### **CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE 45 FREMONT STREET, SUITE 2000 SAN FRANCISCO, CA 94105 PHONE: (415) 904-5260 FAX: (4150 904-5400 WEB: WWW.COASTAL.CA.GOV



## Th8a

2-17-0438 (AMJT CAPITAL, BCPUD ARMORING)
JULY 9, 2020

**CORRESPONDENCE** 



#### ATTORNEYS AT LAW

777 South Figueroa Street 34th Floor Los Angeles, CA 90017 T 213.612.7800 F 213.612.7801

Steven H. Kaufmann D 213.612.7875 skaufmann@nossaman.com

Refer To File # 400922-0002

June 3, 2020

W11.a

Stephen Padilla, Chair Honorable Coastal Commissioners California Coastal Commission 45 Fremont Street, Suite 2000 San Francisco, CA 91405

Re: Application No. 2-17-0438 (AMJT Capital/BCPUD Seawall)

Agenda Item: 11.a, Wednesday June 10, 2020

Dear Chair Padilla and Commissioners:

AMJT Capital, LLC, (AMJT) and the Bolinas Community Public Utility District (BCPUD) are co-applicants requesting to redevelop an iconic, long-standing concrete seawall which, for years, has provided extraordinary dedicated public access to the beach at the end of Brighton Avenue and recreational uses for the visiting public and community of Bolinas, in Marin County. This firm, along with McCabe & Company, represents AMJT.

We would like to thank Staff for their efforts to resolve outstanding issues, and while AMJT and BCPUD agree with the majority of the special conditions, we, along with BCPUD, respectfully request changes to several of the special conditions recommended by Staff. The conditions go beyond the scope of the proposal, and do not reflect the uniqueness of this recreational and public access resource — a seawall that has the support of the visiting public and Bolinas community because of its well-established public safety and public access and recreational benefits.

This letter first summarizes below the special conditions with which we disagree, then discusses the background and very narrow focus of the seawall project, and finally discusses in detail the changes we are requesting to the special conditions, as reflected in the "redline" attached to the letter as Exhibit 1.

A copy of this letter has been provided to the North Central Coast District Staff 57492385.v1

In summary, AMJT and BCPUD disagree with those parts of the special conditions that would require the following:

- 1. **Special Condition 1(a) Seawall Width**: Reduction in the width of the seawall along its entire beach frontage to 7', instead of the 7' to 15'8" proposed, which is necessary to preserve the variety of important historic public access and recreational uses this long-standing wider seawall has provided the visiting public and the Bolinas community for decades.
- 2. **Special Condition 1(a) Rock Riprap**: Removal of all riprap rocks in front of the seawall, instead of restacking them as maintenance. The riprap has a vested right to remain by virtue of multiple Commission decisions previously approving their placement and the lateral public access then provided, and, given the unique nearshore bathymetry in Bolinas Bay, the riprap has no adverse impact on Bolinas Beach.
- 3. Special Condition 1(k)(2) and (5) Upcoast Wooden Groin and Fence and Shed on Brighton Avenue: Removal of a remnant wooden groin on the off-site beach upcoast and the fence and shed on Brighton Avenue, all of which are unrelated to the seawall project proposed. The upcoast owner opposes removal of the groin because it serves to slow beach erosion. The fence and shed are minor improvements which have been added to this application, and because the access ramp will be widened towards the AMJT residence, they will pose no significant ocean view impacts from Brighton Avenue.
- 4. Special Condition 1(a) Upcoast Vertical Wall and Riprap:
  Construction of a large 26.5' high, 30' long concrete-covered sheet pile wall on the upcoast side of the property and removal of existing riprap on the upcoast side of the property (except for a 63 sf area), which would create adverse wave reflection of westerly waves, beach and bluff erosion and significant visual impacts. The existing riprap in that area, which lies on the upcoast neighbor's property, and thickly rooted vegetation serve to protect the bluff on the upcoast side of the AMJT property.
- 5. Special Condition 6 Duration of Seawall: Limitation on the life of the seawall to 20 years (subject to reapplication) and removal of the seawall if more than 50% of the AMJT residence is removed or redeveloped, improperly tying the seawall project exclusively to the residence when its purpose, as required by the conditions, is both to protect and continue to provide, in perpetuity, the public access required and to protect the residence.

- 6. Special Conditions 1(a) and (f) Relocation of Perimeter Fence: Relocation of perimeter fencing at the rear of the seawall previously approved by the Commission and replacement with a 6' tall fence immediately adjacent to the residence (5' from the house and directly adjacent to an existing spa) in order to provide vegetation behind the seawall. This would materially impair the usability of the homeowner's outdoor living space with little or no public benefit and eliminate the clear visual and physical line of demarcation between the public walkway and homeowner's patio.
- Package: AMJT has no objection to providing a "public benefits" package associated with creation of upper and lower overlooks on the downcoast side of Brighton Avenue that includes removal of large concrete debris and placement of public recreational access amenities, subject to community input, which will be implemented through a Public Access Management Plan submitted as part of condition compliance. AMJT does not agree, however, that an in-lieu fee (discussed but not required in the Staff Report) would otherwise be required or justified for this unique seawall project which, for years, has provided public safety and public access and recreational use benefits, and will continue to do so into the future.
- Separate Obligations of AMJT and BCPUD: Several conditions refer generally to obligations by the "permittees." Most of the obligations are properly limited to AMJT, and BCPUD's primary obligation will be the acceptance of the public access deed restriction, as set forth in Special Condition 4. Throughout the conditions, the reference to "Permittees" should be revised to "AMJT," thereby not including BCPUD where logically it should have no obligation. Two special conditions, 3(b) and 4(a) require AMJT and BCPUD to be "jointly" responsible for the installation, repair, maintenance and accessibility of the public recreational access uses and areas on their respective properties. Neither BCPUD nor AMJT should be required to assume responsibility for property that it does not own or control, and the extent of their obligations should be addressed in the Public Access Management Plan, submitted to Staff during condition compliance.
- 9. **Special Condition 12 Real Estate Disclosure:** The "real estate disclosure" condition is duplicative of Special Condition 16, the Commission's standard deed restriction, the intent of which is to put a purchaser of the AMJT property on notice of the CDP. But, the condition is also vague and overbroad in its blanket reference to including the CDP in all future marketing materials. The condition should be modified to delete the words "future marketing and/or" and "specific marketing materials."

In sum, AMJT and BCPUD are in agreement with the staff recommendation of approval and are willing to accept many of the 16 special conditions. However, several conditions pose implementation and/or legal challenges or are related to the residence rather that the proposed rebuild of the seawall. The "redline" of the special conditions (Exhibit 1) addresses our concerns, and AMJT respectfully requests that the Commission adopt those changes and revised findings to reflect the co-applicants' requests.

### **BACKGROUND**

AMJT owns the existing home at 100 Brighton Avenue and the property seaward of the house to the mean high tide line (MHTL). Sometime prior to 1967, a pre-Coastal concrete seawall was constructed extending along the beach in front of the residence approximately 166 feet long and 10 to 17 feet wide, and rock riprap was subsequently added seaward of the seawall through multiple Coastal Commission approvals. A portion of the seawall system lies on property owned by BCPUD where Brighton Avenue intersects the beach, and BCPUD has long held the public access easement over the top of the seawall and the sandy beach seaward to the MHTL, having accepted multiple offers to dedicate that public access as required by the Commission.

### A. Nature of the Project Proposed

The Staff Report at times confuses the nature of the Project at issue. This is not an application sought just to protect a homeowner's existing residence. It is much more than that, and it is unique because the seawall provides the Bolinas community and visitors alike with essential public access on and over the seawall, as well as various recreational uses. The Staff Report asserts in different places that the seawall "blocks" public access. (e.g., Staff Report, p. 26.) It does not. It does precisely the opposite – it enables public access for a multiplicity of uses about which the visiting public and the Bolinas community are, frankly, passionate. (See e.g., Staff Rpt., Correspondence, Ltr. from Jennifer Blackman, BCPUD, attached photos, 1/17/20.) Importantly, the seawall provides the sole "pass and repass" access at times to the upcoast sandy beach, especially during the winter higher tide conditions. But, it also provides an important active ocean viewing overlook from atop the seawall and other passive and active recreational opportunities such as picnicking, fishing or just sitting and enjoying the view. The breadth of uses the seawall serves is perhaps best expressed by Bolinas residents:

"We regularly use the bulkhead as a lookout point to assess existing ocean conditions to watch the waves, surfers, seals cruising, fisherman surf casting, beach visitors lounging, people swimming and birds diving and to access the beach for

our own personal use to walk, swim, surf make art and listen to the music and meditate." (See Staff Rpt., Correspondence, Ltr. from Nabiel Musleh and Jenny Boyle, 10/27/19.)

And, seawall access provides a vitally important life safety purpose, enabling the Fire Department and first responders access to the upcoast beach to rescue injured or stranded beachgoers, which occurs on average about a dozen times a year. (See Staff Rpt., Correspondence, Ltr. from Bolinas Fire Protection Dist, 10/22/18; Ltr. from Marin County Supervisor Dennis Rodoni, 10/29/19.)

The current seawall, which varies in width from 17' on the upcoast end to 10' on the downcoast end, facilitates all of these existing uses. The proposed seawall will be narrower than the existing wall, tapering from a width of 15'8" on the upcoast end to 7' at the downcoast end. The public access benefits provided by this seawall are significant. The seawall both protects important public safety and access and recreational benefits administered by BCPUD, as well as the home owned by AMJT, which is why both are coapplicants.

### B. The Seawall Project Proposed is Narrow in Scope

The Project, as proposed, is for replacement of an existing seawall. The seawall is presently in an acknowledged hazardous condition, the concrete having eroded and buckled and deteriorated and its reinforced steel structure having weathered, exposing corroded rebar. (See Staff Report, Exh. 2, p. 3.) The Project specifically proposes the following:

- To redevelop the seawall by realigning it slightly landward but at a width 15'8" on the upcoast end and 7' on the downcoast end necessary to preserve the historic access uses the Bolinas community and visiting public have long enjoyed.
- To redo and improve the vertical accessways on either side of the seawall, including a new accessible wheelchair ramp on the downcoast end;
- To colorize and contour the seawall system to blend into the natural bluff environment;
- To place visually permeable safety railings on the seawall and ramps pursuant to County code requirements;

- To restack the previously approved rock riprap in front of the seawall, which the Commission approved in multiple decisions, a routine maintenance measure for riprap, as acknowledged in Commission permit decisions; and
- To redo the concrete wall and property privacy fence abutting the rear of the seawall.

That is the full extent of the project proposed. The Staff Report, however, recommends several special conditions that go well beyond this very focused seawall project, and these conditions are addressed below.

### C. Previous Commission Approvals and Access OTDs Accepted by BCPUD

This seawall has a considerable permit history with this Commission. We would like to correct several inaccuracies in the staff report related to characterization of the Commission's permit decisions and the public access required by those permits.

### • Access seaward of the seawall to the MHTL.

The Staff Report states (at pp. 27): "The previous property owner received a CDP (CDP 92-78) in 1978 to place some 535 tons of riprap seaward of the seawall and along the western portion of the property." The CDP approved required the applicant "to offer to dedicate a pedestrian access and use easement in favor of the public, measured from the base of the rip-rap seaward to the mean high tide line." At that time, there was no formal "Offer to Dedicate" document recorded in the conventional sense, but Staff assumes, incorrectly, that the access was not provided. It was. The condition required an offer to dedicate (OTD) to a public entity, and on 12/5/79 BCPUD accepted the OTD as "Approved by Bd. Of Directors." Recordation of an "Offer to Dedicate" was not required nor was it legally necessary to create the accepted easement. Recordation would only have served to put subsequent purchasers or successors on notice of the OTD.

### Access over and across the seawall.

The Staff Report continues (at p. 27): The previous property owner received "a second CDP (CDP 219-79) in 1979 to construct a fence fronting the property landward of the seawall as well as metal access steps on the east and west sides of the armoring system. CDP 219-79 required dedication of a public access easement

over and across the armoring system as a condition of approval." The condition stated, in relevant part: "Prior to commencement of further construction but no later than 60 days after permit issuance the applicant shall grant an Easement for public access to a public agency." The application was approved on October 11, 1979. The approval was extended by 12 months to October 23, 1980. The OTD was signed by the owner on August 28, 1981, and it was acknowledged by Commission staff counsel on the same day, although staff counsel's August 28, 1981 signature was not separately acknowledged by a notary until October 23, 1981. The OTD was formally recorded on October 28, 1981. BCPUD subsequently accepted that easement.

### • Access seaward of the seawall to the MHTL.

Over the years, the rock riprap settled as seasonal scour lowered the sand level during winter storm events but returns in the summer. Thus, as the Staff Report notes (at p. 27), CDP 1-88-16 (in 1988) authorized placement of an additional 470 tons of riprap along the western perimeter of the seawall and re-required dedication of a pedestrian and public access easement measured from the base of the seawall adjacent to the riprap (placed in 1978), seaward to the mean high tide line. It also authorized the construction of the access stairs at the east and west ends of the seawall that were never completed pursuant to the requirements of CDP 219-79 and required that the public access easement included the area for the westerly stairs." BCPUD accepted the access easement.

In short, public access on the seawall and seaward of it has long been required by the Commission, and in each case BCPUD, on behalf of the public, <u>accepted</u> the offers to dedicate that access. BCPUD has indicated that it will again accept the offer to dedicate recommended here, provided the width of the seawall remains essentially as proposed.

### REQUESTED CHANGES TO THE SPECIAL CONDITIONS

### 1. Seawall Width – Special Condition 1(a)

Special Condition 1(a) would require modifying the seawall proposed so that it is limited to a total width of 7'. (Staff Report, p. 6.) AMJT and BCPUD, however, believe that the proposed width – 15'8" (at the upcoast end) and 7' (at the downcoast end) – is more appropriate to accommodate the historic access uses this seawall has provided to the Bolinas community and the visiting public.

The Staff Report explains that "public recreation and beach access represent major cornerstones of the Coastal Act and are critical along this stretch of coastline," and "that all of the public should enjoy access for recreation at coastal areas is an important concept for environmental justice precepts in California . . . ." (*Id.*, pp. 49.) AMJT and BCPUD whole-heartedly agree. But, the Staff Report then offers an extended discussion that is decidedly general and would result in greatly minimizing, not maximizing, public access. The recommended seawall width limitation has no foundation in the actual facts at Bolinas, this beach, or the seawall.

The Staff Report, for example, states that the seawall "blocks" access. (*Id.*, p. 26.) That clearly is not the case with this seawall. The beach width at the end of Brighton Way varies. During the summer months, the beach widens and reforms as sands from the offshore bar return. Beach width is narrowest in the winter and wave action more often reaches the seawall and, absent the seawall, would leave access to the upcoast beach impassable. The seawall facilitates public access and recreation throughout the year.

The Staff Report states that the "armoring system at this site would have the potential to cause impacts that disproportionately affect low income and minority communities." (*Id.*, p. 50.) That general statement is not true of the historic or intended continued use of the seawall or the beach, and, as explained below, there is no evidence which supports that conclusion.

The Staff Report mistakenly asserts that "a reduction in width of the seawall to the minimum necessary to protect the residence while providing adequate public access and emergency access across the top of the armoring system (i.e., 6 feet)" is required. (Staff Report, p. 36.) The narrow width recommended would do just the opposite: It would eliminate the "adequate public access" which currently exists on and over the seawall. Absent from discussion in the Staff Report is any recognition of the unique multiplicity of public access uses the seawall has historically provided. It represents a unique coastal-dependent resource in Bolinas. The seawall has provided pass and repass access to and from the beach upcoast. It is a point of congregation for individuals and groups who regularly use the seawall to safely view the ocean and waves, the surf conditions, seal and bird watching, to picnic or just lounge atop the seawall. Surfers use it to carry their surfboards to the beach upcoast. It is also used by people to fish off the wider end of the seawall.

