

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CALIFORNIA 94105-2219
(415) 904-5260 OR (415) 904-5200 FAX (415) 904-5400
WWW.COASTAL.CA.GOV



W15

Prepared December 8, 2017 (for the December 13, 2017 Hearing)

To: Commissioners and Interested Parties
From: Dan Carl, North Central Coast District Deputy Director *DC*
Subject: North Central Coast District Deputy Director's Report for December 2017

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the North Central Coast District Office are being reported to the Commission on December 13, 2017. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's North Central Coast District Office in San Francisco. Staff is asking for the Commission's concurrence on the items in the North Central Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on December 13th.

With respect to the December 13th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on December 13, 2017 (see attached)

Waivers

- 2-17-0920-W, Marin County Open Space District / ground water monitoring study / The Bolinas Wye, Near the Intersection Of Olema Bolinas Road, Highway One, Bolinas (Marin County)

Immaterial Extensions

- 2-06-017-E4, Marshall Tavern and Hotel / reconstruct Marshall Tavern as B & B / 20105 and 20125 Highway One, Marshall (Marin County)

Emergency Permits

- G-2-17-0039, Ritz-Carlton Half Moon Bay / Temporary beach closure and cleanup related to bluff pier extraction / Miramontes Point Road, Half Moon Bay (San Mateo County)

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**NOTICE OF PROPOSED PERMIT WAIVER**

Date: November 29, 2017

To: All Interested Parties

From: Nancy Cave, North Central Coast District Manager *Nancy I. Cave*
Stephanie Rexing, North Central Coast District Supervisor

Subject: Coastal Development Permit (CDP) Waiver 2-17-0920-W
Applicant: Marin County Parks and Open Space District

Proposed Development

Request to install a groundwater monitoring well with piezometer and add piezometers to four existing wells, all installed to assess geotechnical and hydrologic conditions at the Bolinas Wye, near the intersection of Olema Bolinas Road and Highway 1 in Bolinas, Marin County.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

Marin County Parks and Open Space District proposes to install the new well and piezometers on existing wells in order to assess geotechnical and hydrologic conditions to inform the long-term vision for the Bolinas Lagoon North End Project to restore hydrologic connectivity between creeks in the vicinity and the Bolinas Lagoon. The work will be done by hand with a biologist present onsite during the construction and installation, in order to assure no sensitive habitats are impacted. The new well will be dug in an area entirely vegetated with invasive cape ivy and no special-status plant communities are present at the site of the installation. Best management practices have been incorporated including preconstruction surveys and contingency measures for sensitive species, traffic controls, and containment of all hazardous materials to a designated staging area, to ensure there will be no adverse effect on public access, biological resources and water quality. The project has received all necessary approvals from Marin County Department of Public Works and Environmental Health Services. For the reasons listed above, the proposed project is consistent with Chapter 3 of the Coastal Act and the certified Marin County Local Coastal Program.

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Wednesday, December 13, 2017, in Dana Point. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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

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**NOTICE OF PROPOSED PERMIT EXTENSION**

Date: November 27, 2017

To: All Interested Parties

From: Nancy Cave, North Central Coast District Manager
Jeannine Manna, North Central Coast District Supervisor

A handwritten signature in cursive script, appearing to read "Nancy Cave".

Subject: Proposed Extension to Coastal Development Permit (CDP) 2-06-017
Applicant: Gary Dowd

Original CDP Approval

CDP 2-06-017 was approved by the Coastal Commission on December 13, 2012, and provided for the reconstruction of the historic Marshall Tavern into an approximately 5,880 square-foot, 5-unit bed-and-breakfast (with an additional manager's unit) with a reconfigured 8-space gravel parking lot. The approved project also includes expanded pilings, and a reconstructed retaining wall, as well as related site work at 20105 and 20125 Highway 1 along and over Tomales Bay in the unincorporated Marshall Area of Marin County. The expiration date of CDP 2-06-017 has been extended to December 13, 2017.

Proposed CDP Extension

The expiration date of CDP 2-06-017 would be extended by one year to December 13, 2018. The Commission's reference number for this proposed extension is **2-06-017-E4**.

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 County of Marin 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 December 13, 2017 in Dana Point, Orange County. 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 Jeannine Manna in the North Central Coast District office.

