

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
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Prepared June 7, 2019 (for June 13, 2019 Hearing)

To: Coastal Commissioners and Interested Persons

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

Subject: North Central Coast District Director's Report for June 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 June 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 June 13th at the Island Palms Hotel & Marina (2051 Shelter Island Drive) in San Diego, CA.

With respect to the June 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 June 13, 2019 (see attached)

CDP Waivers

- 2-19-0326-W, Cook SFD Remodel (Stinson Beach)

CDP Amendments

- None

CDP Extensions

- None

Emergency CDPs

- G-2-19-0026, Lopez and Kong Creek Bank Stabilization (Pt. Reyes Station)

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**NOTICE OF PROPOSED PERMIT WAIVER**

Date: May 31, 2018
To: All Interested Parties
From: Jeannine Manna, North Central Coast District Manager *JM*
Sara Pfeifer, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 2-19-0326-W
Applicant: Rob and Mary Anne Cook

Proposed Development

Remodel of existing 2,765-square-foot single-story residence, including 530 square feet of livable space additions, extension of the existing roof line to connect to a newly constructed guest house, a new roof, and replacement of a septic system at 161 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, including on public views, water quality and marine resources. 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 infill 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 Thursday, June 13, 2019, in San Diego. If three or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

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

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**EMERGENCY COASTAL DEVELOPMENT PERMIT**

Issue Date: June 7, 2019
Emergency Permit No. G-2-19-0026

APPLICANT(s): Ruth and John Lopez and Teresa Kong

EMERGENCY LOCATION: 11190 and 11180 Sir Francis Drake Boulevard in Point Reyes Station, Marin County (APNs 119-240-64 and -63)

EMERGENCY WORK: Emergency creek bank stabilization involving the placement of a 115-foot long riprap revetment and re-contouring of the bank slope along Lagunitas Creek, adjacent to two single-family parcels.

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 sudden erosion event occurred on March 4th as a result of increased flows from Lagunitas Creek, resulting in the landward loss of 15-20 feet of creek bank adjacent to the residences at 11190 and 11180 Sir Francis Drake Boulevard in Point Reyes Station (APNs 119-240-64 and -63). This bank erosion required immediate action which began on April 12th as further described above 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".

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

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

CONDITIONS OF APPROVAL:

1. The enclosed ECDP acceptance form must be signed by the ECDP Permittees (Ruth and John Lopez and Teresa Kong) and returned to the Coastal Commission's North Central Cost District Office within 15 days of the issue date of this permit (by June 22, 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. 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.
4. All work shall take place in a time and manner to minimize any potential damages to coastal resources, including habitat areas, sensitive species, and Lagunitas Creek and to minimize impacts to public recreational access. Construction materials, equipment and/or debris shall not be stored where it will or could potentially be subject to hazards. 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 creek 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 creek area is prohibited.
 - c. Grading in the creek is prohibited.
 - d. All construction activities that might result in discharge of materials, polluted runoff, or wastes to the creek or the adjacent marine environment are prohibited. Equipment washing, refueling, and/ or servicing shall not take place on the creek bank. 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.

- e. 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 creek bank; etc.).
 - f. All accessways impacted by construction activities shall be restored to their preconstruction condition or better within three days of completion of construction.
 - g. 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.
 - h. 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.
5. The work authorized by this ECDP, completed on April 22nd, shall become null and void upon submission of evidence identifying all the work completed pursuant to this ECDP (due within 30 days, July 7, 2019, per Condition 8) unless that expiration date is extended by the Executive Director for good cause.
6. 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 structures while minimizing impacts to the creek and riparian habitat and reducing the footprint of the creek bank 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.), restoration and mitigation for habitat impacts, redesign of the bank armoring, and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from coastal hazards.
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. Within 30 days of the date of permit issuance (June 7, 2019), 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.

9. 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.
10. 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. The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
11. 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.
12. 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.
13. Failure to a) submit a complete follow-up CDP Application that complies with Condition 12 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.

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