Staff's 7' width limitation is apparently keyed to the lowest common denominator – the minimum 6' width that the Fire Department previously indicated it would require when, approximately 12 times a year, it must make emergency rescues of beachgoers or

injured persons from the upcoast beach. (See Staff Rpt., Correspondence, Ltr. from former Fire Chief Tyrrell-Brown, 10/22/18.) But, in truth, an even wider area is more sensibly required. The current Fire Chief explains:

"Each one of these incidents requires us to bring equipment to put out fires and/or transport patients. In order to safety extricate a patient off the beach we use the 'wheeled-stokes' piece of equipment that is made up of a single pivoting wheel attached to a 7'1 x 2'w gurney guided on either side by 4-6 rescuers in order to balance the patient, requiring a minimum 8' handling width to safety and comfortably maneuver the patient along the front of the wall." (Staff Rpt., Correspondence, Ltr. from Fire Chief Krakauer, 10/16/19.)

The uses cannot be reasonably accommodated on a greatly narrowed seawall. As a compromise, AMJT and BCPUD have proposed a 15'8" width on the upcoast end and a 7' width on the downcoast end. The wider seawall width proposed is essential to comfortably accommodate <u>all</u> of the foregoing access uses, not just Fire Department access, and <u>without</u> any distinction as to the income level or minority/majority status of its users. Indeed, the seawall proposed also will, for the first time, be designed for wheelchair access, and the seawall surface will be uniform, smooth, and safe in contrast to its current badly broken concrete surface.

The Commission is therefore requested to modify Special Condition 1(a) to delete the suggested limitation of the seawall to 7' in width.

### 2. <u>Vested Right to Retain and Restack Rock Riprap – Special Condition 1(a)</u>

Special Condition 1(a) further states: "All riprap in the project area shall be removed." (Staff Report, p. 6.) The staff rationale is that removal of the riprap will decrease the overall footprint of the seawall. (Staff Report, p. 36.) However, the staff report ignores that the riprap, twice approved by the Commission, has long held a vested right to remain, and expert site-specific evidence additionally demonstrates that the riprap poses no adverse impact on this particular beach.

The Staff Report correctly explains that in 1978, the Commission approved the placement of 535 tons of riprap seawall of the seawall and along the western portion of the property. As noted above, the Commission required the dedication of public access over the area extending to the MHTL, which BCPUD accepted. In 1988, the Commission again authorized an additional 470 tons of riprap along the western perimeter of the seawall and re-required dedication of a pedestrian and public access easement from the

base of the seawall to the MHTL, which BCPUD again accepted. In each case, the riprap, pursuant to the permits granted, was placed on the beach. Thus, as a consequence of the Commission's prior approvals, the riprap has a vested right to remain.

Further, it bears noting that over time, much of the riprap has settled below the original elevation the rocks were placed so that the rocks are currently buried. Noble Consultants, the project engineer, has prepared three site-specific expert reports evaluating the riprap rocks. The first report explains that as a maintenance measure the riprap must be restacked to again be integrated with the seawall. (Report, Noble Consultants, 1-17-17.) No rock is being added. As an appropriate maintenance measure, it is simply being restored to its original approved location. The second expert report demonstrates at some length that based on the unique nearshore bathymetry in Bolinas Bay, the existing riprap has no impact on Brighton Beach and a positive impact on the seawall. (Report, Noble Consultants, 4-6-20.)

We are therefore requesting modification of Special Condition 1(a) to delete the removal of the riprap.<sup>1</sup>

\_

<sup>&</sup>lt;sup>1</sup> The Staff Report includes a footnote (p. 26, fn. 11) that suggests a "violation" exists because the riprap previously approved has slumped significantly over the beach, some of which may extend some 30 feet from the seawall. As noted above, the riprap that the Commission approved in multiple decisions was fully permitted, and in any event the footnote correctly explains that it was reauthorized by subsequent Commission approval in 1988 (CDP 1-88-16). The footnote also notes that 40 tons of riprap was placed without a permit in 2010, but that riprap was subsequently removed pursuant to a permit waiver that the Commission granted. Consequently, there is no "violation" at all, but there is a maintenance issue, and this application seeks to correct that by restacking the rocks to their original permitted location. Migration of riprap through years of wave action is not an extraordinary issue. Thus, in 5-12-198 (Blue Lagoon), the Commission approved the repositioning "migrated" riprap to its original location, finding it "properly considered to be repair and maintenance typically associated with rock revetments, and not rebuilding or substantially altering the revetment." In fact, the repair and maintenance work there also required 800 tons of new riprap, while no additional riprap is required or proposed here, just maintenance restacking of the riprap back to its original permitted location.

### 3. The Wooden Groin Upcoast and Fence and Shed Downcoast Having Nothing to Do With the Project – Special Conditions 1(k)(2) and 1(k)(5)

Two of the recommended special conditions go beyond "reasonable terms and conditions" because they bear no relation to the seawall project proposed. Simply put, they are not necessary to ensure the seawall project will be in accordance with the provisions of the Coastal Act, and therefore should be deleted.

Special Condition 1(k)(5) would require that "all remnant fencing and columns located on the sandy beach to the west of the site shall be removed and the area restored to sandy beach if underlying landowners, whether the California State Lands Commission and/or other, provide consent for same." This refers to a remnant wooden groin on adjacent property upcoast that AMJT and BCPUD neither own nor control. The remnant groin bears no relation to the seawall proposed, and, in any event, the owners of the neighboring property, the O'Connells, have advised the Commission, Staff and the coapplicants that they will not agree to its removal. (Staff Rpt., Correspondence, Ltr. from Spencer Kallick, Esq., 2/23/20, p. 2.)

Special Condition 1(k)(2) would further require removal of certain private development which AMJT has maintained for years on property its property and on property owned by BCPUD. This private development includes an existing shed and some fencing along the Brighton Avenue right-of-way. Neither the shed nor the fencing, however, have any relation to the seawall project proposed. They have been in place for many years (the prior property owner evidently believed them to be on private property at the time) and BCPUD is willing to consent to the encroachments. Inland of the BCPUD property, the shed and fence are located on property owned by AMJT, which owns to the centerline of the Brighton Avenue, as reflected in its title report and Civil Code sections 831and 1112.

In any case, the application here has been amended to include both the fence and shed. Importantly, the concern expressed by the Staff Report and Special Condition 1(k)(2) is that the fence and shed impact views of the ocean from Brighton Avenue. However, the shed is already setback and has no view impact at all. The long-standing fence will have to be relocated 2' closer to the AMJT house because of the requirement in Special Condition 1(a) that the access ramps be widened by 2', and that will therefore open up additional views of the ocean from Brighton Avenue.

Thus, the Commission is requested to modify Special Conditions 1(k)(2) and 1(k)(5) to delete the requirements that the off-site wooden groin, fence, and shed be removed as a condition of this Project.

### 4. Staff's 26.5' High Concrete-Covered Sheet-Pile Wall – Special Condition 1(a)

Special Condition 1(a) would require along the bluff near the western property line construction of a large, new vertical steel sheet pile wall 26.5' feet high and approximately 30' long and concrete surfacing approximately 1.25 feet deep to provide for protection for the western portion of the residence. It would also require removal of the riprap, except for 63 sf, on the upcoast neighbor's property that currently protects the beach and the western bluff along the AMJT property and the bluff on the O'Connell property. (Staff Report, p. 7.) This condition is improper, first, because it does not relate to the seawall project proposed and would unnecessarily create adverse impacts inconsistent with the hazard and visual policies of the Coastal Act.

The western end of the AMJT property along the bluff consists of a combination of existing rock riprap and thick, heavy-rooted vegetation. Noble Consultants explains that the riprap provides "wave dissipation properties that contribute to the stable environment" for that portion of the property. (Noble Consultants, 4/30/20). Apparently, in recognition of the fact that the riprap serves that purpose, Special Condition 1(a) recommends changing this stable situation by replacing the riprap and vegetation with a new steel sheet pile wall 26.5' high and 30' long with concrete surfacing 1.25' deep.

Construction of a sheet pile wall as proposed by staff presents questions of bulk, scale and visual impacts. The existing riprap and vegetation adequately protect the upcoast portion of the property and do not raise similar Coastal Act consistency issues. Special Condition 1(a) is simply an add-on that neither relates to the seawall project proposed nor is necessary to ensure that the project is consistent with the Coastal Act.

This recommended condition would be plainly inconsistent with the Coastal Act in two respects. First, a large concrete covered 26.5' high sheet pile wall would replace existing riprap and bluff vegetation which currently blend into the natural environment. Instead of protecting views along this portion of the beach and minimizing alteration of the natural landform, it would be unsightly and incompatible with the character of the surrounding area.

Second, and importantly, a sheet pile wall would create backshore and beach erosion. Noble Consultants explains that the west end of the AMJT property "experiences

significant wave energy, especially during the winter months. Waves impacting the west end that approach at an angle displace unconsolidated materials and move them along the shoreline. The existing vegetation attenuates wave energy and provides an erosion prevention root system with the native trees and plants" and together the existing riprap creates the "stable environment" in that location that would be altered by the staff condition. (Noble Consultants, 4/30/17, p. 3.) The engineer explains:

"Removal of the existing rock riprap and vegetation, and its replacement with an extended 30 feet long vertical return wall to elevation +27 feet NAVD88 along the western property line with the ongoing wave and tidal action, and climate change, will eventually result in significant local scouring of the unprotected backshore sandstone bluff. This existing vegetation will need to be removed in order to construction the 30 feet long vertical return wall. During the winter eroded beach conditions, and the occurrence of high water levels and storm waves, waves can approach this replacement vertical wall from a southerly through southwesterly direction. The wave energy from these approaching waves will reflect off the vertical wall back towards the westerly extending backshore bluff as shown in below Figure 6. This direction reflection of wave energy will further accelerate the erosion of this non-protected near vertical sandstone bluff. This wave energy will also result in further erosion of the existing sandstone berm, along the property's western property line, down to the beach level sands. The existing rock riprap and vegetation are currently covering and protecting this sandstone berm. See Figures 7, 8 and 9." (*Id.*, p. 4.)

Finally, the rock riprap extends into a portion of the O'Connell property immediately upcoast from AMJT. The O'Connells are also opposed to the removal of riprap, noting "the stone riprap still provides significant wave energy absorption and should remain." (Staff Rpt., Correspondence, Ltr. from Spencer Kallick, Esq., 2/23/20, p. 2.)

For these reasons, the Commission is requested to modify Special Condition 1(a) to delete the vertical return wall and allow the existing riprap and vegetation to remain.

### 5. Seawall Duration – Special Condition 6

Special Condition 6 would specify a "shoreline armoring term" tied to seawall protection for the AMJT residence. It authorizes the seawall until the residence is "redeveloped . . ., is no longer present, or no longer requires shoreline armoring,

whichever occurs first" and it limits the seawall duration to 20 years, subject to reapplication. (Special Conditions 6(a) and (c).)

The special condition treats the seawall as though it is being proposed solely to protect the private residence. But, BCPUD holds a public access easement over the wall and, by its involvement as the co-applicant here, it seeks to protect and preserve the important historic access and recreational benefits that proposed seawall will continue to provide.

The seawall in this case is both iconic and unique. AMJT and BCPUD propose to continue the dual purpose that the seawall has served now for literally decades – to maximize public access and to protect the house. Each of the Commission's previous decisions regarding the seawall required a public access dedication – dedications all accepted by BCPUD, and at no time did the Commission place a time limit on the seawall or the access. Indeed, it must be emphasized that BCPUD is a co-applicant on this project for one reason: to ensure the protection and preservation of the multiple public access and recreational uses that the Bolinas community and public have long enjoyed. Staff Rpt., Correspondence, Ltr. from Jennifer Blackman, BCPUD, 1/17/20.) The access provided is a vital coastal-dependent recreational use that would be lost if the seawall were to be removed. That access is especially important during those periods of the year when the waves reach the seawall and the beach would otherwise be impassable.

Thus, the Staff Report has added a "seawall duration" condition that is not appropriate in the context of this application. Special Condition 3 requires a public access easement that includes the seawall "for public recreational access use in perpetuity." As noted, BCPUD will again accept the offer to dedicate, provided the seawall width approved is essentially the same as proposed. But, BCPUD's ability to ensure public access "in perpetuity" cannot then be tied to a time frame that is time-limited and based on whether and how the residence in the future might be remodeled. The Commission is therefore requested to delete the entirety of Special Condition 6.<sup>2</sup>

\_

<sup>&</sup>lt;sup>2</sup> Coastal Act section 30235 states that revetments and seawalls "shall be permitted when required to serve coastal-dependent uses or to protect existing structures . . . ." The Staff Report notes that the AMJT residence was constructed in 1910, and thus was existing as of January 1, 1977, the effective date of the Coastal Act. Nonetheless, it posits an erroneous argument that the word "existing" in Section 30235 was intended to mean "existing" as of January 1, 1977. This precise argument was raised and rejected in *Surfrider Foundation v. California Coastal Com.* in 2005, in which, at the time, the Commission argued – and the court agreed – that "existing" in Section 30235 means

### 6. Fencing on the Retaining Wall at the Rear of the Seawall – Special Conditions 1(a) and 1(f)

As noted, in 1979, the Commission approved a CDP (CDP 219-79) permitting a 6' tall fence immediately landward of the existing seawall. That fence, which consists of both concrete and timber, has proven to be a stable line of demarcation, both physically and visually, between the public accessway and the private property behind it. (Staff Report, Exh. 2, p. 3; Correspondence, Ltr. from Jennifer Blackman, BCPUD, and attached photos, 1/17/20.) The seawall application proposes to replace that privacy fence on the majority of its seaward side with a 4' concrete wall topped with a 3' tall timber fence. To accommodate a grade change, the wall steps up towards the upcoast end to about 10' above grade.

The Staff Report, however, would require relocation of a 6' tall fence to just five feet from the house and adjacent to the existing spa, effectively eliminating the home's front patio. Specifically, Special Condition 1(f) would require:

"The proposed fencing on top of the retaining wall at the inland seawall edge and along the eastern property perimeter shall be eliminated from the project. The

existing at the time the Commission makes its decision. The court noted "as the Commission's Chief Counsel explained in testimony at the administrative hearing, this determination is consistent with the long-standing practice of the Commission." The Court further agreed with this Commission's argument that 1) there are numerous other policy provisions in the Coastal Act, enacted at the same time, which similarly use the word "existing" to refer to existing conditions (§§ 30233(a)(2), (a)(5), (c); 30234; 30236; 30250; 30610(g), 30725(b), 30711(a)(3), 30812(g)); 2) the words "existing marine structure," also in Section 30235, was clearly intended to apply to currently existing structures; 3) other provisions in the Act spell out the date when clarifying the term "existing," which is not the case in Section 30235 (§ 30610.6, 30614); and 4) contrary to the footnote, the court also agreed with the Commission that Sections 30235 and 30253 "are harmonious because Section 30253 governs the design and siting of new development so that, based on all bluff retreat rate predictions, it will not require a seawall, while the other provision, Section 30235, recognizes that even the best of intentions can go awry, and it mandates the Commission to approve seawalls to protect 'existing structures in danger from erosion'." And, finally, in 2017, AB 1129 proposed to revise Section 30235 to define "existing" as existing as of January 1, 1977, the view expressed in footnote 20 to the Staff Report, but it never passed. We will provide the Commission's brief and the trial court's decision to Staff by separate letter.

