine Fisheries Service to report that a marine mammal is located on the beach. Work must not commence until either the animal is removed by the Marine Mammal Center or the National Marine Fisheries Service, or until the animal returns to the ocean on its own without any harassment.
13. 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.
14. 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.
15. A copy of the signed Emergency 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

approval by the Executive Director or within such additional time that the Executive Director grants for good cause.

23. **Within 30 days** of completion of the construction authorized by this Emergency Permit, the Permittee shall submit as-built 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 Permit. The Permittee shall also provide records of the actual cost of completing the authorized work and the actual amount of rock placed, such as receipts from construction firms.
24. **Within 60 days** of the date of this Emergency Permit, the Permittee shall apply for a regular coastal development permit to have the emergency work be considered permanent. Such application shall include a complete analysis of alternatives to protect the structures that are in danger, including, but not limited to, re-location of the structure(s) out of harms way, beach nourishment, and/or a vertical seawall. If no such application is received, the emergency work shall be removed in its entirety within 150 days of the date of this permit unless waived by the Director.
25. The Permittee shall be responsible for removing or re-depositing any rock or other material that becomes dislodged after completion of the temporary construction authorized by this Emergency permit as soon as possible after such displacement occurs. The Permittee shall contact the Coastal Commission North Central District Office immediately to determine whether such activities require a coastal development permit.
26. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.

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EMERGENCY PERMIT ACCEPTANCE FORM

TO: CALIFORNIA COASTAL COMMISSION
NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260 FAX (415) 904-5400

RE: **Emergency Permit No. 2-10-007-G** (Land's End Apartments)

INSTRUCTIONS: After reading the Emergency Permit, please sign this form and return to the North Central Coast District Office within 15 working days from the permit's date.

I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them.

I also understand that the emergency work is TEMPORARY and that a regular Coastal Permit is necessary for any permanent installation. I agree to apply for a regular Coastal Permit by April 17, 2010 or remove the emergency work in its entirety by July 16, 2010.

Signature of property owner or
Authorized Representative

Name

Address

Date of Signing

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EMERGENCY PERMIT

AIMCO Esplanade Apartments, LLC
Attn: Sean Finnegan
26 Executive Park, Suite 125
Irvine, CA 92614

Date: March 3, 2010
Emergency Permit No. 2-10-011-G

LOCATION OF EMERGENCY

360 Esplanade Avenue, Pacifica (San Mateo County), APN 009-413-060

EMERGENCY WORK

Installation of an approximately 3,240-square-foot, 50-foot-high soil nail wall along an approximately 40-foot-long section of the upper bluff consisting of (1) approximately 50-foot-long soil nails placed at 5-foot intervals in both the vertical and horizontal direction, (2) a facing element such as shotcrete with wire mesh reinforcement, and (3) drainage panels behind the wall facing.

NOTE: This Emergency Permit No. 2-10-011-G supercedes and replaces Emergency Permit No. 2-10-006-G previously approved by the Executive Director authorizing the following temporary emergency work:

Installation of a soil nail wall along an approximately 40-foot long section of the upper bluff consisting of (1) approximately 30-foot-long soil nails placed at 5-foot vertical intervals in both the vertical and horizontal direction, (2) a facing element such as shotcrete with wire mesh reinforcement, and (3) drainage panels behind the wall facing.

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information that an unexpected occurrence in the form of accelerated bluff erosion posing a threat to structures at 360 Esplanade Avenue requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services pursuant to 14 Cal. Admin. Code Section 13009. The Executive Director of the California Coastal Commission hereby finds that:

- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this Emergency Permit; and
- (b) Public comment on the proposed emergency development has been reviewed if time allows.

Emergency Permit No. 2-10-011-G

Date: March 3, 2010

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

Sincerely,

 (for)