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**EMERGENCY PERMIT**

Issue Date: November 6, 2017
Emergency Permit No. G-2-17-0039

APPLICANTS:

Ritz-Carlton Half Moon Bay
One Miramontes Point Road
Half Moon Bay, CA 94019

Tim Taylor (representative)
Strategic Hotels and Resorts
150 North Riverside Plaza, Ste 4100
Chicago, IL 60606

LOCATION OF EMERGENCY:

SEAWARD BEACH AREAS FRONTING 1 MIRAMONTES POINT ROAD, HALF
MOON BAY (SAN MATEO COUNTY), APN: 066-092-770

EMERGENCY WORK:

Temporary beach closure and cleanup related to demolition and removal of exposed foundation elements (concrete vertical columns and horizontal grade beams) within the coastal bluff above the beach at Miramontes Point. Exposed foundation elements will be separated from the buried (unexposed) portion of the foundation and hauled away using heavy equipment on top of the bluff and a small excavator on the beach, over an approximately 15-day time period, with workers on the beach during construction hours (Mon-Fri, 8am-5pm, tide permitting) to prevent the public from entering the work area and to collect pieces of concrete that may fall onto the beach during demolition operations. Signs will be placed ¼ mile south of the work area to alert the public about the ongoing work, and the beach will be closed in the demolition area for the duration of the emergency project.

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 rapid coastal bluff erosion due to abnormally high tides and wave action 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.

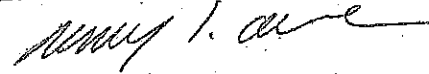
The emergency work is hereby approved, subject to the conditions listed on the attached pages.

Sincerely,

November 6, 2017

Emergency Permit No.: G-2-17-0039

John Ainsworth
Executive Director



By: Nancy Cave, District Manager

cc: Local Planning Department

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

November 6, 2017

Emergency Permit No.: G-2-17-0039

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNERS/APPLICANTS and returned to our office within 15 days of the date of this permit (by November 21, 2017).
2. Copies of this ECDP shall be maintained in a conspicuous location at the demolition job site at all times, and such copies shall be available for public review on request. All persons involved with the demolition shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of demolition.
3. Only that work specifically described in this permit and as more specifically described in the Commission's file for the Emergency CDP for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director. All signage, barriers, and fencing installed pursuant to this Emergency CDP must be removed, along with any debris that has fallen to the beach as a result of the bluff-top demolition activities, and public beach access must be restored, immediately upon conclusion of the demolition and related clean-up activities planned at the subject location.
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. Construction materials, equipment or debris shall not be stored where it will or could potentially be subject to wave erosion and dispersion. Construction shall be conducted pursuant to typical best management practices such as:
 - a. All construction areas shall be minimized in order to allow maximum public recreational access to and along the beach area not subject to removal activities and shall protect public safety to the maximum extent feasible. Construction (including but not limited to demolition activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
 - b. 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.
 - c. Grading of intertidal areas is prohibited.
 - d. Any construction materials and equipment delivered to the beach area shall be delivered by rubber-tired construction vehicles. When transiting on the beach, any construction activities and materials shall remain as high on the upper beach as possible and avoid contact with ocean waters and intertidal areas.
 - e. 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.

November 6, 2017

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- 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. The construction site shall maintain good construction site housekeeping controls and procedure (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.).
 - h. 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.
 - i. Permittee shall notify planning staff of the Coastal Commission's North 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.
5. The work authorized by this permit must be completed within 30 days of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.
 6. The Permittee recognizes that the emergency work is considered temporary and will be subject to regular coastal development permit requirements unless and until removal of the temporary development has been completed. While the grant of a CDP to permanently authorize this development is unlikely as it is enacting a temporary beach closure and cleanup, if required, 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. In addition, any follow-up permit would account for and analyze the impacts of long-term sea level rise.
 7. In exercising this permit, 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 the project.

