

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
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W14

Prepared April 29, 2017 (for May 13, 2020 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 2020

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 13, 2020. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review on the Commission's website (at www.coastal.ca.gov), or interested parties can request copies from staff (by emailing northcentralcoast@coastal.ca.gov or calling 415-904-5260). 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 13th.

With respect to the May 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 May 13, 2020 (see attached)

CDP Waivers

- None

CDP Amendments

- None

CDP Extensions

- 2-17-0184-E1, San Francisco PUC Pump Station Improvements (San Francisco)

Emergency CDPs

- G-2-20-0026, Lawson's Landing Pier Removal (Dillon Beach)

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NOTICE OF PROPOSED PERMIT EXTENSION

Date: April 23, 2020
To: All Interested Parties
From: Jeannine Manna, North Central Coast District Manager
Sara Pfeifer, Coastal Planner
Subject: Extension to Coastal Development Permit (CDP) 2-17-0184
Applicant: San Francisco Public Utilities Commission

Original CDP Approval

CDP 2-17-0184 was approved by the Coastal Commission on May 10, 2018, and provided for the addition of redundancy wastewater infrastructure associated with the existing Westside Pump Station at 2900 Great Highway in the Ocean Beach area on the west side of San Francisco, in San Francisco County.

Proposed CDP Extension

The expiration date of CDP 2-17-0184 would be extended by one year to May 10, 2021. The Commission's reference number for this proposed extension is **2-17-0184-E1**.

Executive Director's Changed Circumstances Determination

Pursuant to Title 14, Section 13169 of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that there are no changed circumstances affecting the approved development's consistency with the certified San Francisco City and County's Local Coastal Program and/or Chapter 3 of the Coastal Act, as applicable.

Coastal Commission Review Procedure

The Executive Director's determination and any written objections to it will be reported to the Commission on Wednesday, May 13, 2020 at its virtual meeting. If three or more Commissioners object to the Executive Director's changed circumstances determination at that time, a full hearing on whether changed circumstances exist will be scheduled pursuant to the Commission's regulations.

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: April 29, 2020
Emergency Permit No. G-2-20-0026

PERMITTEE: Michael Lawson and Carl Vogler Jr.

LOCATION OF EMERGENCY: Lawson's Landing Pier, 137 Marine View Drive, Dillon Beach, Marin County (APN: 100-100-48)

EMERGENCY WORK: Complete removal of a deteriorated pier, and its 27 associated pilings, using a barge with a crane; and site restoration.

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 severe storm events resulting in rapid deterioration of pier pilings poses a threat to the stability of the existing pier at Lawson's Landing (137 Marine View Drive, Dillon Beach, Marin County) and 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.

A handwritten signature in black ink, appearing to read "Jeannine Manna".

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

Enclosures: 1) ECDP Acceptance Form;

cc: Marin County Planning Department

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Emergency Permit No.: G-2-20-0026

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Coastal Development Permit (ECDP) Acceptance form must be signed by the Permittee (i.e. Michael Lawson) and returned to the Coastal Commission's North Central Coast District Office within 15 days of the issue date of this permit (by May 14, 2020). 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, requires minimizing the extent of disturbance to the substrate to that which is needed to remove the deteriorated pier and pilings and restore the site to an acceptable state. Any additional work or maintenance to the work done 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 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:

- i. Construction work or equipment operations shall be conducted at low tide, to the extent feasible;
- ii. Foreign materials (e.g. construction debris, wood preservatives, other chemicals, etc.) shall be prevented from entering the bay and coastal waters;
- iii. All best management practices (BMPs) shall be in place prior to the commencement of construction as well as at the end of each work day;
- iv. A containment device shall be placed around all active portions of a construction site where construction materials/scrap or other floatable debris could enter the water. Also, for any work on or beneath fixed decks, heavy-duty mesh containment netting shall be maintained below all work areas where construction discards or other materials could fall into the water. The containment device shall be cleared daily or as often as necessary to prevent accumulation of debris;
- v. All debris discharged into coastal waters shall be removed, immediately (as soon as possible) or by no later than the end of the work day;
- vi. The Permittee shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials 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 project area). The Permittee shall inspect the project area at the completion of the work to ensure that no debris, trash, or construction materials are left at the site or in the adjacent coastal waters;
- vii. The Permittee shall clean public roadway surfaces adjacent to the project site, the off-load site, and staging areas;
- viii. All access points adversely affected by development activities shall be restored to their pre-construction condition or better within three days of completion of construction;
- ix. Construction and removal activities (including but not limited to equipment staging and storage and removal of constructed structures) are prohibited outside of the limits of the designated construction, staging, and storage areas;
- x. Equipment washing, in addition to fueling, and or servicing shall not take place on the beach, dock, or pier. Work vehicles will be maintained and washed in confined areas specifically designed to control runoff and located more than 100 feet away from the mean high tide line;
- xi. All water quality BMPs to be implemented during construction and their location shall be noted on the project plans. Silt fences or equivalent devices, shall be installed at

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the perimeter of the staging and equipment areas to prevent construction and removal-related runoff and or sediment from entering adjacent coastal waters, to maximum extent feasible.

- xii. All access ways 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.
 - xiii. The Permittee shall ensure that work crews are briefed on the importance of observing the appropriate precautions and the reporting of any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or cleaning up improperly contained foreign materials.
 - xiv. The Permittee shall conduct work during daylight hours. Additional lighting of the marine area is prohibited.
 - xv. 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 permit (i.e., by June 28, 2020), 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 is no longer authorized if it is not followed-up by a regular CDP, or incorporated into pending CDP amendment application A-2-MAR-08-028-A3 on file with the Commission's North Central Coast District office. A regular CDP will be subject to all of the provisions of the California Coastal Act.
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 and removal 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 60 days of issuance of this ECDP, or as extended by the Executive Director through correspondence, for good cause, the Permittee shall 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 development will no longer be considered authorized.
14. Failure to a) submit a complete follow-up CDP Application that complies with Condition 13 above; or b) comply with all terms and conditions of the required follow-up CDP, including any deadlines identified therein 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.

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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.