Plans can include a fence provided (1) it is no taller than 6 feet from grade, (2) it is located within 5 feet of the house and the cantilevered deck, or directly adjacent within 5 feet of the house and the cantilevered deck, or directly adjacent to the patio supporting the spa on the upcoast end, provided there is adequate space for landscaping between any such fences and the seawall edge that will screen such fencing from public view when such landscaping reaches maturity, and (3) it is sited and designed otherwise to minimize public view degradation."

AMJT is asking to replace the existing perimeter fencing in its <u>current</u> location on top of the landward side of the seawall. The staff recommendation would result in a material decrease in the homeowner's ability to enjoy his yard with little if any resultant public benefit, and it would eliminate the clear and long-standing visual and physical line of demarcation between the public walkway and homeowner's patio.

### 7. "Public Benefits" Package -- Special Conditions 1(k)(3), 2(e), and 2(f)

After discussions with Staff, in addition to dedicated public access over the seawall and seaward of it, AMJT has agreed to provide an additional "public benefits" package, creating two overlook areas on the downcoast side of Brighton Avenue, an undeveloped right-of way area that leads down to the beach. The lower overlook (BCPUD property) and upper overlook would be connected. The "public benefits" package would include creating the overlooks, removing large concrete rubble from the lower overlook, repaving Brighton Avenue at the conclusion of the work, and improving the overlooks with minimal public amenities as determined through public input and BCPUD and County approvals following noticed public hearings. Those amenities could include, for example, benches and/or picnic tables, identification and interpretive signage, bicycle racks, waste and recycling receptacles, a doggie mitt station, relocated art rocks, or other amenities reasonably expected to be enjoyed by the public. The ultimate public access uses and their maintenance would be reflected in the Public Access Management Plan. This is reflected in Special Conditions 1(k)(3), 2, 2(e), and 2(f)s, as clarified in the redline.

We note that the Staff Report includes an extended discussion that would approve a "public benefits" package in lieu of a mitigation fee of **\$2,179,473**, which Staff asserts is a figure both "reasonably related and roughly proportional" to the quantifiable impacts of the approved armoring. (Staff Report, p. 42.) The in-lieu fee analysis, however, is fundamentally flawed for several reasons.

First, in addition to protecting the homeowner's residence, the replacement seawall provides public access and public safety benefits. It has historically provided public

recreational access and public safety throughout the year, and the current seawall project proposes to continue those benefits and uses. Specifically, the project proposes to continue both dedicated public recreational access on and over the seawall, as well as dedicated lateral access seaward of the seawall to the MHTL, and to also provide the "public benefits" package that AMJT has volunteered on Brighton Avenue. Unlike a more typical scenario for a seawall that protects a private residence, this one <u>fully</u> mitigates its impacts by continuing to provide a frequently used public accessway to the upcoast beach, passive recreational uses on the seawall itself, and improvement of public spaces on nearby lands. The Staff Report does not account for that, and therefore an inlieu fee would not be "reasonably related" or "roughly proportional" to the quantifiable impacts in any event.

Second, the Staff Report arrives at a mitigation fee first applying the market value of oceanfront properties in Bolinas, which it calculates from the AMJT property to be \$2,043,779, and then additionally the cost of buying and delivering sand assumed to be held back by the presence of the seawall, which it calculates to be \$155,100. Added together, the present market value of the house (\$2,043,779) + sand potentially impacted (\$155,000) = \$2,198,879. (Staff Report, pp. 39-44.) This is academic because the Staff Report is not recommending an in-lieu fee. But, the flaw in the formula is that the metric utilizing the land and improved value of the portion of the property developed with the house cannot be equated with the portion of the property occupied by the seawall. The latter cannot be developed with a house; it is sandy beach which, with or without a house, has its own value, as somewhat reflected by Staff's value assessment of the sand potentially impacted. Thus, there has been no attempt to value the substantial public benefit provided by this particular seawall, its dedicated public access and recreational uses, and the lateral access provided seaward of it. The formula used to value the AMJT property incorrectly ascribes a residential real estate value to a sandy beach that cannot be developed for a residential real estate use.

In any case, the Commission is requested to approve the "public benefits" package in Special Conditions 1(k)(3), 2(e), and 2(f)s, as clarified in the redline.

### 8. <u>Sorting Out the Separate Obligations of AMJT and BCPUD – Multiple Special Conditions</u>

Special Conditions 1-2, 4-5, 7-9, and 14-15 refer generally to obligations by the "permittees." Most of the obligations are appropriately limited to AMJT, and BCPUD's primary obligation will be the acceptance of the public access deed restriction, as set forth in Special Condition 4. BCPUD has explained:

"... BCPUD Board of Directors agreed to be a co-applicant largely because of the other coastal dependent uses served by the seawall, i.e., the public safety benefits and important public access way provided to the community and visiting public across the seawall's walkway. It is important to note that BCPUD has a legal interest in the seawall's walkway through prior acceptance of the later access easement as required by a CCC-approved permit decades ago. As detailed in correspondence previously provided to CCC staff by the Bolinas Fire Protection District, the walkway across the top of the seawall provides a critical emergency access way for first responders to the northern beaches and therefore enhances public safety. The walkway across the top of the seawall also serves as an iconic public viewing point and gathering point for beach visitors and those partaking in other recreational activities on the northern beaches as depicted in the attached photographs. (See Staff Report, Correspondence, Ltr. from Jennifer Blackman, BCPUD, and attached photos, 1/17/20.)

Thus, throughout the conditions, the reference to "Permittees" where "BCPUD" has no obligation should be deleted and replaced with "AMJT," and we've reflected that in the attached redline.

In addition, Special Conditions 3(b) and 4(a) would make AMJT and BCPUD "jointly" responsible for the installation, repair, maintenance and accessibility of the public recreational access uses and areas on their respective properties. For the reasons explained above, however, the responsibility should be "individual," not "joint, and we have reflected that as well in the attached redline. Neither BCPUD nor AMJT should be required to assume ongoing responsibility for property that it does not own or control. The extent of their obligations would be addressed in the Public Access Management Plan, which as required by Special Condition 2 will be submitted to Staff during condition compliance.

### 9. Real Estate Disclosure – Special Condition 12

Special Condition 16 is the Commission's standard "Deed Restriction," which requires recordation of the CDP and its conditions against the title to property. It expressly states:

"(1) . . . [p]ursuant to the CDP, the California Coastal Commission has authorized development on the subject property, subject to the terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the special

conditions of this CDP as covenants, conditions and restrictions on the use and enjoyment of the property."

The Deed Restriction is reflected on title and itemized in a preliminary title report during escrow so that it ensures any subsequent purchaser of the real property is fully on notice of the CDP and the conditions ultimately imposed by Commission. The Staff Report recommends a further condition, Special Condition 12 ("Real Estate Disclosure") which states:

"Disclosure documents related to any *future marketing and/or* sale of the subject property, including but not limited to *specific marketing materials*, sales contracts and similar documents, shall notify potential buyers of the terms and conditions of this CDP. A copy of this CDP shall be provided with all sales contracts and as part of, or referenced and made available, in all other real estate disclosures." (Italics reflect words that below we request be deleted.)

This additional condition is redundant because of the required Deed Restriction in Special Condition 16 and the homeowner's obligation to disclose the CDP any time the house is in contract. Further, if the requirement is tied to Special Condition 6, it is unnecessary because, as explained above, that condition is not appropriate here given the dual purpose of the seawall – providing public access in perpetuity and protection of the home. But, in any event, the condition is vague and overbroad, and that makes it an unreasonable condition. For example, if an agent lists the houses on their website, must it be linked to the CDP, or if an agent sends out postcards advertising the house, must it include the CDP in the mailing, or must a "for sale" sign include an attached CDP?

The simple fix is to delete the words "future marketing and/or" and "specific marketing materials," and therefore AMJT requests that Special Condition 12 be modified to reflect that change.

#### **Conclusion**

For all the foregoing reasons, AMJT respectfully requests that the Commission approve the seawall project, with modifications to the special conditions as reflected in the accompanying redline of the special conditions and the rationale for those modifications as set forth above.

We look forward to discussing the application and issues with you at the hearing on Wednesday, June 10.

Sincerely,

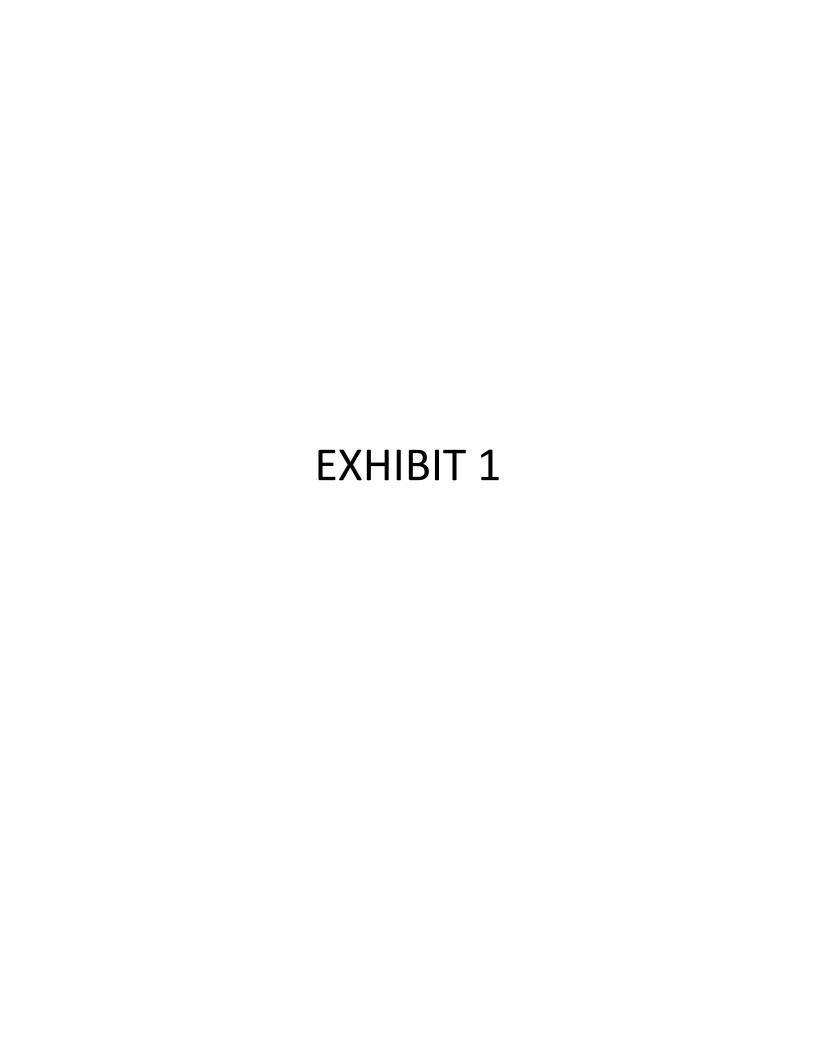
Steven H. Kaufmann

Nossaman LLP

### Ccs (w/attached Exhibit):

Jack Ainsworth, Executive Director
Dan Carl, District Director
Jeannine Manna, District Manager
Stephanie Rexing, District Supervisor
Sara Pfeiffer, Staff Analyst
Mark Pincus, AMJT Capital
Board of Directors, BCPUD
Jennifer Blackman, General Manager, BCPUD
Susan McCabe, McCabe & Company

Anne Blemker, McCabe & Company



# 2-17-0438 (AMJT Capital/BCPUD Armoring) Applicants' Proposed Redline of Special Conditions June 3, 2020

Language to be added is shown in **bold**, **underline**, **italics**. Language to be deleted is shown in strikethrough.

#### III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

- 1. Revised Final Plans. **PRIOR TO ISSUANCE OF THE CDP**, <u>AMJT Capital</u> the Permittees shall submit two full-size sets of Revised Final Plans to the Executive Director for review and written approval. The Plans shall be prepared by a licensed professional or professionals (i.e., geotechnical engineer, surveyor, etc.), shall be based on current professionally surveyed and certified topographic elevations for the entire site, and shall include a graphic scale. The Revised Final Plans shall be in substantial conformance with the proposed plans (by Noble Consultants titled "Seawall Replacement at 100 Brighton: Avenue Site Plans" dated October 21, 2019, and received in the Coastal Commission's North Central Coast District office on October 21, 2019; see Exhibit 3), except that they shall be modified to meet the following requirements:
  - (a) Armoring Modifications. The armoring system shall be modified so that the ramp, the stairway, the lateral accessway across the top of the armoring system (also including the width of retaining wall directly adjacent to the seawall), and the seawall itself are a total of 7 feet in width, as measured from the proposed inland extent of the armoring, and otherwise sited and designed to minimize its seaward footprint. The proposed retaining wall component of the armoring system at the inland edge of the seawall shall be no taller above the lateral accessway elevation than 4 feet (with an allowance of up to 7 feet above the ramp grade on the downcoast end and up to 10 feet above the stair grade on the upcoast end), and the fencing atop the retaining wall shall be removed. All riprap in the project area shall be removed, with the exception of a 63 square-foot triangular area of the existing riprap, located at the northwest corner of the property where the vertical wall abuts the adjacent unarmored cliff, which shall be restacked at the base of the vertical wall and the unarmored bluff to an elevation no greater than +9 feet NAVD so that it will be covered at normal summer and fall beach sand elevations. The steel sheet pile wall, tie-back system, and concrete surfacing shall be extended north along the bluff near the western property line approximately 30 feet long, 1.25 feet deep, and a height of 26.5 feet to provide for protection for the western portion of the residence to replace the majority of riprap removed at the upcoast most end.
  - (b) Concrete Surfacing. All armoring system concrete surfaces, including the seaward side of all above grade retaining walls adjacent to the walkway, ramp and stairs, shall be faced with a sculpted concrete surface that mimics natural undulating bluff landforms in

the vicinity in terms of integral mottled color, texture, and undulation to the maximum extent feasible (except that the stairway treads, ramp surface, and lateral accessway surface on top of the armoring system may be contoured for safety as long as they meet all other camouflaging requirements as much as possible). Any protruding elements (e.g., corners, edges, etc.) shall be contoured in a non-linear manner designed to evoke natural bluff undulations. All drainage and related elements within the sculpted concrete shall be camouflaged (e.g., randomly spaced, hidden with overhanging or otherwise protruding sculpted concrete, etc.) so as to be hidden or inconspicuous as seen from public viewing areas, including camouflage of any expected drainage staining over time. The color, texture and undulations of all armoring system concrete surfaces shall be maintained in their approved state throughout the life of the structure. AT LEAST 30 DAYS PRIOR TO COMMENCEMENT OF FINISH CONCRETE SURFACING, AMJT Capital the Permittees shall submit to the Executive Director for review and approval the qualifications of the contractor who will perform the finish concrete work, including photos and identification of similar completed projects. Such finish concrete work shall not commence until the Executive Director has approved the finish concrete contractor.

