

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV



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Prepared November 26, 2019 (for December 13, 2019 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 December 2019

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 December 13, 2019. 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 December 13th at King Gillette Ranch (26800 Mulholland Highway), in Calabasas, CA.

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 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 December 13, 2019 (see attached)

CDP Waivers

- 2-19-1201-W, Krzynowek and Ghazinouri Single-Family Residence Remodel (Seadrift)
- 2-19-1211-W, Super Sessions Ventures Surfing Event (Princeton-by-the-Sea)

Emergency CDPs

- G-2-19-0047, Schmitz and Associates Inc. Temporary Drainage System (Pacifica)

CDP Amendments – None

CDP Extensions – None

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**NOTICE OF PROPOSED PERMIT WAIVER**

Date: November 25, 2019
To: All Interested Parties
From: Jeannine Manna, North Central Coast District Manager *JM*
Sara Pfeifer, North Central Coast District Planner
Subject: Coastal Development Permit (CDP) Waiver 2-19-1201-W
Applicant: Kerry Krzynowek and Abdi Ghosinouri

Proposed Development

Remodel of an existing 1,899-square-foot, single-family residence, including 114 square feet of additions and replacement of a septic system at 121 Dipsea Road, adjacent to the Seadrift and Bolinas Lagoons, in Stinson Beach, Marin County.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13250 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 on coastal resources, including on public views, water quality and marine resources, and accounts for potential coastal hazard risks. The proposed development's siting, design, and scale is similar and consistent with that of surrounding development, and the project has incorporated construction best management practices to protect coastal water quality. The project represents improvements to existing residential development, and 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, December 13, 2019, in Calabasas. 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 Sara Pfeifer in the North Central Coast District office.

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**NOTICE OF PROPOSED PERMIT WAIVER**

Date: November 25, 2019
To: All Interested Parties
From: Jeannine Manna, North Central Coast District Manager *SPK*
Erik Martinez, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 2-19-1211-W
Applicant: Super Sessions Ventures (SSV)

Proposed Development

A one-day, ocean-based surfing event to be held between November 15, 2019 and April 15, 2020, at the Maverick's surf break located offshore of Maverick's Beach, a half-mile north of Pillar Point Harbor, in Princeton-by-the-Sea, 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 proposed event is an invitation-only, gender-equitable, big wave surf competition that will take place on a single day within the requested time period. The proposed event will not require exclusive use of any shoreline, trail or Harbor facilities, which will remain open to the general public. The Applicant will utilize public parking spaces, available on a first-come-first-served basis, and the public boat launch to stage and deploy two commercial vessels and 10-12 personal watercrafts to run the proposed event. In order to reduce parking load and impacts to public parking, the Applicant will operate a shuttle service from Zaballa House in downtown Half Moon Bay for competitors and event organizers. The event will not be publicized to the general public; however, the Applicant will work with Unified Command (i.e. U.S. Coast Guard, San Mateo County Harbor District, San Mateo Sheriff's Office, San Mateo County Parks, NOAA, and the U.S. Air Force) to develop a plan for safety, parking, traffic control, and pedestrian management prior to holding the event, which will be submitted to the Commission Executive Director for review and approval. Accordingly, the project will not have any significant adverse impacts on coastal resources, including to water quality or public access to the shoreline, consistent with Chapter 3 of the Coastal Act and the San Mateo 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 Friday, December 13, 2019 in Calabasas. 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 Erik Martinez in the North Central Coast District office.

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**EMERGENCY COASTAL DEVELOPMENT PERMIT**

Issue Date: November 18, 2019
Emergency Permit No. G-2-19-0047

APPLICANT: Schmitz and Associates, Inc.

EMERGENCY LOCATION: 200-224 Palmetto Ave in Pacifica, San Mateo County (APN 115-220-010)

EMERGENCY WORK: Construction of a temporary drainage system including installation of an exposed 12-inch diameter plastic pipe anchored to the existing catch basins on-site by a 24-inch tall by 12-inch wide by 5.5-foot long retaining wall, supported by two 18-inch diameter, 12-foot deep piers. The pipe will stretch 150 feet across the property, drape over the bluff edge, and extend down to the existing revetment at the base of the bluff.

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 the existing storm water pipe is deteriorated and has failed multiple times, resulting in accelerated bluff erosion at the site. It requires urgent replacement to move storm water across the property, and to address erosion which presents a safety hazard to residents and beach users. If left unrepaired, storm water may further erode the bluff during upcoming winter storms and could cause potential safety hazards to the public using the beach/bluff area and or/result in damage to the residential buildings at 200-224 Palmetto Ave in the City of Pacifica (APN 115-220-010). As such, immediate action is required 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.



Jeannine Manna, North Central Coast District Manager for John Ainsworth, Executive Director

Enclosures: ECDP Acceptance Form; Regular CDP Application Form
Copies to: City of Pacifica Planning Department

CONDITIONS OF APPROVAL:

1. The enclosed ECDP acceptance form must be signed by the ECDP Permittee (i.e. Schmitz and Associates, Inc.) and returned to the Coastal Commission's North Central Cost District Office within 15 days of the issue date of this permit (by December 3, 2019). 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. Any additional work or maintenance to the existing work 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 preconstruction 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 30 days of the issue date of this ECDP (i.e., by December 18, 2019), 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, including considering a full set of alternatives to address site drainage while minimizing impacts to the beach and bluff, and may be denied or conditioned accordingly. Such a follow-up CDP shall also address required compliance with previous CDP approvals and shall include a proposal to re-establish lateral blufftop public access and restack the revetment on the beach into its approved configuration per CDPs 3-82-228, 3-85-156, and 2-10-012-W. 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 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.

10. 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.
11. 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.
12. 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.
13. 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.
14. 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 ECDP ; 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 CDP 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 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 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.

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

North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

RE: Emergency Permit No. G-2-19-0047


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 February 16, 2020). 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.

 110A President
Signature of Property Owner or
Authorized Representative

JAY P. WOOD
Print Name

Address: 216 Palmetto Ave
Pacific, Ca. 94044

11-20-2019
Date of Signing