

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

**W17**

Prepared April 25, 2019 (for May 8, 2019 Hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, North Central Coast District Director 

Subject: North Central Coast District Director's Report for May 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 May 8, 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 May 8th at the Oxnard City Council Chambers (305 West 3rd Street) in Oxnard, CA.

With respect to the May 8th 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 May 8, 2019 (see attached)

CDP Waivers

- 2-18-0975-W, City of Pacifica Milagra Creek Outfall Repair (Pacifica)
- 2-19-0317-W, DRG Food Taco Bell Renovation (Pacifica)

Emergency CDPs

- G-19-0019 City of Pacifica Whale Burial (Pacifica)

CDP Extensions – None


CDP Amendments – 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: April 25, 2019
To: All Interested Parties
From: Jeannine Manna, North Central Coast District Manager 
Stephanie Rexing, North Central Coast District Supervisor
Subject: Coastal Development Permit (CDP) Waiver 2-18-0975 -W
Applicant: City of Pacifica

Proposed Development

Repair and reinforcement of the Milagra Creek Outfall including removal of riprap, concrete debris, a concrete apron, and a 15-foot section of degraded pipe at the outfall's terminus on and adjacent to the beach; installation of 4 micropiles within each of the 6 most seaward culvert sections; and placement of six 8-10 ton rocks as dissipaters at the new terminus within the existing outfall's footprint, located at 700 Palmetto Avenue 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 proposed project will repair and reinforce a degraded and outdated outfall design that has ceased to function efficiently, with a new adaptive design that allows for sections of the outfall to be removed as they are exposed or washed out. The project will be constructed over a 6 week period, during the dry season, incorporating best management practices and erosion control measures to assure impacts to the beach are avoided. In addition, the project will assure clean-up of derelict sections of the outfall and outfall infrastructure that has eroded away and fallen to the beach, as well as clean-up of any sections that are impacted in the future. Finally, a temporary construction ingress and egress down the bluff will be re-surfaced with compacted aggregate base, formalized, and maintained to assure public access in the area is provided for. In sum, the proposed project will assure a functioning outfall that can be adapted to erosion threats over time, while public access in the area is protected, assuring no adverse impacts to coastal resources 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, May 8, 2019, in Oxnard. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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

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: April 25, 2019
To: All Interested Parties
From: Jeannine Manna, North Central Coast District Manager *JM*
Stephanie Rexing, North Central Coast District Supervisor
Subject: Coastal Development Permit (CDP) Waiver 2-19-0317 -W
Applicant: Erich Moxley (DRG Food)

Proposed Development

Renovation of an existing restaurant and patio including construction of new seating, lighting, windows, limited kitchen equipment, a fire pit, and striping of an additional accessible parking stall; as well as completion of a vegetation restoration project, at the Taco Bell at Pacifica State Beach, 5200 Pacific Coast Highway 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:

Most of the proposed project activities will occur within the interior of the restaurant, with external project elements occurring on an already-existing patio and paved parking area. The project proposes no new additional structural elements and consists mostly of updating existing facilities. The vegetation restoration elements of the project will remove existing non-natives from the areas surrounding the parking lot and will replant a specially selected variety of local native, drought-tolerant plants appropriate for the area. All project activities will be conducted outside of sandy areas and include appropriate best management practices to project coastal water quality. In addition, the vegetation restoration includes 3 years of monitoring to assure successful establishment of native plants that will benefit the nearby dune complex. In sum, the proposed project will install minor interior and exterior improvements and will assure vegetation restoration that will be beneficial to the surrounding natural environment, assuring no adverse impacts to coastal resources 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, May 8, 2019, in Oxnard. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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

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: April 25, 2019
Emergency Permit No. G-2-19-0019

APPLICANT: City of Pacifica

EMERGENCY LOCATION: On the beach adjacent to 1090 Palmetto Ave. in Pacifica, San Mateo County.

EMERGENCY WORK: Burial of a whale carcass using an excavator to dig a 25-foot deep, 15-foot wide and 50-foot long hole above the mean high tide line. The whale will be dragged from the tide line into the hole and covered with sand, which would then be graded to pre-excitation conditions. The work is anticipated to take one day.

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 a whale carcass washing up on the beach is now causing public health and safety concerns that 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. 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.

A handwritten signature in black ink, appearing to read "Jeannine Manna", written over a horizontal line.

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

Enclosures: ECDP Acceptance Form

CONDITIONS OF APPROVAL:

1. The enclosed ECDP acceptance form must be signed by the ECDP Permittee (i.e. 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 May 10, 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. Specifically, the excavator used to dig the hole and move the whale will take the most direct route across the beach and stay as far landward from the intertidal zone as possible during the course of the work. The work will be performed as efficiently as possible to minimize the amount of time the large machinery spends on the beach. Public access to the construction areas will remain open as long as conditions do not impose a public safety risk. Any additional work or maintenance to the existing work conducted pursuant to this ECDP requires separate authorization from the Executive Director. However, should the burial site slump or cave in over time, the Permittee may undertake actions to regrade the area consistent with the same conditions of approval of this ECDP. 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. The Permittee shall keep construction activities under surveillance, management, and control to minimize interference with, disturbance to, and damage to fish and wildlife. If any marine mammal is observed within 15 meters of the project site during construction, work shall stop immediately.
 - c. All work shall take place during daylight hours. Lighting of the beach or intertidal area is prohibited. The whale shall be moved during low tide conditions to minimize contact of machinery with coastal waters.
 - 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 May 25, 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. 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.
 8. This ECDP shall not constitute a waiver of any public rights which may exist on the property. The Permittee shall not use this ECDP as evidence of a waiver of any public rights which may exist on the property.
 9. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the California Department of Fish & Wildlife, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, and the California State Lands Commission.
 10. This ECDP only authorizes the temporary emergency development identified herein, although the Executive Director may modify and/or extend the authorization to additional and closely related temporary emergency development for good cause provided that: such modification/extension is also necessary to temporarily abate the identified emergency; such modification/extension is sited and designed in such a way as to protect coastal resources as much as possible, including through imposition of additional ECDP conditions if necessary; and such modification/extension is subject to all of the terms and conditions of this ECDP, including any additional ECDP conditions added by the Executive Director in modifying/extending the authorization.

11. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
12. 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 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 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-2-19-0019

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.

I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them.

Raymond D. Domingues
Signature of Property Owner or
Authorized Representative

RAYMOND DOMINGUES
Print Name

Address: 170 SANTA MARIA AVE.
PACIFICA CA 94044

4-25-19
Date of Signing