- (c) Railings. Railings and/or other barrier types associated with the stairway, ramp, and lateral accessway along the armoring system, as well as the public access overlook (if any) (see below), may be allowed by the Executive Director if evidence is provided that conclusively demonstrates that any such railing/barrier is required to ensure public safety, and shall be sited and if all such railings/barriers are sited and designed to be as inconspicuous as possible and to minimize public view impacts as much as possible. (e.g., cable rail).
- (d) Drainage. All drainage and related elements within the sculpted concrete and any related energy dissipation measures shall be camouflaged (e.g., randomly spaced, hidden with overhanging or otherwise protruding sculpted concrete, etc.) so as to be hidden or inconspicuous as seen from public viewing areas. All drainage elements shall be sited and designed to reduce the potential for drainage-caused erosion, and to be as inconspicuous as possible.
- (e) Integral Public Accessways. The armoring system shall be connected to the beach (upcoast) and to Brighton Avenue (downcoast) through an integral public stairway and ramp, respectively, sited and designed to provide seamless connectivity to and along the armoring system via a public lateral accessway atop the structure itself. The stairway treads shall be 6 feet wide (as measured between the adjacent retaining wall and any required railings, or as measured between the sculpted concrete where no such railings are present) and at least 16 inches deep with a roughly 6-inch rise, and the stairway shall extend to the base of the seawall, to which it shall be structurally connected with a concrete foundation. The ramp shall be 6 feet wide (as measured between the adjacent retaining wall and any required railings, or as measured between the sculpted concrete where no such railings are present), and shall extend to the base of the seawall and/or shall extend far enough into Brighton Avenue as to ensure structural stability, and shall

be sited and designed to ensure at least a 10-foot road width down to the beach. The Plans shall provide that the accessways shall be modified as necessary to maintain continued safe use over the time period that the armoring system is allowed to remain (see also Special Condition 6), and the Plans shall identify all mechanisms to ensure safe use, including a requirement for Executive Director approval for any significant modification.

- (f) Fencing. The proposed fencing on top of the retaining wall at the inland seawall edge and along the eastern property perimeter shall be eliminated from the project. The Plans can include a fence provided (1) it is no taller than 6 feet from grade, (2) it is located within 5 feet of the house and the cantilevered deck, or directly adjacent to the patio supporting the spa on the upcoast end, provided there is adequate space for landscaping between any such fences and the seawall edge that will screen such fencing from public view when such landscaping reaches maturity, and (3) it is sited and designed otherwise to minimize public view degradation.
- (g) Landscaping. Non-native and invasive plant species in the area between the residence and the seawall's inland edge (including the inland edges of the stairway and the ramp) shall be removed and not be allowed to persist, and such area shall be landscaped with native and noninvasive plant species that are tolerant of salt air and salt spray, with a preference for species capable of trailing vegetation that can help screen the top of the retaining wall (at the inland edge of the seawall) as well as the residence and related residential development (including any fences) from public views as much as possible. All such plants shall be kept in good growing condition and shall be replaced as necessary to maintain the approved vegetation over the life of the project, including to maintain some visual screening of the retaining walls and the area between them and residential development. Regular monitoring and provisions for remedial action (such as replanting as necessary) shall be identified to ensure landscaping success. Ok on area in hillside
- (h) Irrigation. Irrigation shall be limited to that necessary to ensure landscaping success, and shall be sited and designed to reduce the potential for contributing to bluff erosion.
- (i) Surveyed Benchmarks. The Plans shall identify an appropriate number of surveyed benchmarks, including location and elevation, to be used for future monitoring evaluations (see also Special Condition 8).
- (j) Adjacent Property Owner Consent. For any development associated with the project that may occur on adjacent properties, including but not limited to construction that requires equipment access on such other properties, the Plans shall be submitted with evidence of consent allowing such development from adjacent property owners, including at a minimum Marin County <u>and BCPUD</u> for all right-of-way areas.

- (k) Other Public Recreational Access Improvements. In addition to the integral public accessways (i.e., the lateral accessway, the stairway, and the ramp), the Plans shall provide for the following additional public recreational access improvements, which shall be sited and designed to maximize coastal view protection and minimize visual intrusion, including through use of materials appropriate to the shoreline context that blend with the natural environment and existing improvements in the area:
- 1. Beach Access Maintained. The area where Brighton Avenue extends down to beach level shall be <u>repaired as needed and resurfaced upon completion of the project</u> regularly maintained to continue to facilitate public beach access.
- 2. Private Encroachments Removed. Other than the public access ramp to the seawall walkway, private development associated with the AMJT Capital LLC property that is located on the public Bolinas Community Public Utility District property at the end of Brighton Avenue and/or Marin County property including the public Brighton Avenue street right-of-way (including but not limited to fencing, landscaping, and structures that block public views) shall be removed and the area restored to a continuation of existing garden or revegetated. The restored area shall either (a) provide for landscaping similar to that required inland of the armoring system above, and/or (b) community gardening, all in a manner that maximizes public utility, including in terms of maximizing public views from the Brighton Avenue area out towards the ocean, and incorporating an overlook with a bench as near to the ocean as possible if feasible. All such elements shall be clearly identified on the Plans, including in terms of proposed vegetation and/or gardening and public access elements.
- 3. Public Overlook Improvements. An enhanced public access overlook area shall be provided on the eastern side of the Brighton Avenue right-of-way nearest the ocean at the Brighton Avenue street end (on the right-of-way and on APN 193-142-12, see Exhibit 5). This area shall include a safe pedestrian connection from Brighton Avenue, and two overlook areas (i.e., one overlook area at roughly street level and a second overlook area at the lower elevation nearer the ocean) with a connection between the two, where all such areas and connections shall include consistent surfacing and within which public improvements shall be provided which may include benches and/or picnic tables, identification and interpretive signage, bicycle racks, waste and recycling receptacles, a doggie mitt station, *public art* or other amenities reasonably expected to be enjoyed by the public as determined through input from the public and approved by the BCPUD Board of Directors and by the County of Marin Board of Supervisors at duly noticed public meetings. All remnant concrete and other debris shall be removed. Any portion of this area not surfaced shall be landscaped with native and noninvasive plant species that are tolerant of salt air and salt spray that shall be maintained in a similar manner to that required inland of the armoring system above. All such elements shall be clearly identified on the Plans, including in terms of materials and, for signs, text and graphics. All such development shall be sited and designed in a way that maximizes public access utility and minimizes public view impacts.

- 4. Signage. The Plans shall provide for the installation of informational, directional, and safety signage at appropriate locations, including at the entrance to the access ramp at the end of Brighton Avenue, at the base of the stairway, at the entrance to the landscaping/gardening and overlook areas (i.e., on either side of Brighton Avenue), and at the entrance to the beach at the end of Brighton Avenue. The signs shall be designed so as to provide clear public use information without adversely impacting public views and site character, and any existing signs not meeting such criteria shall be removed. Aat least one public access interpretive sign shall be included at the overlook area on the eastern side of Brighton Avenue, and one interpretive sign shall be located near the entrance to the access ramp from Brighton Avenue describing shoreline access hazards and issues, and emergency response information. The signs shall be designed so as to provide clear public use information without adversely impacting public views and site character, and any existing signs not meeting such criteria shall be removed. Signs shall include the California Coastal Trail and California Coastal Commission emblems and recognition of the Coastal Commission's role in providing public access at this location. Final revised plans shall include signage details such as the location, materials, design, and text for all signs, including all existing signs to be retained.
- 5. Beach Level Development. All remnant fencing and columns located on the sandy beach to the west of the site shall be removed and the area restored to sandy beach if underlying landowners, whether the California State Lands Commission and/or others, provide consent for same. All requirements above and all requirements of the approved Revised Final Plans shall be enforceable components of this CDP.

The Permittee <u>AMJT Capital</u> shall undertake development in accordance with this condition and the approved Revised Final Plans. Minor adjustments to the above requirements, as well as to the Executive Director-approved Revised Final Plans, which do not require a CDP amendment or new CDP (as determined by the Executive Director) may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

2. Public Access Management Plan. **PRIOR TO ISSUANCE OF THE CDP**, the Permittees <u>AMJT</u> <u>Capital</u> shall submit two sets of a Public Access Management Plan (Plan) to the Executive Director for review and approval <u>as agreed to by AMJT Capital and BCPUD</u>. The Plan shall clearly describe the manner in which public recreational access to the beach, onto and along the top of the seawall, to the overlook areas, and to all other adjacent public access areas is to be provided and managed, with the objective of maximizing public access and recreational use of all public access areas associated with the approved project and all related areas and public access amenities (i.e. <u>e.g.</u>, pathways, overlooks, benches, picnic tables, bicycle racks, interpretive signage, waste and recycling receptacles, doggie mitt stations, additional on-street parking, <u>public art</u>, etc.) as described in this special condition and Special Condition 1. All public access improvements shall be sited and designed to maximize coastal view protection and minimize visual intrusion, including through use of materials appropriate to the shoreline

context that blend with the natural environment and existing improvements in the area. The Plan shall at a minimum include and provide for all of the following:

- (a) Public Access Areas and Amenities. The Plan shall clearly identify and depict on a site plan all existing and required public access areas and amenities, including as described in Special Condition 1, as well the existing public access easement/dedication areas (from prior CDP authorizations) and the required public access easement/dedication areas associated with this CDP (see Special Conditions 3 and 4).
- (b) Public Access Use Parameters. All parameters for use of the public access areas, improvements and amenities shall be clearly identified. All such public access areas, improvements, and amenities shall be publicly available and maintained in their approved state for general public pedestrian and other general public access consistent with the terms and conditions of this CDP for at least as long as the armoring system remains present.
- (c) No Public Access Disruption. Development and uses within the Plan's public access areas that disrupt or degrade public access, including areas set aside for private uses, barriers to public access (such as planters, temporary structures, private use signs, fences, barriers, ropes, etc.) shall be prohibited. The public use areas, improvements, and amenities shall be maintained consistent with the approved Plan and in a manner that maximizes public use and enjoyment.
- (d) Public Access Use Hours. All public access areas, improvements, and amenities shall be available to the general public 24 hours a day and shall be free of charge.
- (e) Public Access Construction. All public access areas, improvements, and amenities associated with the approved project shall be constructed and available for public use as soon as possible, but no later than the Saturday of Memorial Day weekend 2022 (May 29, 2022). The Executive Director may extend this deadline if the Executive Director determines that the Permittees have <u>AMJT Capital has</u> been diligently pursuing same, and that AMJT Capital the Permittees have <u>has</u> demonstrated good cause for any identified delays.
- (f) Public Access Areas and Amenities Maintained. All of the public access areas, improvements, and amenities shall be constructed in a structurally sound manner and maintained in their approved state consistent with the terms and conditions of this CDP, including through ongoing repair, maintenance, or relocation or removal (if necessary to respond to shoreline erosion) of all public access improvements. Prior to any modification, movement, or replacement removal if threatened of access improvements, AMJT Capital the Permittees shall obtain an amendment to this CDP to authorize such development, unless the Executive Director determines that an amendment is not legally necessary, in which case Executive Director approval of any such development shall be required. Public use areas shall be maintained consistent

with the approved Public Access Management Plan and in a manner that maximizes public use and enjoyment. All requirements above and all requirements of the approved Public Access Management Plan shall be enforceable components of this CDP. <u>AMJT Capital</u> The Permittees shall undertake development in accordance with this condition and the approved Public Access Management Plan. Minor adjustments to the above requirements, as well as to the Executive Director-approved Plan, which do not require a CDP amendment or new CDP (as determined by the Executive Director) may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

- 3. Public Access Easement. **PRIOR TO ISSUANCE OF THE CDP**, AMJT Capital, LLC (or its successor Permittee if applicable) shall execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private entity, approved by the Executive Director, a public access easement for public recreational access use in perpetuity, as described below.
  - (a) Easement Area. The easement area shall consist of all public access areas on the property owned by AMJT Capital, LLC or its successor that are identified for public access (including community garden/landscaping area) in the approved Revised Final Plans (Special Condition 1) and the approved Public Access Management Plan (Special Condition 2), generally described as the landward boundary of the armoring system and stair/ramp along the entire width of the property and extending out to the mean high tide line of the property, including all sandy beach areas upcoast, downcoast, and seaward of the approved armoring system (see easement area generally depicted in Exhibit 4, page 4). The Commission's intent is that the easement area includes existing easement areas associated with CDPs 1-88-16, 219-79 and 205-80-E, as well as additional easement areas intended to create a unified area for public access use and enjoyment subject to the terms and conditions of this CDP (again, see Exhibit 4).
  - (b) Allowed Development. No development, as defined in Coastal Act Section 30106, shall occur within the easement area except for the following: construction of the approved armoring system, removal restacking of riprap, and construction of the public access amenities and improvements, all as identified in the approved Revised Final Plans and approved Public Access Management Plan, consistent with the requirements of Special Conditions 1 and 2. Repair, maintenance, and relocation and/or removal associated with the allowed development, consistent with the terms and conditions of this CDP, shall also be allowed in the easement area. The Permittees and their successors and assigns shall be jointly and individually responsible for The Public Access Management Plan shall address the installation, repair, maintenance and accessibility of the public access areas, improvements and amenities for public recreational uses and enjoyment consistent with the terms and conditions of this CDP. and the approved Public Access Management Plan. However, neither AMJT Capital nor BCPUD shall be liable in any respect for any act or failure to act with respect to property that it does not own or control. The document shall provide that the offer of dedication shall not be

used or construed to allow anyone to interfere with any rights of public access acquired through use which may exist on the property, and shall also provide that public access consistent with the terms and conditions of this CDP shall be uninterrupted at all times.

- (c) Additional Parameters. The document shall also provide that all public access areas, improvements, and amenities within the easement area shall be available to the general public 24 hours a day and shall be free of charge. The public access easement shall be ambulatory, and the easement boundaries and amenities within (e.g., accessways, etc.) shall move inland within the AMJT Capital, LLC (or its successor) property if relocation and/or reconstruction of public access amenities inland of the easement area are necessary to retain their continuity and/or utility in response to erosion and related coastal hazards (see also Special Condition 6).
- (d) Recordation. The document shall be recorded free of prior liens and any other encumbrances that the Executive Director determines may affect the interest being conveyed, and it shall include the approved Public Access Management Plan, a metes and bounds legal description of the legal parcels subject to this CDP as well as a metes and bounds legal description and a corresponding graphic depiction, drawn to scale, of the perimeter of the easement area within the subject property, prepared by a licensed surveyor based on an on-site inspection of the easement area.
- (e) Duration. The offer to dedicate shall run with the land in favor of the People of the State of California, binding successors and assigns of AMJT Capital, LLC in perpetuity; shall be irrevocable for a period of 21 years, such period running from the date of recording; and shall indicate that the restrictions on the use of the land shall be in effect upon recording and remain as covenants, conditions and restrictions running with the land in perpetuity, notwithstanding any revocation of the offer.
- 4. Public Access Deed Restriction. **PRIOR TO ISSUANCE OF THE CDP**, the Bolinas Community Public Utility District (or its successor Permittee if applicable) shall execute and record a document, in a form and content acceptable to the Executive Director, restricting the use and enjoyment of APN 193-142-12 as described below, and providing public access and recreational uses in perpetuity on the property (owned by the Bolinas Community Public Utility District or its successor) as well as all sandy beach areas associated with the base of Brighton Avenue (see deed restriction area generally depicted in Exhibit 5).
  - (a) Allowed Uses and Development. No development, as defined in Coastal Act Section 30106, shall occur within the deed restricted area except for the following uses and development: construction of the approved armoring system and access improvements, removal restacking of riprap, the use of the road ramp by the Bolinas Community Public Utility District (or its successor Permittee if applicable) and others performing public functions (e.g., Marin County Sheriff's Department, Bolinas Fire Protection District), the

community garden, and public access amenities, all as identified in the approved Revised Final Plans and approved Public Access Management Plan, consistent with the requirements of Special Condition 1 and 2. Repair, maintenance, and relocation and/or removal associated with the allowed development, consistent with the terms and conditions of this CDP, shall also be allowed in the restricted area. The Permittees and their successors and assigns shall be jointly and individually responsible for The Public Access Management Plan shall address the installation, repair, maintenance and accessibility of the public access areas, improvements and amenities for public recreational uses and enjoyment consistent with the terms and conditions of this CDP and the approved Public Access Management Plan. However, neither AMJT Capital nor BCPUD shall not be liable in any respect for any act or failure to act with respect to property that it does not own or control. The document shall provide that the deed restriction shall not be used or construed to allow anyone to interfere with any rights of public access acquired through use which may exist on the property, and shall also provide that public access consistent with the terms and conditions of this CDP shall be uninterrupted at all times.

