

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105
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W15

Prepared March 28, 2018 (for April 11, 2018 Hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, North Central Coast District Director *SKC*

Subject: North Central Coast District Director's Report for April 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 April 11, 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 April 11th at the Redondo Beach Public Library in Redondo Beach.

With respect to the April 11th 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 March 8, 2018 (see attached)

Waivers

- 2-18-0133-W, Hog Island Oyster Company (formerly Tony's Seafood) Repairs (Marshall)
- 2-18-0216-W, Crespi Drive Sewer Line Replacement (Pacifica)

Immaterial Amendments

- None

Immaterial Extensions

- None

Emergency CDPs

- G-2-18-0006, City of Pacifica Emergency Revetment at 500 Esplanade (Pacifica)

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**NOTICE OF PROPOSED PERMIT WAIVER**

Date: March 28, 2018
To: All Interested Parties
From: Stephanie Rexing, North Central Coast Acting District Manager
Sara Pfeifer, Coastal Planner *SPR*
Subject: Coastal Development Permit (CDP) Waiver 2-18-0133-W
Applicant: Hog Island Oyster Company

Proposed Development

Removal and replacement of 13 deteriorated pilings with 9 new pilings; repairs to 1,850 square feet of deteriorating sub-flooring and walkway; demolition and reconstruction of a dilapidated shed; and development of ADA-compliant parking and access (through the addition of parking lot striping, ramps, and walkway improvements) at Tony's Seafood Restaurant located at 18861 Highway 1 on Tomales Bay in the unincorporated Marshall area of 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:

Hog Island Oyster Company acquired a lease for the existing Tony's Seafood Restaurant and is now requesting to make certain repairs and minor improvements to the facilities. The existing development includes a restaurant that has been in operation for approximately 70 years, a storage shed, restroom, and pier constructed on pilings over the bay. The Applicant indicates that the facility's safety is compromised due to areas of deterioration, and the project is designed to address these and other issues (such as ADA compliance) through replacement of pilings, replacement of worn walkways and subflooring, adding ADA-compliant parking spaces and access ramps where there were none, leveling/restoring deteriorated walkways and entrances (including widening the bathroom portal for ADA purposes), and replacement of an existing storage shed with a smaller shed. Best management practices and mitigation measures for the project follow those typically applied by the Commission in such over-water locations, and include selection of (in- and out-of-water) materials that are protective of water quality, and over-water best practices to ensure that debris will not enter Tomales Bay waters during construction. Construction is limited to a 3-month window. The project should help to enhance this long-time visitor-serving facility for the benefit of local residents and the visiting public along Highway 1, it will not have any significant adverse impacts on coastal resources, including public access, and it can therefore be found consistent with the Coastal Act.

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, April 11, 2018, in Redondo Beach. 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 Sara Pfeifer in the North Central Coast District office.

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**NOTICE OF PROPOSED PERMIT WAIVER**

Date: March 28, 2018
To: All Interested Parties
From: Stephanie Rexing, North Central Coast Acting District Manager
Patrick Foster, North Central Coast Coastal Planner *SRH*
Subject: **Coastal Development Permit (CDP) Waiver 2-18-0216-W**
Applicant: City of Pacifica Public Works Department

Proposed Development

Replacement of 82 linear feet of failing sewer line located underneath the roadway at the intersection of Coast Highway 1 and Crespi Drive in Pacifica, San Mateo 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:

The project replaces a section of damaged sewer pipe with new pipe of the same dimensions in the same location. In order to minimize impacts, construction will only take place at night (i.e., between 9pm to 5am) for an anticipated period of 10 days, and a traffic control and work phasing plan will be implemented, including temporary signage, to minimize traffic and related impacts during construction. The project scope is fairly small and thus significant coastal resource impacts during construction are not anticipated, and all staging and construction areas will be restored to pre-development conditions. The completed project will better protect coastal water quality and will not affect or obstruct any parking areas or public pathways. For these reasons, the proposed project will not have any significant adverse impacts on coastal resources and is consistent with Chapter 3 of the Coastal Act.

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 April 11, 2018 in Redondo Beach. If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application and considered at a subsequent Commission hearing.

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

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**EMERGENCY COASTAL DEVELOPMENT PERMIT**

Issue Date: March 7, 2018
ECDP Number: G-2-18-0006

APPLICANT: City of Pacifica

EMERGENCY LOCATION: Beach and bluffs seaward of 500 Esplanade Avenue in Pacifica

EMERGENCY WORK: Excavation of approximately 2,850 cubic yards of beach/bluff and installation of approximately 9,200 tons of riprap (4,100 cubic yards), consisting of 7,360 tons of 8-10 ton riprap and 1,840 tons of 1-2 ton riprap, at the toe of the bluff at a 1.75:1 maximum slope for a linear distance of approximately 30 feet fronting the site, starting from the end of existing riprap at 528 Esplanade and extending north to the end of existing riprap fronting the beach access ramp seaward of the intersection of West Manor Drive and Esplanade Avenue. The work would be completed within a two month period, and is designed to protect the Esplanade roadway and related public infrastructure.

