

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
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NORTH CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT

For the

February Meeting of the California Coastal Commission

MEMORANDUM

Date: February 9, 2012

TO: Commissioners and Interested Parties
FROM: Dan Carl, 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 February 9, 2012 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. 2-12-002-G Sonoma County Water Agency, Attn: Dave Cook (, Sonoma County)

IMMATERIAL AMENDMENTS

1. 2-09-015-A1 Sonoma County Regional Parks Department, Attn: Mark Cleveland (Porto Bodega/Bodega Bay Sport Fishing Center, Sonoma County)

EXTENSION - IMMATERIAL

1. A-2-PAC-07-022-E3 Pacifica Beach LLC (Pacifica, San Mateo County)

TOTAL OF 3 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>
2-12-002-G Sonoma County Water Agency, Attn: Dave Cook	To breach the sandbar at the mouth of the Russian River at Goat Rock State Beach, including by excavating a cut in the closed sandbar approximately 100 feet long by 25 feet wide by 6 feet deep to open a pilot channel between the Lagoon and the Ocean to reduce the water level in the Lagoon so as to avoid/minimize flooding of existing structures, including the Sonoma Coast State Park Visitor Center upstream of the Lagoon (all as more specifically described in the Commission's ECDP file).	Russian River (mouth of the Russian River at Goat Rock State Beach), Sonoma County

REPORT OF IMMATERIAL AMENDMENTS

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
2-09-015-A1 Sonoma County Regional Parks Department, Attn: Mark Cleveland	Repair of the north timber breakwater, including installation of 8 new 1' x 50' long timber pilings, and furnishing cross bracing and vertical timbers between the pilings.	Porto Bodega/Bodega Bay Sport Fishing Center (Sonoma County)

REPORT OF EXTENSION - IMMATERIAL

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
A-2-PAC-07-022-E3 Pacifica Beach LLC	To construct nine (9) unit 3-story condominium building with 10,575 square-foot subterranean parking garage.	1567 Beach Boulevard, Pacifica (San Mateo County)



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EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP 2-12-002-G (Russian River Lagoon Sandbar Breaching)

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This emergency coastal development permit (ECDP) authorizes the Sonoma County Water Agency (SCWA) to breach the sandbar at the mouth of the Russian River at Goat Rock State Beach, including by excavating a cut in the closed sandbar approximately 100 feet long by 25 feet wide by 6 feet deep to open a pilot channel between the Lagoon and the Ocean to reduce the water level in the Lagoon so as to avoid/minimize flooding of existing structures, including the Sonoma Coast State Park Visitor Center upstream of the Lagoon (all as more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee (SCWA), the Russian River Lagoon formed as a result of a sandbar building and closing the mouth of the river on Thursday, January 5th, and which is currently just below flood elevation (~9 feet). As a result, and without heavy rain flows to breach the sandbar naturally, there is a risk that without artificial breaching flooding of approximately 9 structures including the Visitor Center located upstream and along the bank of the Lagoon will occur. As of January 6th, 2012, the water level of the lagoon was at an elevation of approximately 6 feet and rising by an estimated 0.5 to 1 foot per day. With large swells predicted to keep a significant sandbar, and thus, the Lagoon closed over the weekend, the proposed emergency development is necessary to avoid flooding damage. Therefore, 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 ECDP; and
- (b) Public comment on the proposed emergency development has been reviewed if time allows.

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

Madeline Cavallieri, Central Coastal District Manager for Charles Lester, Executive Director

Enclosures: (1) Emergency Coastal Development Permit Acceptance Form; (2) Regular Permit Application Form

cc: Ninette Lee, State Lands Commission
David Hardy, County of Sonoma
Brendon O'Neil, State Parks