- (b) Additional Parameters. The document shall also provide that all public access areas, improvements, and amenities within the deed restriction area shall be available to the general public 24 hours a day and shall be free of charge. The deed restriction area shall be ambulatory, and its boundaries and amenities within (e.g., accessways, etc.) shall move inland if relocation and/or reconstruction of public access amenities inland of the deed restricted area are necessary to retain their continuity and/or utility in response to erosion and related coastal hazards (see also Special Condition 6).
- (c) Recordation. The deed restriction shall be recorded free of prior liens and any other encumbrances that the Executive Director determines may affect the interest being conveyed. The deed restriction shall run with the land in favor of the People of the State of California, binding successors and assigns of the Bolinas Community Public Utility District in perpetuity. The recorded document shall include the approved Public Access Management Plan, and a legal description and graphic depiction of the legal parcel(s) subject to this condition.
- 5. Construction Plan. **PRIOR TO ISSUANCE OF THE CDP**, the Permittees <u>AMJT Capital</u> shall submit two copies of a Construction Plan to the Executive Director for review and written approval. The Construction Plan shall, at a minimum, include and provide for the following:
  - (a) Construction Areas. The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas within which construction activities and/or staging are to take place shall be minimized to the fullest extent feasible in order to have the least impact on public access and ocean resources, including by using, as feasible, inland private areas for staging and storing construction equipment and materials. Special attention shall be given to siting and designing construction areas in order to minimize impacts to public

beach access and public views from Brighton Avenue, including but not limited to public views across the site. Intertidal areas shall be avoided to the maximum extent possible.

- (b) Construction Methods. The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separate from public recreational use areas as much as possible (including using unobtrusive temporary fencing or equivalent measures to delineate construction areas), and including verification that equipment operation and equipment and material storage will not, to the maximum extent feasible, significantly degrade public access and public views during construction. The Plan shall limit construction activities to avoid coastal resource impacts as much as feasible, and lighting of the work area is prohibited.
- (c) Construction Timing. Construction is prohibited during weekends, from the Saturday of Memorial Day through Labor Day inclusive, and during non-daytime hours (i.e., from one-hour after sunset to one-hour before sunrise), unless due to extenuating circumstances the Executive Director authorizes such work.
- (d) Construction BMPs. The Construction Plan shall identify the type and location of all erosion control and water quality best management practices that will be implemented during construction to protect coastal water quality, including at a minimum all of the following:
  - 1. Runoff Protection. Silt fences, straw wattles, or equivalent apparatus shall be installed at the perimeter of all construction areas to prevent construction related runoff and sediment from discharging from the construction area, or entering into storm drains or otherwise offsite or towards the beach and ocean. Similar apparatus shall be applied on the beach area for the same purpose when potential runoff is anticipated. Special attention shall be given to appropriate filtering and treating of all runoff, and all drainage points, including storm drains, shall be equipped with appropriate construction related containment, filtration, and treatment equipment. All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each workday.
  - 2. Equipment BMPs. Equipment washing, refueling, and servicing shall take place at an appropriate off-site and inland location to help prevent leaks and spills of hazardous materials at the project site, at least 50 feet inland from the beach and preferably on an existing hard surface area (e.g., a road) or an area where collection of materials is facilitated. All construction equipment shall also be inspected and maintained at a similarly sited inland location to prevent leaks and spills of hazardous materials at the project site.
  - 3. Good Housekeeping BMPs. The construction site shall maintain good construction housekeeping controls and procedures at all times (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 site; etc.).

- 4. Rubber-tired Construction Vehicles. Only rubber-tired construction vehicles are allowed on the beach, except track vehicles may be used if the Executive Director determines that they are required to safely carry out construction. When transiting on the beach, all such vehicles shall remain as far away from the ocean as possible and avoid contact with ocean waters.
- 5. Construction Material Storage. All 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 these areas by one-hour after sunset each day that work occurs, except for necessary erosion and sediment controls and construction area boundary fencing where such controls and fencing are placed as close to the toe of the armoring or approved construction area as possible, and are minimized in their extent.
- (e) Restoration. All construction debris shall be removed, and all beach area and other public recreational access and use areas and all beach access points impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any native materials impacted shall be appropriately filtered as necessary to remove all construction debris.
- (f) Construction Site Documents. The Construction Plan shall provide that copies of the signed CDP and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times, and that such copies are available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, as well as the public review requirements applicable to them, prior to commencement of construction.
- (g) Construction Coordinator. The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and that the construction coordinator's contact information (i.e., address, phone numbers, email, etc.), including, at a minimum, an email address and a telephone number that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas while still protecting public views as much as possible, 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 name and contact information (i.e., 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. All complaints and all actions taken in response shall be summarized and provided to the Executive Director on at least a weekly basis.

- (h) Construction Specifications. The construction specifications and materials shall include appropriate control provisions that require remediation for any work done inconsistent with the terms and conditions of this CDP.
- (i) Notification. The Permittee shall notify planning staff of the Coastal Commission's North Central Coast District Office at least three working days in advance of commencement of construction, and immediately upon completion of construction.

All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this CDP. The Permittees <u>AMJT Capital</u> shall undertake development in accordance with this condition and the approved Construction Plan. Minor adjustments to the above requirements, as well as to the Executive Director approved Plan, which do not require a CDP amendment or new CDP (as determined by the Executive Director) may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

6. Shoreline Armoring Terms. This CDP authorizes shoreline armoring pursuant to the following terms:

- (a) Duration. This CDP authorizes the approved armoring system protecting the residence at 100 Brighton Avenue until the time when the residence is redeveloped (as defined in subdivision (b) of this special condition), is no longer present, or no longer requires shoreline armoring, whichever occurs first. At such time, or at such time as the residence is removed or no longer requires armoring, the Permittees shall remove the approved armoring and appropriately restore the affected area to natural conditions subject to Executive Director approval of a plan to accomplish same with the least coastal resource impacts.
- (b) Residence Redevelopment. Within three months of the anticipated termination of the authorization identified in this special condition and/or in conjunction with any proposed redevelopment of the residence and related development on the property, the Permittees shall submit a complete CDP amendment application to the Coastal Commission to remove the approved armoring and to appropriately restore the affected area to natural conditions. The residence shall be considered redeveloped if alteration (including demolition, renovation, replacement, and addition) of 50% or more of the major structural components, or alteration that leads a 50% or more increase in gross floor area, has occurred or is proposed, as measured

from January 1, 1977 for purposes of this redevelopment determination. Major structural components mean exterior walls, floor structures, roof structures, and foundations<sup>1</sup>, and the 50% threshold applies to individual components only and is not additive between differing components. The residence shall also be considered redeveloped if the cost of any alterations to the residence and related development equals or exceeds 50% of the market value of the residence structure/related development at the start of construction, based on the documented construction bid costs and either an appraisal by a professional property appraiser or Marin County assessor data. (c) Future Mitigation. If the CDP authorization has not expired via the terms of subdivision (a) of this special condition by March 11, 2040, and if the Permittees intend to keep the approved armoring in place beyond the end of that initial 20year mitigation period (i.e., past March 11, 2040), the Permittees shall submit a complete CDP amendment application to the Coastal Commission that shall reassess mitigation for the ongoing impacts of the approved armoring, including an evaluation of actions that could be taken to reduce or eliminate those impacts. The complete application shall be submitted no later than 6 months prior to the end of the original mitigation period (i.e., by September 11, 2039). The application shall include analysis of feasible alternatives to modify the shoreline armoring and the residential structure, the public access improvements, and any related development that the approved armoring protects, in order to eliminate to the maximum extent feasible such armoring's impacts on coastal resources, and shall propose mitigation for unavoidable coastal resource impacts associated with the retention of the armoring and/or any modified armoring beyond the initial 20-year mitigation period. In addition, if the Permittees apply for a separate CDP or an amendment to this CDP to modify the approved armoring, or to perform repair work affecting 50% or more of the armoring, such Permittees shall be required to propose additional commensurate mitigation for the impacts of the enlarged or redeveloped armoring on public views, public recreational access, shoreline processes, and all other affected coastal resources that have not already been mitigated through this CDP, at that time. (d) Provision of Information. The Permittees shall submit information regarding the development sufficient to establish the presence or absence of the factors listed above upon Executive Director request.

7. As-Built Plans. WITHIN THREE MONTHS OF COMPLETION OF CONSTRUCTION, the Permittees **AMJT Capital** shall submit two copies of As-Built Plans to the Executive Director for review and

\_

<sup>&</sup>lt;sup>1</sup> An exterior wall is considered to be altered 50% or more when any of the following occur: (a) exterior cladding and/or framing systems are altered in a manner that requires removal and/or replacement of 50% or more of the elements of those cladding and framing systems, normally considered as linear length of wall; and/or (b) reinforcement is needed for any remaining portions of the wall to provide structural support in excess of 50% of existing support elements (e.g., addition of 50% or more of beams, shear walls, or studs whether alone or alongside the existing/retained elements, etc.).

A floor or roof structure is considered to be altered 50% or more when any of the following occur: (a) the roof or floor framing is altered in a manner that requires removal and/or replacement of structural elements (e.g., trusses, joists, shear components, rafters, roof/floor structural surface (e.g., plywood), etc.) supporting 50% or more of the square footage of the roof or floor; and/or (b) the roof or floor structural framing system requires additional reinforcement to any remaining portions of the roof or floor system to provide structural support (e.g., addition of 50% or more of beams, joists, shear components, rafters, roof/floor structural surface (e.g., plywood), etc., whether alone or alongside existing/retained system elements).

written approval showing all elements of the approved project. The As-Built Plans shall be substantially consistent with the approved project identified in Special Condition 1. The As-Built Plans shall include color photographs (in hard copy and jpg format) that clearly show the asbuilt project, and that are accompanied by a site plan that notes the location of each photographic viewpoint and the date and time of each photograph. At a minimum, the photographs shall be from inland viewpoints, as well as upcoast, seaward, and downcoast viewpoints on the beach, and from a sufficient number of viewpoints as to provide complete photographic coverage of the permitted project. Such photographs shall be at a scale that allows comparisons to be made with the naked eye between photographs taken in different years and from the same vantage points. The As-Built Plans shall include an adequate number of vertical and horizontal surveyed reference markers built into the approved project to allow comparison to them from inland surveyed benchmarks (required to be installed as part of the as-built plan process) for use in future monitoring efforts. The As-Built Plans shall be submitted with certification by a licensed civil engineer with experience in coastal structures and processes, acceptable to the Executive Director, verifying that the armoring system has been constructed in conformance with the approved project identified in Special Condition 1.

- 8. Monitoring and Reporting. The Permittees <u>AMJT Capital</u> shall ensure that the condition and performance of the approved as-built project is regularly monitored and maintained. Such monitoring evaluation shall, at a minimum, address whether any significant weathering or damage has occurred that would adversely impact future performance, and identify any structural or other damage or wear and tear requiring repair to maintain the armoring system and the public access improvements in a structurally sound manner and their <u>its</u> approved state, including at a minimum with regards to the following:
  - (a) Armoring. The approved armoring system and all associated development, including its integral public accessways, described in Special Condition 1, shall be monitored by a licensed civil engineer with experience in coastal structures and processes to ensure structural integrity, including at a minimum evaluation of concrete competence, spalling, cracks, movement, outflanking, and undercutting, and evaluation of all required surface treatments.
  - (b) Other Public Access Improvements. The approved public access improvements not integral to the approved armoring system (including pathways, overlooks, benches, picnic tables, bicycle racks, interpretive signage, waste and recycling receptacles, doggie mitt stations, on-street parking, etc.) as described in Special Conditions 1 and 2, shall be regularly monitored to ensure continued public safety and public access utility consistent with the terms and condition of this CDP.
  - (c) Photo Documentation. All monitored elements shall be photographed at least <u>once</u> <u>every two years</u> bi-annually from an adequate number of inland and seaward locations as to provide complete photographic coverage of the approved project, including from all vantage points included in the approved As-Built Plans (see Special Condition 7). All photographs shall be documented on a site plan that notes the location of each

photographic viewpoint and the date and time of each photograph, including to allow naked eye comparison of the same views over time. Such photo documentation shall commence no later than the date of construction completion.

- (d) Reporting. Monitoring reports covering the above-described evaluations shall be submitted to the Executive Director for review and approval by May 1st of every fifth year from the date of CDP approval (i.e., May 1, 2025, May 1, 2030, etc.) for as long as any part of the approved project remains extant. The reports shall identify the existing configuration and condition of the armoring system and all public access improvements, including providing vertical and horizontal reference distances between the approved As-Built Plans' surveyed reference markers and the inland benchmarks, and shall recommend any actions necessary to maintain these project elements in their approved and required state. The reports shall also include photographs (in color hard copy 8 ½ x 11 and digital jpg formats) that clearly show all components of the as-built project from at least the same vantage points as the approved As-Built Plans and initial photo documentation as well as subsequent monitoring reports. Any proposed actions necessary to maintain the approved as-built project in a structurally sound manner and its approved state shall be implemented within 30 days of Executive Director approval, unless a different time frame for implementation is identified by the Executive Director. In addition to the every five year requirement, separate and additional monitoring reports shall be submitted within 30 days following either (1) an El Niño storm event comparable to a 20-year or larger storm, or (2) an earthquake of magnitude 5.5 or greater with an epicenter in Marin County.
- 9. Future Maintenance/Repair. This CDP authorizes future maintenance and repair of the approved project components as described in this special condition. The Permittees acknowledge and agree on behalf of themselves and all successors and assigns that it is the Permittees' responsibility to: The Public Access Management Plan shall address obligations to (1) maintain the approved project, including the armoring system and public access improvements (see Special Conditions 1 and 2), and all related development in a structurally sound manner, visually compatible with the beach and bluff shoreline surroundings, and in their approved and required states, including that the concrete surfacing of the armoring system and integral accessible ramp and stairway required by Special Condition 1 shall be maintained throughout the life of the system; (2) retrieve any failing portions of the permitted structures or related improvements that might otherwise substantially impair the use, aesthetic qualities, or environmental integrity of the beach and blufftop areas; and (3) bi-annually once every two years or more often inspect the armoring system for signs of compromise. Any such maintenance-oriented development associated with the approved armoring system, public access improvements, and related development shall be subject to the following:
  - (a) Maintenance/Repair. "Maintenance" and "repair" as understood in this special condition means development that would otherwise require a CDP whose purpose is to maintain and/or repair the armoring system and all public access improvements and

amenities in their approved and/or required state pursuant to the terms and conditions of this CDP.