This letter constitutes approval of an emergency coastal development permit (ECDP) authorizing the emergency work that the City has proposed as described above. I understand from the information submitted by the City that a sudden unexpected occurrence in the form of abnormally high tides in tandem with significant storms and high wave action requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. 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 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.

A handwritten signature in black ink, appearing to read "Stephanie Rexing".

Stephanie Rexing, Acting North Central Coast District Manager, for John Ainsworth, Executive Director

Enclosures: ECDP Acceptance Form; Regular CDP Application Form
Copies to: Ryan Marquez, City of Pacifica, Assistant Civil Engineer

CONDITIONS OF APPROVAL:

1. The enclosed ECDP acceptance form must be signed by the ECDP Permittee (i.e. the City of Pacifica) and returned to the Coastal Commission's North Central Coast District Office within 15 days of the issue date of this permit (by March 22, 2018). This ECDP is not valid unless and until the ECDP acceptance form has been received in the North Central Coast District Office.
2. 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.
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. Only that work specifically described in this ECDP and as more specifically described in the Commission's file for the ECDP for the specific property listed above is authorized. The work permitted under this ECDP only allows for the minimum necessary to address the emergency situation at hand and therefore, minimizing the extent of rock placed is strongly encouraged. Any additional work or maintenance to the rock riprap placed pursuant to this ECDP requires separate authorization from the Executive Director. All emergency development shall be limited in scale and scope to that specifically identified in this ECDP.
5. All work shall take place in a time and manner to minimize any potential damages to coastal resources, including intertidal species, and to minimize impacts to the beach and public access. Construction materials, equipment and/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 rigorous best management practices designed to avoid coastal resource impacts, including at a minimum:
 - a. All construction areas shall be minimized in order to allow public recreational access along the beach and to protect coastal resources and 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.

- b. All work shall take place during daylight hours. Lighting of the beach or intertidal area is prohibited
- 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.
- d. Grading of intertidal areas is prohibited.
- e. 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.
- f. 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.
- g. All construction activities that might 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 bluffs or 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.
- h. 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.).
- i. 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.
- j. 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/cleanup of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.
- k. The 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.

6. The work authorized by this ECDP must be completed within 60 days of the issue date of this ECDP (i.e., by May 7, 2018), and this ECDP shall become null and void at that time unless that expiration date is extended by the Executive Director for good cause.
7. The Permittee recognizes that the emergency development authorized by this ECDP is considered temporary and shall be removed if it is not authorized by a regular CDP. A regular CDP will be subject to all of the provisions of the California Coastal Act and may be denied or 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 coastal hazards. In addition, any follow-up regular CDP would account for and analyze the impacts of long-term sea level rise.
8. 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 the project.
9. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall provide, for review and approval of the Executive Director, a drainage and erosion management plan to monitor changes to the bluff face along the full length of the property and mitigate for runoff over the bluff and potential exposure of storm and sewer related infrastructure. The management plan, at a minimum, shall identify drainage control methods for implementation to minimize erosion on site, and shall provide for regular monitoring of the bluff position relative to the Esplanade roadway and related infrastructure (e.g. storm drains or sewer lines).
10. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit site plans and cross sections clearly identifying all development completed under this emergency authorization (comparing any previously permitted condition to both the emergency condition and to the post-work condition), and a narrative description of all emergency development activities undertaken pursuant to this emergency authorization. Photos showing the project site before the emergency (if available), during emergency project construction activities, and after the work authorized by this ECDP is complete shall be provided with the site plans and cross sections.
11. 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
12. 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.

13. 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.
14. Within 90 days of issuance of this ECDP, or as extended by the Executive Director through correspondence, for good cause, the Permittee shall either: (a) remove all of the materials placed or installed in connection with the emergency development authorized by this ECDP 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 CDP may be needed for removal; or (b) submit a complete follow-up CDP 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 Permittee 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 Permittee 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 Coastal Commission staff and consistent with the Coastal Act, within 30 days, subject to any regulatory approvals necessary for such removal. In some instances, a CDP may be needed for removal.
15. Failure to a) submit a complete follow-up CDP Application that complies with Condition 14 above; or b) remove the emergency development and restore all affected areas to their prior condition after consultation with Coastal Commission staff, and consistent with the Coastal Act (if required by this ECDP) by the date specified in this ECDP¹; 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 Coastal Commission 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 Executive Director. This formal action could include a recordation of a Notice of Violation on the Permittee's property; the issuance of a Cease and Desist Order and/or a Restoration Order; the imposition of administrative penalties for violations involving public access; and/or a civil lawsuit, which may result in the imposition

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

² As noted above, in some instances, a CDP 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.

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.

16. 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.
17. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
18. 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.

As noted in Conditions 7 and 8 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. For the development to be authorized under the Coastal Act and/or if the Permittee wishes to expand the scope of work, 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.

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EMERGENCY PERMIT ACCEPTANCE FORM

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

RE: Emergency Permit No. G-2-18-0006

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 90 days of the date of the emergency permit or I will remove the emergency work in its entirety within 90 days of the date of the emergency permit (i.e., by June 7, 2018). 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.

Kevin S. Woodhouse
Signature of Property Owner or
Authorized Representative

Address: *170 Santa Maria Avenue*
Pacifica CA 94044

Kevin S. Woodhouse
Print Name

March 15, 2018
Date of Signing