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Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the ECDP Permittee and returned to the California Coastal Commission's Central Coast District Office within 15 days of the date of this permit (i.e., by January 25, 2012). This ECDP is not valid unless and until the acceptance form has been received in the Central Coast District Office.
2. Only that emergency development specifically described in this ECDP is authorized. Any additional and/or different emergency and/or other development requires separate authorization from the Executive Director and/or the Coastal Commission.
3. The emergency development authorized by this ECDP is for one breaching event of the Russian River Lagoon sandbar only, unless extended to other necessary events for good cause by the Executive Director for the duration of the winter season (i.e. until April 15, 2012).
4. The emergency development authorized by this ECDP is only temporary, and shall no longer be authorized if it is not followed-up by a regular CDP. Therefore, within 60 days of the date of this permit (i.e., by March 9, 2012), the Permittee shall submit materials to modify the existing CDP application for ongoing management of the Russian River Estuary to include authorization of the emergency development carried out under this ECDP as part of the proposed project description. The modification materials shall include the monitoring report required by Condition 13. The deadline in this condition may be extended for good cause by the Executive Director.
5. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., California Department of Parks and Recreation, California Department of Fish and Game, California State Lands Commission, United States Army Corps of Engineers, National Marine Fisheries Service, United States Fish and Wildlife Service, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
6. All emergency development shall be limited in scale and scope to that specifically identified in the materials submitted by the Permittee (dated received in the Coastal Commission's Central Coast District Office on January 9, 2012).
7. A qualified biologist shall be present during all emergency development activities, and shall monitor the Lagoon and sandbar on a daily basis for as long as the emergency development activities authorized under this ECDP persist. The biological monitor shall ensure that all emergency development is limited to the least amount necessary to abate the emergency, and that it avoid impacts to adjacent marine and lagoon resources as much as possible, including through adaptive management measures to respond to changing conditions and/or understandings relative to flood risk and habitat impacts.
8. Prior to any mechanical breaching of the sandbar, the Permittee shall have ensured that all other possible flood protection measures (e.g., sand bags, rubber dams, etc.) have been applied to protect surrounding flood water threatened homes, infrastructure, and other development to the maximum extent feasible.
9. Following the sandbar breach and after the Lagoon has lowered in depth, the Lagoon shall be



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allowed to naturally close, and it shall not be mechanically or otherwise artificially maintained with an open outlet channel flowing over the beach, or be manipulated artificially in any manner, unless artificial breaching is required again, as understood by Condition 3.

10. All emergency development activities shall limit impacts to coastal resources (including public recreational access, Russian River and Lagoon, and the Pacific Ocean) to the maximum extent feasible including by, at a minimum, adhering to the following construction requirements (which may be adjusted by the Executive Director if such adjustments: (1) are deemed necessary due to extenuating circumstances; and (2) will not adversely impact coastal resources):
 - a. Construction work and equipment operations shall not be conducted seaward of the mean high water line unless tidal waters have receded from the authorized work areas.
 - b. Any construction materials and equipment delivered to the beach area shall be delivered by rubber-tired construction vehicles. 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.
 - c. Any 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 the beach area by sunset each day that work occurs.
 - d. All construction areas shall be minimized and demarked to allow through public access and protect public safety to the maximum extent feasible. Construction (including but not limited to construction activities; and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
 - e. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep equipment 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 beach; etc.).
 - f. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach or the adjacent marine environment are prohibited. Equipment washing, refueling, and/or servicing shall not take place on the beach. Any erosion and sediment controls used shall be in place prior to the commencement of construction as well as at the end of each work day.
 - g. All accessways impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand in the area that is impacted by construction shall be filtered as necessary to remove any construction debris.
 - h. All contractors shall ensure that work crews are carefully briefed on the importance of observing the construction precautions given the sensitive work environment. Construction contracts shall contain appropriate penalty provisions sufficient to offset the cost of retrieval/clean up of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.



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- i. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of construction and required restoration activities. If planning staff should identify additional reasonable restoration measures, such measures shall be implemented immediately.
11. Copies of this ECDP shall be maintained in a conspicuous location at the emergency development area at all times for as long as emergency development activities authorized under this ECDP persist, and such copies shall be available for public review on request. All persons involved with the emergency development activities shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
12. The Permittee shall designate a coordinator to be contacted during all emergency development activities and for as long as the emergency development activities authorized under this ECDP persist should questions arise regarding these activities (in case of both regular inquiries and emergencies). The coordinator's contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of emergency development activities, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The coordinator shall record the name, phone number, and nature of all complaints received regarding the time that emergency development activities authorized under this ECDP persist, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
13. Once the emergency activity is completed, the Permittee shall submit a report by March 9, 2012 to the Executive Director for review and approval. The report shall document all emergency development activities (including through narrative as well as site plans and cross sections accompanied by photographs, maps, and /or graphics); and shall include a section prepared by the biological monitor providing his/her monitoring observations, including in terms of potential impacts to habitat resources (including identification of any fish mortality and/or harm or harassment (e.g., fish entrainment in the outlet channel during breaching)) and recommendations for project changes to avoid such impacts in future breaching events. The report shall clearly identify all areas affected by emergency development activities, and include the location and extent of grading, sand borrow, and fill areas; pre-existing and resulting alignments of the river; elevations showing finished slopes; and, estimated quantity of sand moved. The report shall also include color photographs (in hard copy and jpg format) that clearly depict all emergency development activities, that are accompanied by a site plan that notes the location of each photographic viewpoint and the date and time of each photograph, and that are accompanied by a description of what is shown in each photograph. At a minimum, the photographs shall be from enough upcoast, seaward, and downcoast viewpoints as to provide complete photographic coverage of the emergency development activities authorized under this ECDP at a scale that allows comparisons to be made with the naked eye between photographs taken at different times from the same vantage points.
14. In exercising this ECDP, the Permittee 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



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the project.