- (b) Other Agency Approvals. The Permittees acknowledge that these maintenance and repair stipulations do not obviate the need to obtain permits and/or authorizations from other agencies for any future maintenance or repair.
- (c) Maintenance/Repair Notification. At least two weeks prior to commencing any maintenance and/or repair activity, the Permittees AMJT Capital and/or BCPUD, as the case may be, shall notify, in writing, planning staff of the Coastal Commission's North Central Coast District Office. The notification shall include, if reasonably necessary to the scope of the maintenance or repair activity: (1) a detailed description of the maintenance/repair proposed; (2) any plans, engineering, geology, or other reports describing the event; (3) a construction plan that clearly describes construction areas and methods, and that is consistent with the parameters of Special Condition 5 above; (4) other agency authorizations; and (5) any other supporting documentation describing the maintenance/repair event. Maintenance or repair may not commence until the Permittees AMJT Capital and/or BCPUD, as the case may be, have been informed by planning staff of the Coastal Commission's North Central Coast District Office that the maintenance proposed complies with this CDP. If the Permittees AMJT Capital and/or BCPUD, as the case may be, have not been sent a written response within 30 calendar days of the notification being received in the North Central Coast District Office, the maintenance shall be authorized as if planning staff affirmatively indicated that the maintenance/repair complies with this CDP. The notification shall clearly indicate that maintenance/repair is proposed pursuant to this CDP, and that the lack of a written response by the North Central Coast District Office to the notification within 30 calendar days constitutes approval of it as specified in the CDP. If the notification does not explicitly indicate same, then the automatic authorization provision does not apply. In the event of an emergency requiring immediate maintenance, the forgoing shall not apply and notification of such emergency shall be made as soon as possible, and shall (in addition to the foregoing information) clearly describe the nature of the emergency.
- (d) Maintenance/Repair Coordination. Maintenance/repair activity shall, to the degree feasible, be coordinated with other maintenance/repair activity proposed in the immediate vicinity with the goal being to limit coastal resource impacts, including the length of time that construction occurs in and around the beach and beach access points. As such, the Permittees AMJT Capital and/or BCPUD, as the case may be, shall make reasonable efforts to coordinate their maintenance/repair activity with other adjacent property maintenance/repair activities, including adjusting their maintenance/repair activity scheduling as directed by planning staff of the Coastal Commission's North Central Coast District Office.
- (e) Restoration. The Permittees <u>AMJT Capital</u> shall restore all beach and other public access areas impacted by construction activities to their pre-construction condition or

better within three days of completion of construction. Any beach sand impacted shall be filtered as necessary to remove all construction debris from the beach.

The Permittees <u>AMJT Capital</u> shall notify planning staff of the Coastal Commission's North Central Coast District Office upon completion of restoration activities to allow for a site visit to verify that all project and beach-area restoration activities are complete. If planning staff should identify additional reasonable measures necessary to restore project and/or beach areas, such measures shall be implemented as quickly as feasible.

- (f) Noncompliance Provision. If the Permittees are AMJT Capital or BCPUD, as the case may be, is not in compliance with permitting requirements of the Coastal Act applicable to its respective property, including the terms and conditions of any Coastal Commission CDPs or other coastal authorizations that apply to the subject property, at the time that a maintenance/repair event is proposed by that entity, then maintenance/repair that might otherwise be allowed by the terms of this future maintenance/repair condition may be disallowed by the Executive Director until the Permittees are that entity is in full compliance with the permitting requirements of the Coastal Act applicable to its property, including all terms and conditions of any outstanding CDPs and other coastal authorizations that apply to the subject properties. None of the parties, however, shall be liable in any respect for any act or failure to act with respect to property that it does not own or control.
- (g) Emergency. Notwithstanding the emergency notifications set forth in subsection (c) of this special condition, nothing in this condition shall affect the emergency authority provided by Coastal Act Section 30611, Coastal Act Section 30624, and Subchapter 4 of Chapter 5 of Title 14, Division 5.5, of the California Code of Regulations (Permits for Approval of Emergency Work).
- (h) Duration of Covered Maintenance/Repair. Future maintenance under this CDP is allowed subject to the above terms throughout the duration of the armoring authorization (see Special Condition 6) subject to Executive Director review and approval every 5 years (i.e., by March 11, 2025; March 11, 2030; and so on) to verify that there are not changed circumstances associated with such allowance of maintenance/repair events that necessitate re-review. It is the Permittees' AMJT Capital's responsibility to request Executive Director approval prior to the end of each 5-year maintenance/repair period pursuant to these maintenance/repair provisions, and the term shall only be extended if the Permittee AMJT Capital requests an extension prior to the end of each 5-year maintenance/repair period and only if the Executive Director extends the maintenance/repair term in writing. The intent of this CDP is to allow for 5-year extensions of the maintenance/repair term for as long as the approved armoring, public access improvements, and related development remain authorized unless there are changed circumstances that may affect the consistency of this maintenance/repair authorization with the policies of Chapter 3 of the Coastal Act. The Permittees Unless otherwise agreed in writing, AMJT and/or BCPUD, as the case

<u>may be</u>, shall maintain the approved armoring system, public access improvements, and all related development <u>on their respective properties</u> in their approved and required state.

- 10. Assumption of Risk, Waiver of Liability, and Indemnity. By acceptance of this CDP, the Permittees acknowledge and agree, on behalf of themselves and all successors and assigns: (a) that the project area is subject to coastal hazards, including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, tidal scour, storms, tsunami, coastal flooding, landslide, earth movement, and the interaction of all of these, many of which will worsen with future sea level rise; (b) to assume the risks to the Permittee and the properties that are the subject of this CDP of injury and damage from such hazards in connection with this permitted development; (c) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (d) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the CDP against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (e) that any adverse effects to property caused by the permitted project shall be fully the responsibility of the Permittees.
- 11. Public Rights. By acceptance of this CDP, the Permittees acknowledge and agree, on behalf of themselves and all successors and assigns, that the Coastal Commission's approval of this CDP shall not constitute a waiver of any public rights that may exist on the properties involved. The Permittees shall not use this CDP as evidence of a waiver of any public rights that may exist on the properties now or in the future.
- 12.Real Estate Disclosure. Disclosure documents related to any future marketing and/or sale of the subject property, including but not limited to specific marketing materials, sales contracts and similar documents, shall notify potential buyers of the terms and conditions of this CDP. A copy of this CDP shall be provided with all sales contracts and as part of, or referenced and made available, in all other real estate disclosures.
- 13. Future Permitting. All future proposed development related to this CDP shall require a new CDP or a CDP amendment that is processed through the Coastal Commission, unless the Executive Director determines a CDP or CDP amendment is not legally required.
- 14. Other Authorizations. **PRIOR TO CONSTRUCTION**, the Permittees <u>AMJT Capital</u> shall provide to the Executive Director written documentation of authorizations from all entities from which such authorization is necessary for the approved project, including at a minimum Marin County, the California State Lands Commission, the Greater Farallones National Marine Sanctuary, and the U.S. Army Corps of Engineers, or evidence that no such authorizations are required from each of these entities. The Permittees <u>AMJT Capital</u> shall inform the Executive Director of any changes to the project required by any other such authorizations. Any such changes shall not be incorporated into the project until the Permittees <u>AMJT Capital</u> obtains a

Commission amendment to this CDP, unless the Executive Director determines that no amendment is legally required.

15.Liability for Costs and Attorneys' Fees. The Permittees <u>AMJT Capital</u> shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys' fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and/or (2) required by a court) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee <u>AMJT Capital</u> against the Coastal Commission, its officers, employees, agents, successors and/or assigns challenging the approval or issuance of this CDP, the interpretation and/or enforcement of CDP terms and conditions, or any other matter related to this CDP. The Permittee <u>AMJT Capital</u> shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission, its officers, employees, agents, successors and/or assigns.

16. Deed Restriction. **PRIOR TO ISSUANCE OF THE CDP**, the Permittees <u>AMJT Capital and</u> <u>BCPUD</u> shall submit for Executive Director review and approval documentation demonstrating that they have executed and recorded against the parcels governed by this CDP a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that pursuant to this CDP, the California Coastal Commission has authorized development on the subject propertyies, subject to terms and conditions that restrict the use and enjoyment of thatose propertyies; and (2) imposing the special conditions of this CDP as covenants, conditions and restrictions on the use and enjoyment of the propertyies. Each deed restriction shall include a legal description and graphic depiction of the entire parcel or parcels governed by this CDP. Each deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this CDP shall continue to restrict the use and enjoyment of the subject property so long as either this CDP or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

#### **BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT**

BCPUD BOX 390 270 ELM ROAD BOLINAS CALIFORNIA 94924

415 868 1224



June 4, 2020

Via email Item W11a

Stephen Padilla, Chair Honorable Coastal Commissioners California Coastal Commission 45 Fremont Street, Suite 2000 San Francisco, California 94105

Re: Application No. 2-17-0438 (AMJT Capital/BCPUD Seawall) Agenda Item W11a, June 10, 2020.

Dear Chair Padilla and Commissioners:

I am the President of the Board of Directors of the Bolinas Community Public Utility District ("BCPUD"), one of the co-applicants on the above-referenced project. The BCPUD is a small special district on the West Marin coast providing water, sewer, solid waste disposal and related utility services to the unincorporated community of (and visitors to) Bolinas. We write today to join in the comments made by our co-applicant, AMJT Capital LLC ("AMJT"), via a letter submitted by Steven H. Kaufmann of Nossaman LLP, and to highlight points of particular importance to the BCPUD, the Bolinas community and the visiting public.

First, we wish to underscore the unique nature of this project and the public interests at stake in this application. As AMJT emphasizes throughout its letter, the existing seawall is an iconic landmark on the Bolinas Beach. Coastal visitors and local residents use it daily for a multiplicity of purposes – to view the sea, spot wildlife, fish, picnic, and more. Importantly, it is the *only* safe vantage point on this beach for mobility-impaired visitors to access the beach and the project as proposed therefore seeks to preserve and enhance that access. The top of the seawall is used by the public whether the tide is high (when it is the only means of access to the upcoast beach and is a critical life-safety passage for first responders) or whether the tide low because, as-built, the seawall is a historic recreational gathering spot, especially for surfers, and a preferred above-grade viewing platform even when there is plenty of available sandy beach.

For decades, the BCPUD has sought to ensure public access and preserve recreational uses of the seawall by accepting public access easements across the top of wall and the BCPUD will do so again in connection with this application. Precisely and only because of the public interests at stake in this application, the BCPUD urges the Commission to approve the project as proposed, without the drastic reduction of seawall width (and resulting diminution of public access and recreational benefits) proposed in the special conditions. We respectfully submit that it is important for the Commission to carefully evaluate what the public has to say concerning its actual use and enjoyment of this landmark, which has an historic and special status to those who live in and visit our coastal community, not simply what the Coastal staff seems to say in its proposed special conditions about how the public should enjoy this section of beach.

The BCPUD joins AMJT's objections to the costly and unnecessary removal of the existing, permitted riprap along the front and upcoast side of the seawall and emphatically joins AMJT's opposition to the special condition requiring the construction of an enormous sheet pile wall (26.5 feet high and 30-feet long) on the upcoast side of the property. The presence and visual impact of such a massive, looming structure would be horrible and, frankly, we have struggled to understand why

Letter to Stephen Padilla, Chair June 4, 2020 Page Two

Coastal staff prefers such a structure to the existing, permitted riprap, which is not very consequential in terms of square footage and is buried for much of the year when the sand levels are high. We believe it is much more consistent with Coastal Act priorities to minimize visual impacts on the shoreline and allow AMJT to restack the previously permitted riprap, as proposed. In addition, we note the riprap also helps dissipate wave action at the seawall, which benefits the people using it and, when exposed, helps soften and naturalize the seawall's appearance.

The BCPUD also joins AMJT's objections to the references throughout the special conditions imposing permit requirements on "Permittees" rather than, as appropriate, on AMJT or on BCPUD. The redline of special conditions submitted by AMJT reflects appropriate and necessary revisions that must be made to properly reflect AMJT's and BCPUD's obligations with regard to this project, which are not identical. If the "Permittees" language remains in the special conditions, the BCPUD will have no choice but to reconsider proceeding with permit issuance as it cannot undertake the breadth of responsibility and liability imposed by the "Permittees" language.

Finally, the BCPUD is willing to grant formal consent to AMJT for its minor encroachments onto BCPUD property, of which neither AMJT nor BCPUD were aware at the time the encroachments were constructed. The BCPUD is willing to do so because the encroachments were unintentional and minor and no compelling public purpose would be served by requiring their removal. Also, the public access and recreational benefits to be preserved and enhanced by the reconstruction of the seawall and associated improvements to the public overlook area opposite the Brighton access ramp more than compensate for the inadvertent encroachments.

In closing, we urge the Commission to carefully evaluate this unique project as proposed in this specific setting; a "one-size-fits-all/seawalls-are-bad" analysis resulting in onerous special conditions is not warranted here. From time to time, as in this case, projects that are narrowly tailored to protect coastal dependent uses (such as public access and recreational uses) and/or existing structures can and should be approved as proposed, entirely consistent with the Coastal Act. We respectfully request that the Commission approve this project as proposed, with the modifications to the special conditions reflected in the redline submitted by AMJT, for the reasons stated above and in AMJT's letter.

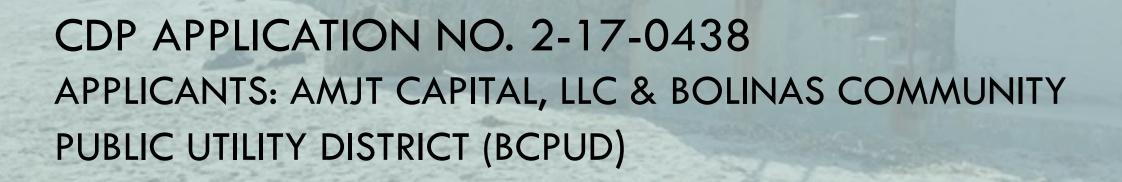
Very truly yours,

Jack Siedman

President

**BCPUD Board of Directors** 

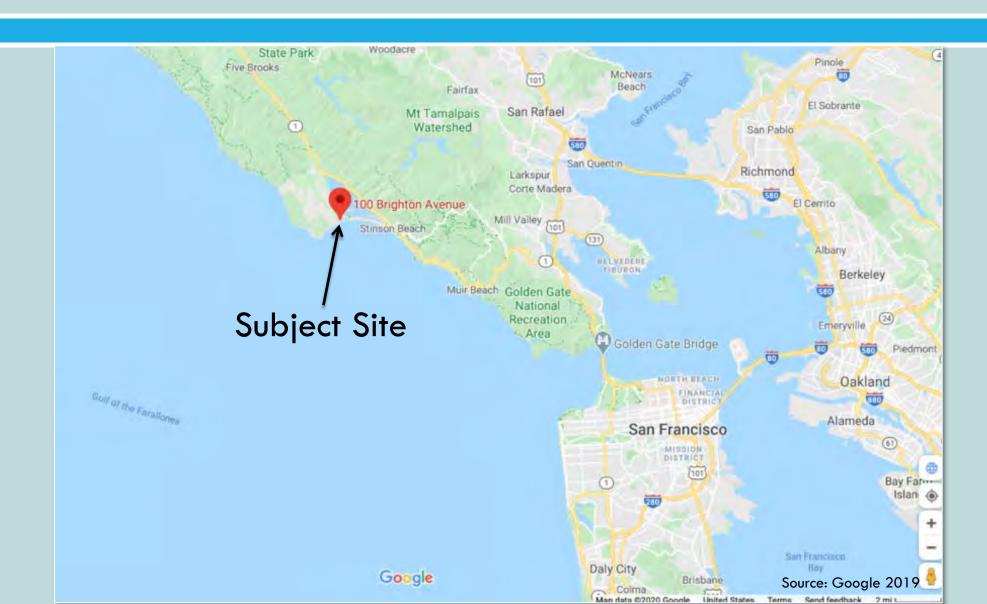
cc: Jack Ainsworth, Executive Director Dan Carl, District Director Jeannine Manna, District Manager Stephanie Rexing, District Supervisor Sara Pfeiffer, Staff Analyst Mark Pincus, AMJT Capital Susan McCabe, McCabe & Company Anne Blemker, McCabe & Company Steven H. Kaufmann, Nossaman LLP