PETER M. DOUGLAS

Executive Director

cc: City of Pacifica

Enclosure: Acceptance Form

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 from the date of this permit.
2. Within 15 days from the date of this Emergency Permit, the permittee shall submit the required Emergency Permit application fee of \$1,000.00 pursuant to Section (III)(E) of the Commission's fee schedule. The emergency permit application fee may be credited toward the increased application fee for the follow-up coastal development permit (i.e., CDP Application No. 2-08-020) based on an adjusted development cost of the amended project description required by Condition #20 below.
3. Only that work specifically described in this permit and for the specific property listed above is authorized. Work is further limited to the installation of a soil nail wall consistent with the letters dated February 24, 2010 and February 26, 2010 from Scott M. Leck, Principal Geotechnical Engineer of TRC Companies, Inc. and as shown on Sheets RW1, RW2, and RW3 prepared by DrillTech Drilling & Shoring, Inc. dated February 24, 2010. Any additional work requires separate authorization from the Executive Director.
4. All work shall take place in a time and manner to minimize any potential damages to any resources, including intertidal species, and to minimize impacts to public access.
5. The work authorized by this permit must be completed within 60 days of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.
6. The applicant recognizes that the emergency work is considered TEMPORARY and subject to removal unless and until a regular coastal development permit permanently authorizing the work is approved. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for public access (such as offers to dedicate, easements, in-lieu fees, etc.) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.
7. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.

8. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the California Department of Fish & Game, U.S. Fish & Wildlife, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the California State Lands Commission.
9. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the applicant shall secure authorization from all involved property owners, including but not limited to the City of Pacifica, for use of any property not owned by the applicant for construction staging, stockpiling, and construction access purposes.
10. Public access to and along the shoreline in the project area shall be permitted and provided to the maximum extent feasible, consistent with public safety.

Construction Responsibilities:

11. All areas used for construction staging and access purposes shall be kept free from any trash or debris not needed for construction purposes. Daily trash and debris haul shall be implemented.
12. No construction equipment, materials, or debris shall be placed where they may be subject to ocean waters or dispersion. No construction equipment or materials shall be stored on the beach.
13. If, at any time while the work authorized by this Emergency Permit is occurring, any marine mammals are located on or seaward of the subject property, work must immediately stop and the Property Owner must immediately call the Marine Mammal Center in Sausalito, CA or the National Marine Fisheries Service to report that a marine mammal is located on the beach. Work must not commence until either the animal is removed by the Marine Mammal Center or the National Marine Fisheries Service, or until the animal returns to the ocean on its own without any harassment.
14. 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.

15. A copy of the signed Emergency 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 Permit, including all of its terms and conditions, prior to commencement of construction.
16. Particular care shall be exercised to prevent foreign materials (e.g., construction scraps, garbage, chemicals, etc.) from entering Pacific Ocean waters. A floating containment boom shall be placed around all active portions of the 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.
17. The construction site and staging area(s) shall be maintained with good construction housekeeping measures (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; and remove all construction debris from the beach.

Post-Construction Responsibilities:

18. Within seven days of completion of the work authorized by the Emergency Permit, the property owner shall submit photographic evidence of compliance with the Emergency Permit.
19. 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 detailing the work completed under the emergency authorization and a narrative description of all emergency construction activities undertaken pursuant to this Emergency Permit.
20. Within 30 days of the date of this Emergency Permit, the permittee shall submit an amendment to the project description for the pending follow-up coastal development permit (CDP No. 2-08-020) to: (1) retain the emergency soil nail wall installed under this permit, (2) remove the emergency soil nail wall, and/or (3) propose a permanent solution to the bluff erosion condition at the subject site that incorporates, removes, and/or modifies the emergency soil nail wall installed under this permit. The proposed amended project description shall be accompanied by all necessary supporting information,

including, but not limited to, engineered plans and cross-sections, proposed mitigations, and contractor receipts indicating total project cost (including the cost of the emergency work performed under Emergency Permit No. 2-10-011-G AND cost of the project as required to be amended by Condition #20).

21. The permittee shall be responsible for coordinating with adjacent property owners and the City of Pacifica to develop a permanent solution to the bluff erosion condition at the subject site as required by Condition #20 above.
22. The permittee shall be responsible for removing any debris or material that becomes dislodged and deposited on the beach after completion of the temporary soil nail wall authorized by this Emergency Permit as soon as possible after such displacement occurs. The permittee shall contact the Coastal Commission District Office immediately to determine whether such activities require a coastal development permit.
23. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.

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RE: **Emergency Permit No. 2-10-011-G** (AIMCO Esplanade Apartments, LLC)

INSTRUCTIONS: After reading the Emergency Permit, please sign this form and return to the North Central Coast District Office within 15 working days from the permit's date (i.e., by March 18, 2010).

I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them.

I also understand that the emergency work is TEMPORARY and that a regular Coastal Permit is necessary for any permanent installation. I agree to complete Coastal Development Permit Application No. 2-08-020 in accordance with Condition Nos. 20 & 21 of Emergency Permit No. 2-10-011-G within 30 days of the date of the emergency permit (i.e., by April 2, 2010).

Signature of property owner or
Executive Director

Name

Address

Date of Signing