

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

**W8**

Prepared February 22, 2019 (for March 6, 2019 Hearing)

To: Coastal Commissioners and Interested Persons

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

Subject: North Central Coast District Director's Report for March 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 March 6, 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 March 6th at the California African American Museum (600 State Drive) in Los Angeles.

With respect to the March 6th 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 6, 2019 (see attached)

CDP Waivers

- 2-18-1248-W, Marin County Parks Swim Buoys (Inverness)

Emergency CDPs – None

- G-2-19-0005, Belford Emergency Bluff Stabilization (Moss Beach)

CDP Amendments – None

CDP Extensions – None

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



NOTICE OF PROPOSED PERMIT WAIVER

Date: February 20, 2019
To: All Interested Parties
From: Jeannine Manna, North Central Coast District Manager JM
Sara Pfeifer, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 2-18-1248-W
Applicant: Marin County Parks

Proposed Development

Minor repairs and additions to Chicken Ranch Beach's swim facilities consisting of installation of 4 swim safety buoys and re-anchoring of 2 existing buoys within Tomales Bay, adjacent to and approximately 300 to 400 feet offshore of Chicken Ranch Beach County Park, just north of Inverness, in 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:

Currently the site is developed with a public recreational beach with swim buoys offshore to promote safety. The proposed buoys will be tethered to 9-by-9-inch anchors using stainless steel chains and will stand 3 feet above water, alerting boaters of the protected swim zone. Best management practices and mitigation measures for the project follow those typically applied by the Commission in such locations, and include selection of in-water materials that are protective of water quality, and limiting the construction window to a single day. In sum, the project will provide safe recreational opportunities for the benefit of local residents and the visiting public, and will not adversely impact coastal resources, including water quality, 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, March 6, 2019, in Los Angeles. 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.

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

**EMERGENCY COASTAL DEVELOPMENT PERMIT**

Issue Date: January 31, 2019
Emergency Permit No. G-2-19-0005

APPLICANT: Julia Belford

EMERGENCY LOCATION: 175 Reef Point Road in Moss Beach, San Mateo County (APN 037-123-780)

EMERGENCY WORK: Emergency bluff stabilization involving the filling of two large voids (approximately 1,620-square-feet and 840-square-feet) with sand-cement slurry beneath an existing rip-rap/cement shoreline protective device.

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 an undermined rip-rap shoreline protective device has occurred which is in danger of failure of collapse potentially resulting in injury or death to the public traversing the beach/bluff area and/or resulting in damage to the blufftop residence at 175 Reef Point Road in Moss Beach (APN 037-123-780) that 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.



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

Enclosures: ECDP Acceptance Form; Regular CDP Application Form
Copies to: San Mateo County Planning Department

CONDITIONS OF APPROVAL:

1. The enclosed ECDP acceptance form must be signed by the ECDP Permittee (i.e. Julia Belford) and returned to the Coastal Commission's North Central Coast District Office within 15 days of the issue date of this permit (by February 15, 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 person 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 sand-cement slurry used to fill voids beneath the undermined rip-rap revetment is required. 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. There shall be a monitor onsite during construction to observe the revetment while the slurry is being poured. In the event that slurry is observed at the surface of the revetment or going over or seaward of the batter board, work shall be stopped immediately to address the leak to ensure that there is no expansion of the revetment's footprint. The batter board shall be placed as close to the rock revetment as possible and no more than 6 inches from the base of the revetment.
- b. 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.
- c. All work shall take place during daylight hours. Lighting of the beach or intertidal area is prohibited.
- d. 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.
- e. Grading of intertidal areas is prohibited.
- f. 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.
- g. 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.
- h. 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.
- i. 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.).

- j. 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.
 - k. 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.
 - l. 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 March 2, 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 protect the existing primary residential structure while minimizing impacts to the beach and reducing the footprint of the shoreline protection, 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.), redesign of the shoreline protective device, 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 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. 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.
16. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
17. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the subject site without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Chapter 9 of the Coastal Act.

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.

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

**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-2-19-0005

INSTRUCTIONS: After reading the attached Emergency Permit, please sign this form and return to the North Central Coast District Office 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 May 1, 2019). 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

David Saranith

 Print Name

Address: 175 Reef Point Rd
 Moss Beach, CA 94038

Jan 31, 2019

 Date of Signing