

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105
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Prepared October 1, 2018 (for October 12, 2018 Hearing)

To: Coastal Commissioners and Interested Persons
From: Dan Carl, North Central Coast District Director JM
Subject: North Central Coast District Director's Report for October 2018

The following coastal development permit (CDP) waivers, immaterial CDP amendments, immaterial CDP extensions, and emergency CDPs for the North Central Coast District Office are being reported to the Commission on October 12, 2018. 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 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 October 12th at the Wyndham San Diego Bayside (1355 North Harbor Drive) in San Diego.

With respect to the October 12th hearing, interested persons may sign up to address the Commission on items contained in this Report prior to the Commission's consideration of the 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 October 12, 2018 (see attached)

CDP Waivers

- 2-18-0448-W, Don Horn Deck Construction (Stinson Beach)
- 2-18-0725-W, San Mateo County Harbor District Fishing Pier Repair (Princeton-by-the-Sea)

CDP Amendments - None

CDP Extensions - None

Emergency CDPs


- G-2-18-0019, Caltrans Culvert Cleaning (Bollinas)

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NOTICE OF PROPOSED PERMIT WAIVER

Date: September 28, 2018
To: All Interested Parties
From: Jeannine Manna, North Central Coast District Manager 
Sara Pfeifer, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 2-18-0448-W
Applicant: Don Horn Corporation

Proposed Development

Construction of a 720-square-foot deck, a stair landing, planters, and a 143-square-foot floating dock at 281 Seadrift Road, over the Seadrift Lagoon and adjacent to the Bolinas Lagoon, in Stinson Beach, 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:

As proposed, the project will not have significant adverse impacts, including; on public views because the deck and docks are supported by an existing, permitted bulkhead and will be inconspicuous and uniform with neighboring over-water features; on water quality or marine resources because the applicant incorporated over-water best management practices into the plans; and because the project accounts for potential coastal hazard risks by designing for future sea level rise and wave run up, in addition to 100 year flood events. The project's siting, design, and scale is similar and consistent with that of surrounding development. Therefore, the project will not result in any significant impacts to coastal resources, consistent with the Coastal Act.

Coastal Commission Review Procedure

This waiver is not valid until it has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Friday, October 12, 2018, in San Diego. If four or more 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 Sara Pfeifer in the North Central Coast District office.

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NOTICE OF PROPOSED PERMIT WAIVER

Date: September 28, 2018
To: All Interested Parties
From: Jeannine Manna, North Central Coast District Manager 
Renée T. Ananda, Coastal Program Analyst
Subject: Coastal Development Permit (CDP) Waiver 2-18-0725-W
Applicant: San Mateo County Harbor District

Proposed Development

Repair of an existing public fishing pier, breakwater, and public access walkway including repair of voids in the breakwater rip-rap; replacement of lumber guardrail posts and rails to comply with ADA requirements; replacement of damaged portions of the pier/deck and the existing water supply line; and installation of accessible fishing slots and downward facing lighting for safety, located at Pillar Point Harbor in Princeton-by-the-Sea, San Mateo County.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13252 of the California Code of Regulations, and based on project plans and other application materials 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:

The existing pier and walkway provide recreational opportunities for the public as they allow access for fishing and viewing of the marine environment. The proposed project is necessary to preserve and ensure safe public access at the site and prevent potential impacts to water quality that would occur if the structure is not repaired. The project will bring the pier and walkway into code-compliance, provide ADA access, and is designed to avoid and/or minimize impacts to water quality and biological resources. Such design measures include: 1) avoiding work within the water; 2) limiting work required near the water line to periods of low tide; 3) inclusion of measures to prevent discharge of materials to the water, such as containment tarps or booms; and 5) other construction best management practices to avoid and minimize impacts to coastal waters. Therefore, the proposed project will not result in adverse impacts to coastal resources consistent with the Coastal Act.

Coastal Commission Review Procedure

This waiver is not valid until it has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on October 12, 2018 in San Diego. If three or more 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 Renée Ananda in the North Central Coast District office.

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
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SAN FRANCISCO, CALIFORNIA 94105-2219
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**EMERGENCY COASTAL DEVELOPMENT PERMIT**

Issue Date: September 7, 2018
Emergency Permit No.: G-2-18-0019

APPLICANT:

California Department of Transportation (Caltrans), District 4
111 Grand Avenue, Oakland CA 94044.