15. The Permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and (2) required by a court) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this ECDP. The Permittee shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.
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.
17. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the subject site without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Chapter 9 of the Coastal Act.

The emergency development carried out under this ECDP is at the Permittee's risk and is considered to be temporary work done in an emergency situation to abate an emergency. If the SCWA wishes to have the emergency development become permanent development, a regular CDP must be obtained. A regular CDP is subject to all of the provisions of the California Coastal Act and may be conditioned or denied accordingly.

If you have any questions about the provisions of this ECDP, please contact the Commission's Central Coast District Office at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.



California Coastal Commission

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863
www.coastal.ca.gov

**EMERGENCY PERMIT ACCEPTANCE FORM**

TO: CALIFORNIA COASTAL COMMISSION
CENTRAL COAST AREA OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

RE: Emergency Permit No. 2-12-002-G

INSTRUCTIONS: After reading the attached Emergency Permit, please sign this form and return to the Central Coast Area 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 to make it a permanent installation. I agree to submit within 60 days of the date of this permit, materials to modify the existing CDP application for ongoing management of the Russian River Estuary to include authorization of the emergency development carried out under this ECDP as part of the proposed project description (all as specifically described in conditions of ECDP 2-12-002-G).

Signature of property owner or
Authorized representative

Name

Address

Date of Signing

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT ST, SUITE 2000
SAN FRANCISCO, CA 94105-2219
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**NOTICE OF PROPOSED PERMIT AMENDMENT**

TO: All Interested Parties
FROM: Charles Lester, Executive Director *CLP (SL)*
DATE: January 26, 2012
SUBJECT: **Permit No: 2-09-015-A1**
Granted to: Sonoma County Regional Parks Department, Attn: Mark Cleveland

Original Description:

To repair and maintain rip-rap, embankments, breakwater timber and pilings damaged by winter storms at 3 separate Sonoma County Regional Park project locations

Located at Porto Bodega/Bodega Bay Sport Fishing Center (Sonoma County)

The Executive Director of the Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following changes:

Repair of the north timber breakwater, including installation of 8 new 1' x 50' long timber pilings, and furnishing cross bracing and vertical timbers between the pilings.

FINDINGS

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled meeting. This amendment has been considered IMMATERIAL for the following reason(s):

Requested amendment is not a material change to the permit. The original permit involved repair to the south timber breakwater damaged during winter storms 2005 - 2006. Since then, several other storms as well as tidal surge from the Japan earthquake necessitate similar repairs to the north breakwater. The original permit is conditioned to require water quality BMPs, eelgrass monitoring, mitigation and protection, and a timber pilings and materials plan requirement to ensure that the chemical leaching of ACQ treated wood is minimized. All of these original conditions would apply to the subject amendment, resulting in adequate protection of water quality and sensitive habitats.

If you have any questions about the proposal or wish to register an objection, please contact Ruby Pap at the North Central Coast District office.

cc: Local Planning Dept.
Deborah Klein

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
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**NOTICE OF PROPOSED PERMIT EXTENSION**

Date: January 26, 2012

To: All Interested Parties

From: Dan Carl, Central Coast District Director *DC*
John Akeman, Coastal Planner *JA*

Subject: Proposed Extension to Coastal Development Permit (CDP) A-2-PAC-07-022
Applicant: Pacifica Beach, LLC

Original CDP Approval

CDP A-2-PAC-07-022 was approved by the Coastal Commission on March 7, 2008, and provided for the construction of a nine-unit three-story condominium building with a 10,575 square-foot subterranean parking garage at 1567 Beach Boulevard in Pacifica, San Mateo County.

Proposed CDP Extension

The expiration date of CDP A-2-PAC-07-022 has been extended by the Commission two times previously (to March 7, 2011 and March 7, 2012, respectively), and would be extended in this case by one year to March 7, 2013. The Commission's reference number for this proposed extension is A-2-PAC-07-022-E3.

Executive Director's Changed Circumstances Determination

Pursuant to Title 14, Section 13169 of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that there are no changed circumstances affecting the approved development's consistency with the certified City of Pacifica Local Coastal Program and/or Chapter 3 of the Coastal Act, as applicable.

Coastal Commission Review Procedure

The Executive Director's determination and any written objections to it will be reported to the Commission on February 9, 2012 in Santa Cruz. If three Commissioners object to the Executive Director's changed circumstances determination at that time, then the extension shall be denied and the development shall be set for a full hearing of the Commission.

If you have any questions about the proposal or wish to register an objection, please contact John Akeman in the Central Coast District office.