November 6, 2017

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8. This ECDP shall not constitute a waiver of any public rights which may exist on the property. The Permittee shall not use this ECDP as evidence of a waiver of any public rights which may exist on the property
9. This ECDP 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 & Wildlife, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, and the California State Lands Commission.
10. This ECDP only authorizes the temporary emergency development identified herein, although the Executive Director may modify and/or extend the authorization to additional and closely related temporary emergency development for good cause provided that: such modification/extension is also necessary to temporarily abate the identified emergency; such modification/extension is sited and designed in such a way as to protect coastal resources as much as possible, including through imposition of additional ECDP conditions if necessary; and such modification/extension is subject to all of the terms and conditions of this ECDP, including any additional ECDP conditions added by the Executive Director in modifying/extending the authorization.
11. Within 30 days of issuance of this Emergency Permit, or as extended by the Executive Director through correspondence, for good cause, the applicant shall remove all of the materials placed or installed in connection with the emergency development authorized in this Permit and restore all affected areas to their prior condition after consultation with California Coastal Commission staff, and consistent with the Coastal Act. In some instances, a permit may be needed for removal, therefore it may be required that the applicant submit a complete follow-up Coastal Development Permit (CDP) that satisfies the requirements of Section 13056 of Title 14 of the California Code of Regulations. If the Executive Director determines that any necessary follow-up CDP application is incomplete and requests additional information, the applicant shall submit this additional information by a certain date, as established by the Executive Director. If such a follow-up CDP application is withdrawn by the applicant or is denied by the Commission, or if the follow-up CDP application remains incomplete for a period of 120 days after the Executive Director informs the applicant that the application is incomplete, the emergency-permitted development shall be removed and all affected areas restored to their prior condition, after consultation with CCC staff and consistent with the Coastal Act, within 90 days, subject to any regulatory approvals necessary for such removal.
12. Failure to a) remove the emergency development and restore all affected areas to their prior condition after consultation with CCC staff, and consistent with the Coastal Act (if required

November 6, 2017

Emergency Permit No.: G-2-17-0039

by this Emergency Permit) by the date specified in this Emergency Permit¹, b) submit any necessary, complete follow-up CDP Application that complies with Condition 11 above, or c) comply with all terms and conditions of the required follow-up CDP, including any deadlines identified therein, or d) remove the emergency-permitted development and restore all affected areas to their prior condition after consultation with CCC staff and consistent with the Coastal Act immediately upon denial of the required follow-up CDP² will constitute a knowing and intentional violation of the Coastal Act³ and may result in formal enforcement action by the Commission or the Senior Deputy Director. This formal action could include a recordation of a Notice of Violation on the applicant's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties for violations involving public access; and/or a civil lawsuit, which may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day, and other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation.

As noted in Condition 6 and 7 above, 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 Permittee 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 North Central Coast District Office at 45 Fremont Street, Suite 2000, San Francisco, CA 94105, (415) 904-5260.

¹ In some instances, a permit may also be required for removal.

² As noted above, in some instances, a permit may also be required for removal.

³ The Coastal Act is codified in sections 30000 to 30900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.

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**EMERGENCY PERMIT ACCEPTANCE FORM**

TO: CALIFORNIA COASTAL COMMISSION
 North Central Coast District Office
 45 Fremont Street, Suite 2000
 San Francisco, California 94105-2219

RE: Emergency Permit No. G-2-17-0039


INSTRUCTIONS: After reading the attached 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 Development Permit is necessary for any permanent installation. I agree to complete the regular Coastal Development Permit application within 30 days of the date of the emergency permit or I will remove the emergency work in its entirety within 30 days of the date of the emergency permit (i.e., by December 6, 2017). Finally, I understand that my failure either to:

- a) submit a complete follow-up Coastal Development Permit (CDP) Application that satisfies the requirements of Section 13056 of Title 14 of the California Code of Regulations by the date specified in this Emergency Permit, which date may be extended by the Executive Director for good cause, or
- b) Remove the emergency development and restore all affected areas to their prior condition after consultation with Coastal Commission staff as you identified consistent with the Coastal Act, will constitute a knowing and intentional violation of the Coastal Act and may result in formal enforcement action by the Commission or the Executive Director.

In some instances, a permit may be required for removal (if required by this Emergency Permit) by the date specified in this Emergency Permit. This formal action could include a recordation of a Notice of Violation on my property; the issuance of a Cease and Desist Order and/or Restoration Order; imposition of administrative penalties for violations involving public access, and/or a civil lawsuit, which may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day, and other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation.


 Signature of Property Owner or
 Authorized Representative

Kevin Kacy
 Print Name

Address: RITZ CARLTON HOTEL
WOLF MOON BAY
CALIFORNIA 94019

11/6/17
 Date of Signing