LOCATION OF EMERGENCY:

State Route Highway 1 adjacent to Bolinas Lagoon between Stinson Beach and Fairfax-Bolinas road intersection, PM12 to PM17, Marin County.

EMERGENCY WORK:

Cleaning of culverts and associated ditches at four sites (PM 16.47, PM 16, PM 15.4, PM 12.6-12.9) to remove excessive sediment and debris that has collected in the culverts and along the road shoulders. Caltrans will complete the work from the present date to November 6, 2018 consistent with the project description and plans received on August 24, 2018.

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 highway culverts currently clogged with sediment and debris that are unable to function and are resulting in flooding and sediment flows across the highway, creating dangerous conditions and road closures. Without immediate maintenance, conditions will worsen with winter storms and significant road closures will occur. I understand that it is therefore urgent that you clean out the culverts to address present road flooding and before more substantial flooding and debris flows occur. I understand that current conditions are impacting public safety for drivers, bicyclists, and pedestrians, and are causing closures to Highway 1 and unreasonable traffic delays, and require 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.

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

Sincerely,



John Ainsworth
Executive Director

By: Jeannine Manna, District Manager

cc: Veronica Pearson, Marin County Open Space District
U.S. Fish and Wildlife Service
National Marine Fisheries
U.S. Army Corps of Engineers
National Park Service
California Department of Fish and Wildlife
Regional Water Quality Control Board
Greater Farallones National Marine Sanctuary
Audubon Canyon Ranch

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

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the APPLICANT and returned to our office within 15 days (September 22, 2018) of the date of this permit.
2. Only that work specifically described in this permit and as more specifically described in the Coastal Commission's file for this ECDP is authorized. Any additional and/or separate emergency work or development requires separate authorization from the Executive Director and/or the Coastal Commission. The emergency work will occur within Caltrans Right of Way and adjacent private properties with owner permission and that permission shall be demonstrated to the Coastal Commission Executive Director prior to commencement of development on those private properties.
3. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and their contact information (i.e., address, email, phone numbers, etc.) including, at a minimum, a telephone number and email address that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the contact information (e.g., name, address, email, phone number, etc.) and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit the record (of complaints/inquiries and actions taken in response) to the Executive Director.
4. All emergency construction activities shall limit impacts to coastal resources (including wetlands, public recreational access, habitat areas, and visual resources) to the maximum extent feasible. Construction shall be conducted pursuant to typical best management practices 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. All areas proposed for construction activities and/or construction staging shall be minimized to the maximum extent feasible in order to limit construction encroachment into coastal wetlands, streams, or other sensitive areas. The Permittee shall keep construction activities under surveillance, management, and control to minimize interference with, disturbance to, and damage of fish and wildlife. Construction activities, materials, and/or equipment storage are prohibited outside of the defined construction, staging, and storage areas.
 - b. All construction materials, equipment, debris, signage, barriers, and fencing installed pursuant to this ECDP, along with any debris that has fallen into the

lagoon or adjacent areas of the roadway, must be removed immediately upon conclusion of the construction and related clean-up activities planned at the subject location.

- c. 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, unless otherwise approved by the Executive Director in writing. Construction materials, equipment or debris shall not be stored in the streambeds, wetlands, or in areas where they will or could potentially be subject to wave erosion and dispersion.
 - d. All work shall take place in a limited time and manner in order to minimize any potential damage to resources, including wetland habitat and intertidal species, and to minimize impacts to public coastal access.
 - e. All debris, removed sediment, and dredged material generated from the emergency project shall be disposed of in an approved location, outside the coastal zone.
 - f. The construction site shall maintain good construction site housekeeping controls and procedure, including to: monitor for and immediately clean up all leaks, drips, and other spills; keep equipment covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly and place trash receptacles on site for that purpose, which shall be covered during wet weather; and remove all construction debris from construction areas.
 - g. All public access, public parking areas, or public recreation areas affected/damaged by construction activities shall be restored to their preconstruction condition or better within seven (7) days of completion of construction.
 - h. Permittee shall notify planning staff of the Coastal Commission's North Central Coast District Office immediately upon completion of construction and required restoration activities.
5. Restoration of Disturbed Areas. Large woody vegetation that currently exists on stream channel banks shall be left in place to the maximum extent feasible and only those plants impacting the culvert functioning may be removed. Other than the proposed removal of vegetation and channel drainage improvements necessary for the emergency culvert work, within sixty (60) days of completion of the work, all disturbed areas shall be restored to the state in which they existed prior to construction (i.e., re-graded to pre-project contours and revegetated with an all-native plant palette).
 6. Sediment Removal and Disposal. Only the quantity of material necessary to restore hydraulic capacity to the affected culverts and stream channels shall be removed, and the method employed in this process shall be done in a manner that maintains the natural

gradient of the stream. All debris and dredged material generated from the project shall be disposed of in an approved location, outside the coastal zone.