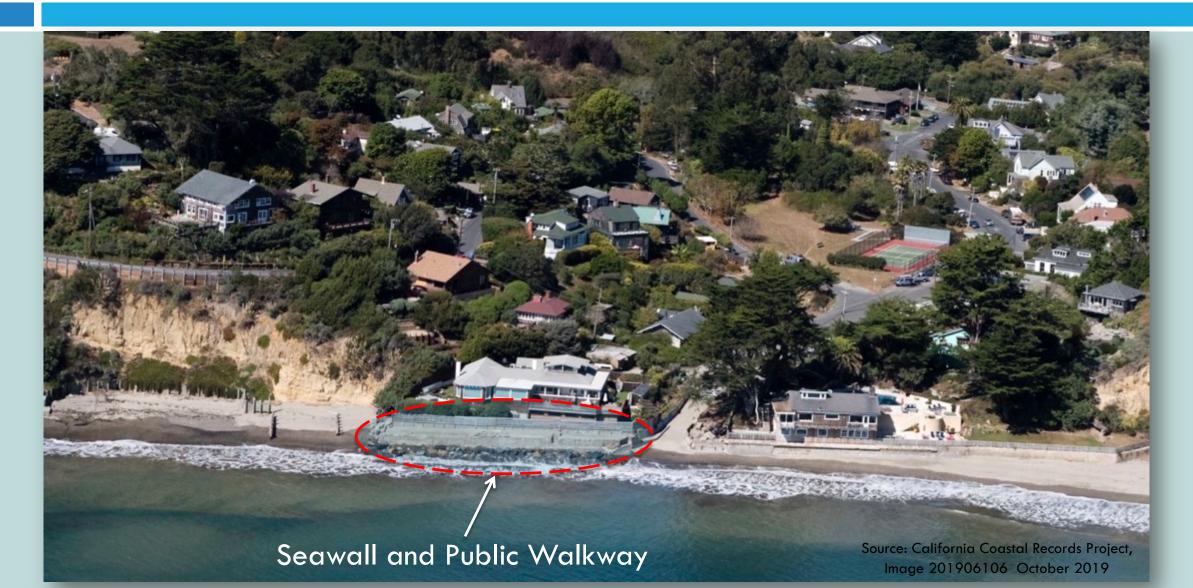
CCC HEARING
JUNE 10, 2020
ITEM # W11a



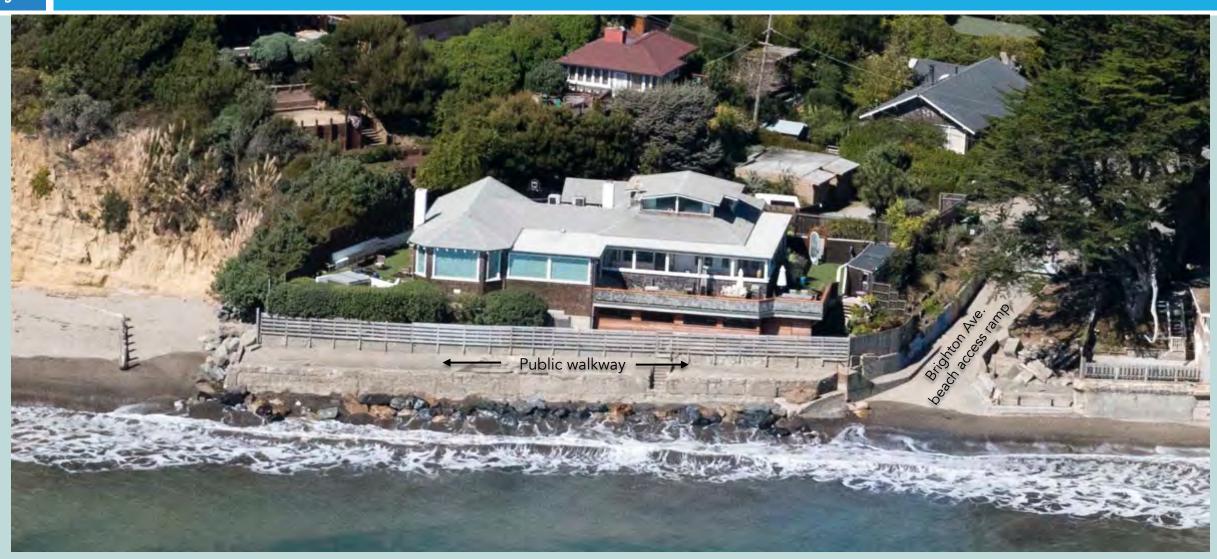




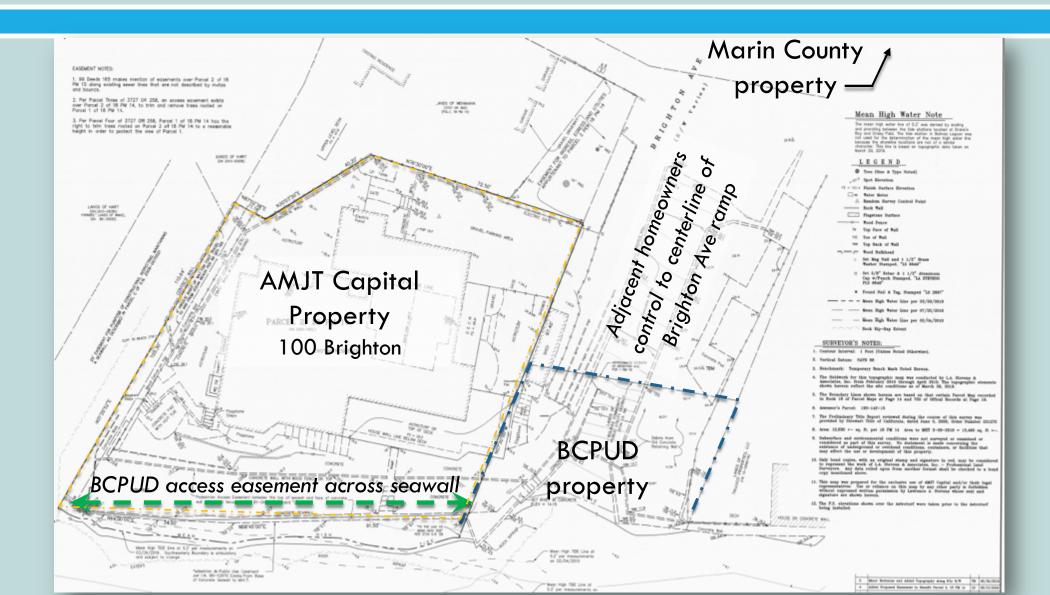
# Surrounding Area



# Seawall and Public Walkway



## Site Survey



## Background

- Residence constructed in 1910
- Seawall constructed in 1967
- Riprap first permitted and placed in 1979
- Additional riprap placed in 1980s & early 2000s
  - CCC required dedication of lateral public access as condition of approval
  - BCPUD accepted OTD
- Walkway on top of seawall used for public access/recreation and public safety purposes (i.e. beach rescues) since its construction

# **Existing Conditions**



Looking inland/downcoast at seawall and public walkway when riprap is buried (typ. Spring/Summer)

# **Existing Conditions**

Looking seaward at beach access ramp



Looking upcoast at seawall with public walkway



# **Existing Conditions**



Looking inland at seawall and public walkway when riprap is exposed (typ. Fall/Winter)

Riprap to be restacked in more inland configuration to reduce footprint on beach

# Existing Seawall Pre-Coastal





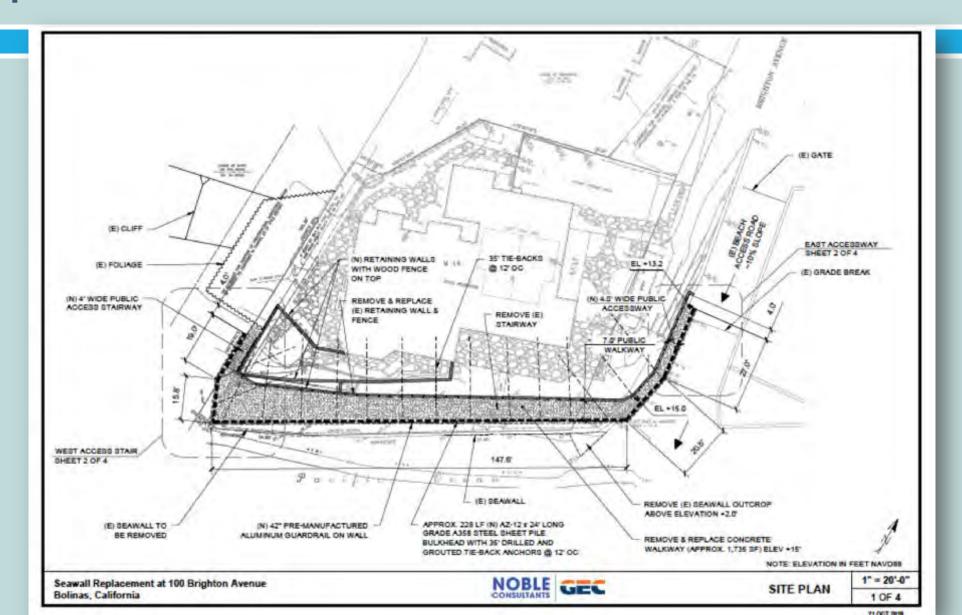
Source: California Coastal Records Project, Image 7215056

Photo taken: 1972

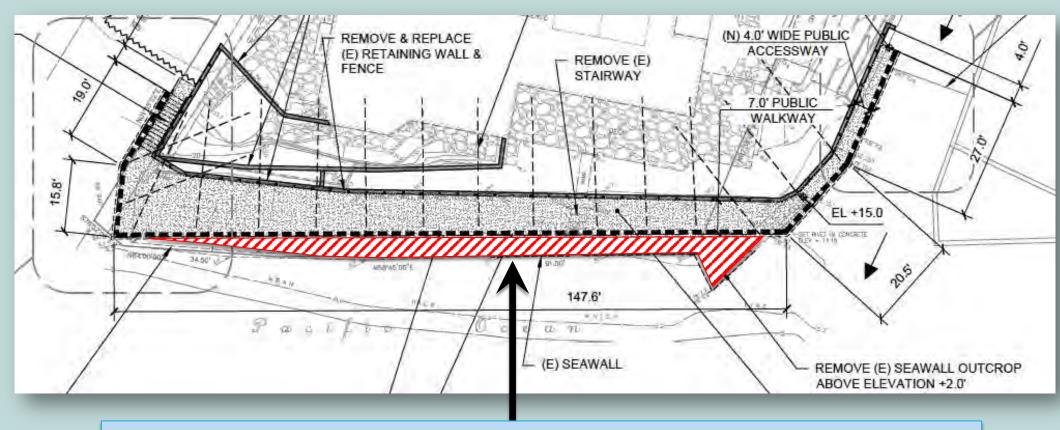
## Proposed Project Description

- Reconstruct existing "pre-coastal" seawall
  - Install anchored sheet piles w/concrete cap inland of existing wall
- Improve existing public walkway on top of seawall
  - Resurface walkway in same configuration (approx. 7'-15'8" wide), remove central stairs and add new railings
- Construct new public access ramp (downcoast) and new public staircase (upcoast)
- Retain previously permitted riprap and restack in narrower and more landward footprint

# Proposed Site Plan



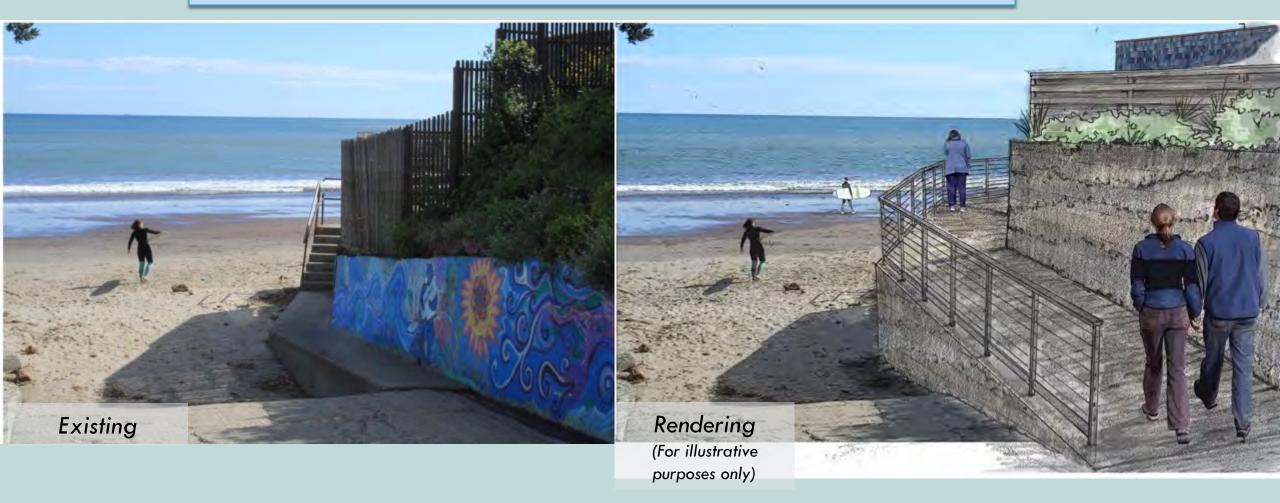
# Footprint Reduction and Removal of Central Staircase



- Footprint of seawall to be reduced by approximately 300+ sq. ft. (inc. removal of concrete veneer and triangular outcrop)
- Existing central staircase to beach to be removed, eliminating obstruction

# Existing vs. Proposed

Looking seaward: staircase to be replaced with new ADA accessible ramp



# Existing vs. Proposed

Looking upcoast: seawall to be raised to address sea level rise





#### Coastal Act Section 30235

#### Section 30235 states, in relevant part:

"Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to <u>serve</u> <u>coastal dependent uses</u> or to <u>protect existing structures</u> or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply." [Emphasis added]

# Protect Existing Structure

Seawall necessary to protect existing home built in 1910.

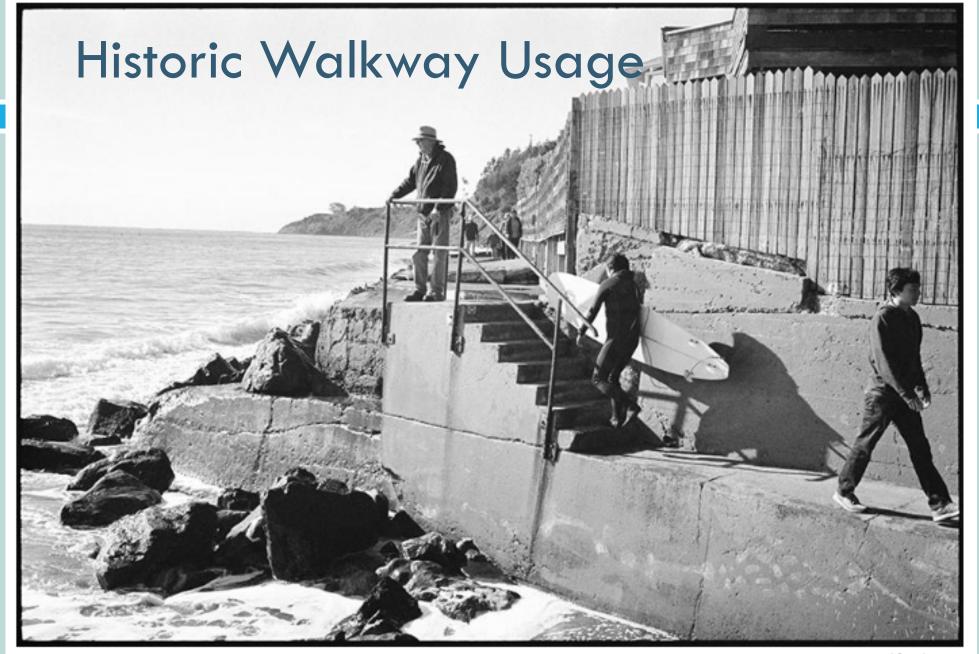


- No major structural elements replaced since construction
- Only repair and remodel undertaken to date

## Coastal Dependent Uses

Existing public walkway is "coastal dependent" as it requires a site adjacent to the sea to function for its intended public purposes:

- Public Safety
  - Rescue Operations by Bolinas Fire Protection District
- Public Access and Recreation
  - Ocean viewing, accessing upcoast Bolinas Beach area, fishing, picnicking, etc.