7. Water Quality. All appropriate Best Management Practices (BMPs) shall be implemented, including conducting the work from the road whenever possible, minimizing loss of native vegetation, minimizing sediment disturbance and suspension within the water column, and taking all excavated material to an upland disposal site. Sediment/erosion controls will be used to keep excess soil from washing or blowing away during removal, transport and storage. BMPs shall include sediment traps, silt fences, turbidity curtains, hay bales, hydro-seeding using a native mix, and use of straw mulch, as necessary. These BMPs are listed in the Bay Area Storm Water Management Agencies Association (BASMAA) Flood Control Facility Maintenance Best Management Practices (BMP) Manual (EOA, Inc. 2000) and FishNet4C Guidelines for Protecting Aquatic Habitat and Salmon Fisheries for County Road Maintenance (FishNet4C 2004), adopted by the County of Marin. No debris, soils, silt, sand, cement, concrete, washings or other material related to construction such as waste, oil, petroleum products or organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into adjacent waters. At the conclusion of operations, any excess material shall be removed from the work area and disposed of in an approved location outside of the coastal zone.
8. Prior to beginning work, a qualified biologist/endangered species coordinator shall conduct a survey of the site for the presence of sensitive wildlife species including California ridgways and black rails, nesting raptors or songbirds, northern spotted owls, California freshwater shrimp, California red-legged frog, Coho salmon, steelhead trout, Western pond turtle, and tidewater goby in accordance with USFWS and CDFG protocol. If any of these species (including adults, tadpoles, or egg masses) are found, the USFWS and CDFG shall be contacted to determine the appropriate action before undertaking construction work and Caltrans shall submit to Commission staff notice of the proposed actions to be taken to reduce impacts to sensitive species.
9. The work authorized by this permit must be completed within sixty (60) days (November 6, 2018) of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.
10. Within thirty (30) days of completion of the emergency work, Caltrans shall submit to the Executive Director a report describing the amount (area and volume) of material removed, type of material removed, the method of removal, type and location of equipment used, the location of the disposal site for excavated material, and all areas impacted by the construction work. If Commission 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 construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction 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 applicant recognizes that the emergency work is considered temporary 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. In addition, any follow-up permit should include a programmatic maintenance plan that will cover on-going necessary maintenance, ensure proper mitigation of long-term impacts to coastal wetlands and other resources, and account for and analyze sea-level rise issues that are imminently impacting the functioning of the culverts and Highway 1 as well as longer term needs for the highway corridor in light of various climate change effects anticipated into the future.
13. 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.
14. 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.
15. 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 & Wildlife, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, National Park Service, the California State Lands Commission, Regional Water Quality Control Board, Marin County Parks and Marin County, and Greater Farallones National Marine Sanctuary.
16. Within 180 days of issuance of this ECDP (March 6, 2019), or as extended by the Executive Director through correspondence, for good cause, the applicant shall 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. If the Executive Director determines that the 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.
17. Failure to a) submit a complete follow-up CDP Application, or b) comply with all terms and conditions of the required follow-up CDP, including any deadlines identified therein, 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. 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 ECDP will constitute a knowing and intentional Coastal Act violation.

18. As noted in Condition 12 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.

EMERGENCY PERMIT ACCEPTANCE FORM

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

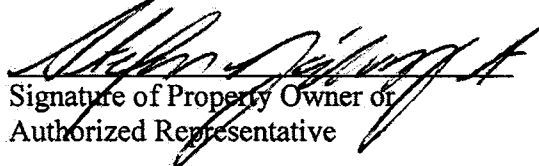
RE: Emergency Permit No. G-2-18-0019

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 (September 22, 2018).

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 180 days of the date of the emergency permit unless otherwise extended by the Executive Director. Finally, I understand that my failure to 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, 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.

This formal action could include a recordation of a Notice of Violation on the 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

Stefan Gálvez-Abadía
Print Name

Address: 111 Grand Ave
Oakland CA

9/14/2018
Date of Signing