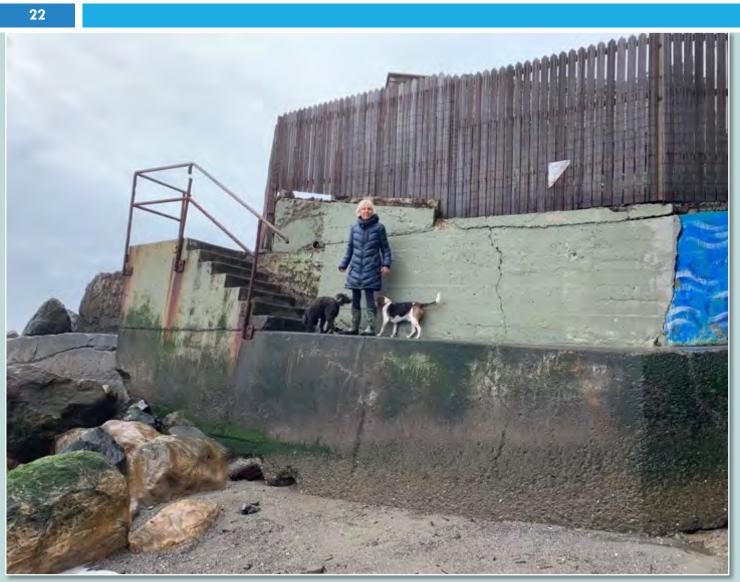


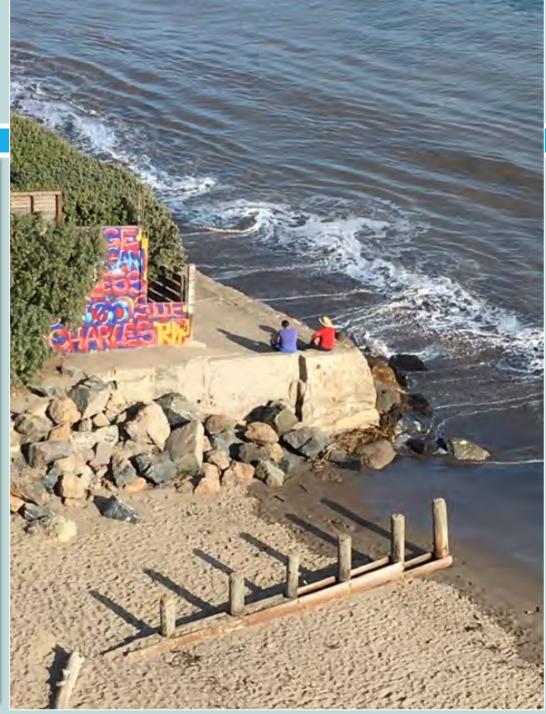
David Briggs

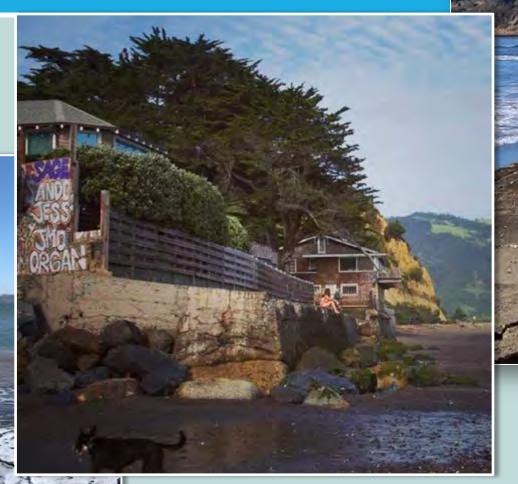
# Fishing and Beach Access



# Walking and Sitting









# Sea Level Rise Adaptation and Sand Supply

- Applicants propose to elevate seawall and public walkway to accommodate SLR
  - 2' higher than existing wall height
- Allows continuous public access for both safety and recreational purposes into the future
- Seawall will not affect sand supply. As explained in June 5, 2018 Noble Engineering report:
  - "...shoreline evolution of this sand-limited beach can be considered dynamically invariant since no long-term trend of beach accretion or erosion has been documented."

## Site Specific Impact of Riprap



- Based on the unique nearshore bathymetry in Bolinas Bay, existing riprap has no impact on Brighton Beach and a positive impact on the seawall.
- "Brighton Beach has undergone accretion, and fully buried all of the rock revetment fronting the property's seawall. This is an ongoing seasonal occurrence illustrating that the rock revetment has no negative impact to Brighton Beach at not only the seawall location, but also to both its up-coast and down-coast ends."

Noble Engineering, April 6, 2019

# Mitigation

- "Public Benefits Package" to include:
  - Re-recordation of lateral access easement and significant improvements to walkway
  - Clean-up of concrete rubble (BCPUD property)
  - Overlook improvements, such as additional seating, doggie mitt station, signage, bike racks, etc.
  - Relocation of "carved art rocks" to overlook area
  - Covered trash/recycling receptacles
- Requires input from Bolinas community and local approval

## **Debris Removal**



### Public Overlook



## Improvements and Public Art











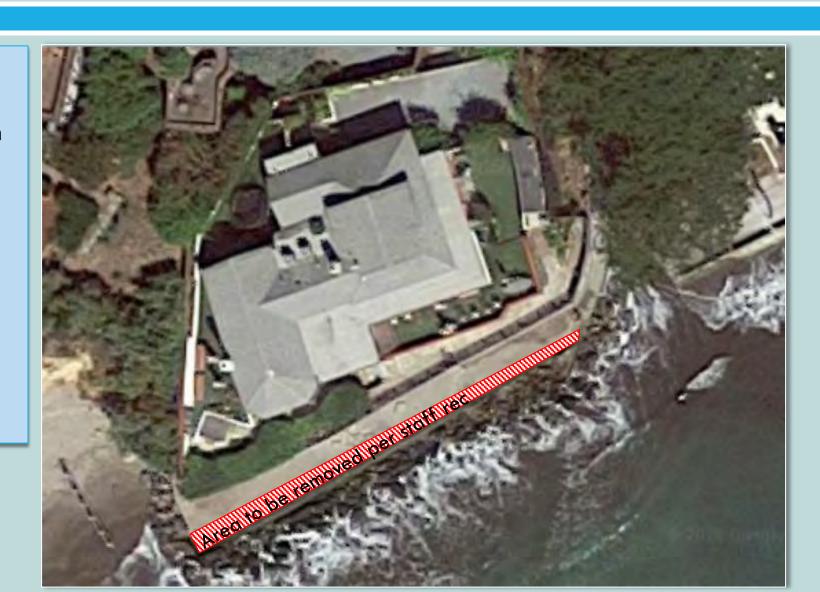
- Placement of new bench at overlook
- Relocation of carved art rocks by local artist, Cris Moon, from beach level to overlook area

## Staff Recommendation

- Staff recommending approval with sixteen (16) special conditions.
   Applicants generally in agreement with staff recommendation, with certain exceptions, including:
  - Reduction in bulkhead walkway width;
  - Removal of all previously permitted riprap and construction of new sheet pile wall on upcoast side of property;
  - Relocation of fencing around residential property;
  - Removal of minor encroachments on BCPUD property;
  - Removal of piles on beach on neighbors' property;
  - Residential redevelopment restrictions related to shoreline armoring terms; and
  - Liability and indemnity terms, perpetually intermixing liability and indemnity requirements of separate applicants

## Public Walkway Width Reduction

- Existing walkway width varies from approx. 10'-17'
- > Applicants proposing to reduce width to 7' -15'8"
- > Staff recommending to reduce width to 7' across entire length of seawall
- Staff's recommended reduction in walkway width doesn't acknowledge historic coastal dependent walkway usage for public:
  - Recreation
  - Safety/rescues

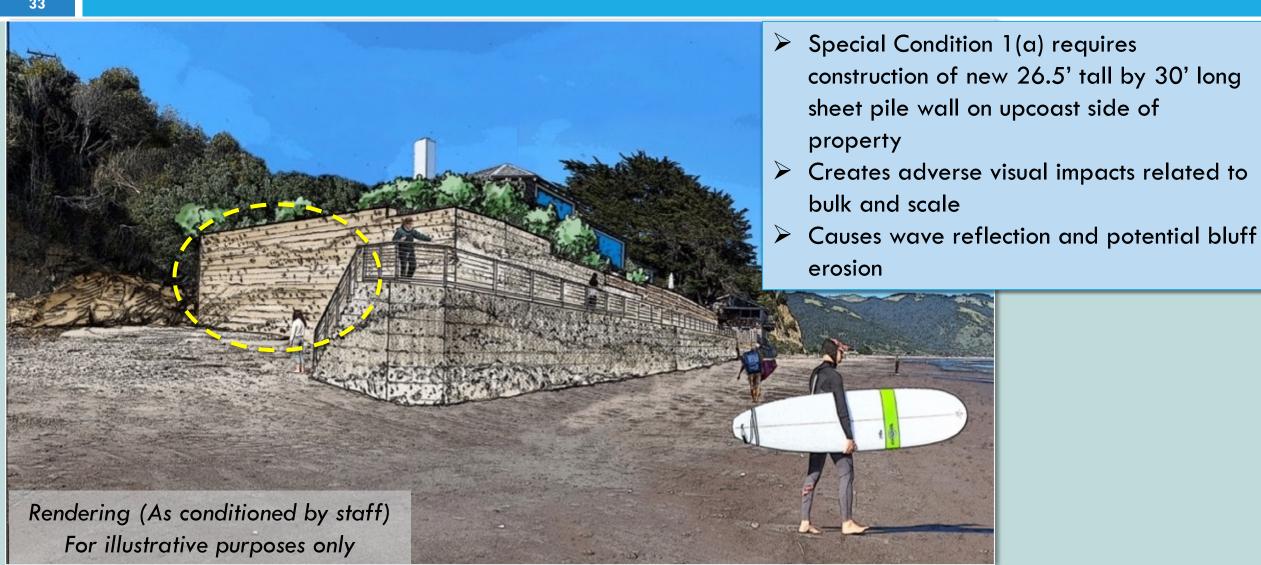


3:

- Existing riprap and thick vegetation protect existing slope on upcoast side of property
- > Special Condition 1(a) requires removal of previously permitted riprap; only allows retention of rock (63 sq. ft.) at back of beach





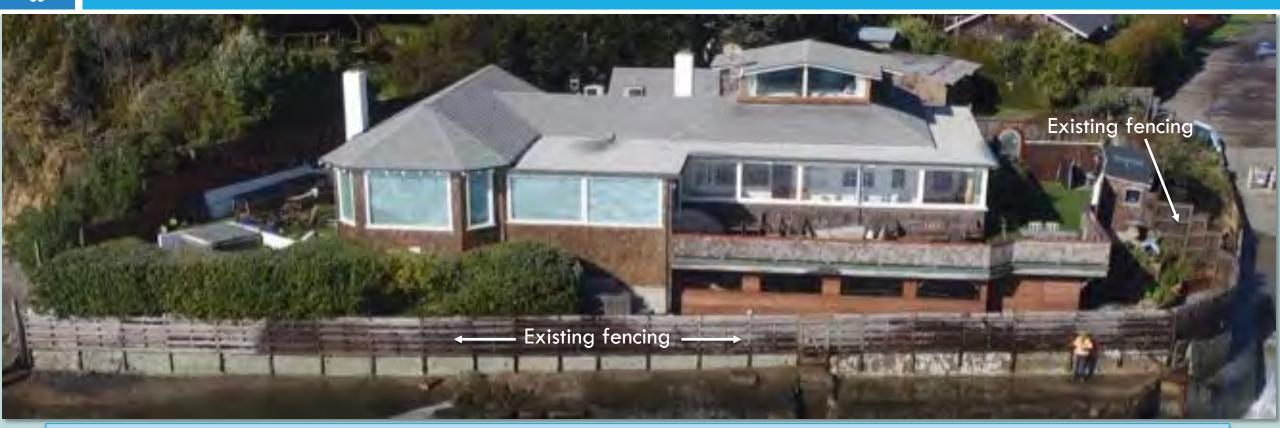


## Proposed Seawall w/o Sheet Pile Wall

34



## Fencing Relocation



- > Homeowner proposes to replace perimeter fencing in current alignment
- > Staff conditions require fencing to be relocated to within 5' of house
- Materially impairs usability of homeowner's outdoor living space with little or no public benefit
- Eliminates clear visual and physical line of demarcation between public walkway and homeowner's pation

## Joint Liability

- Liability for carrying out conditions of approval should be "individual," not "joint"
- Respective obligations will be established in the Public Access Management Plan required pursuant to Special Cond. 2
- Co-applicants request specific changes to special condition language to address liability concerns

## Project Benefits

- Proposed repair and reconstruction of existing seawall and public walkway will provide community-wide benefits to beachgoers, including:
  - Improved public safety to allow rescues occurring upcoast of subject site, including resurfacing of walkway and removal of central stairway obstructing access
  - Enhanced public access and recreational opportunities for beach visitors

## Conclusion

AMJT (homeowner) and the Bolinas Community Public Utility District respectfully request Commission <u>approval</u> of seawall and public walkway repair and enhancement project with revisions to the special conditions as proposed by the applicants.

- Proposed project is consistent with the Coastal Act for the following reasons:
  - Seawall is required to protect an existing structure;
  - Serves coastal dependent uses (lateral public accessway for recreation and rescues on seawall); and
  - Reduces existing footprint on sandy beach



June 5, 2020

To: Steve Padilla, Chair, California Coastal Commission

cc: Jack Ainsworth, Executive Director, California Coastal Commission

#### RE: W11a, CDP Application Number 2-17-0438 – SUPPORT STAFF RECOMMENDATION

Dear Chair Padilla,

When the problem of private property versus coastal erosion arises, Surfrider Foundation prefers long-term, forward-thinking solutions. However, in the case of the oceanfront property at 100 Brighton Avenue, Bolinas, we do not oppose the redevelopment of the existing seawall – with the conditions staff has set forth – as the house is considered an "existing structure" as defined by Section 30235. Further, while the existence of the house on the beach at water's edge not only takes up the beach but divides it and creates a barrier to the public, past permitting requirements included the creation of a walkway along the top of the seawall, which has resulted in the seawall itself often being the only way to get to what sandy beach remains. This unusual service as an accessway to the adjacent pocket beach has made the seawall valuable to the community.

Of course, the beach itself is also of great value to the community. Bolinas boasts a robust local surf culture and is considered a destination surf spot by many, particularly in the Bay Area, as the waves are much more beginner friendly than those typically found at San Francisco's Ocean Beach. The beach itself offers greater shelter from prevailing winds than many other of the region's beaches, making it more inviting for a variety of onshore recreational activities.

The conditions recommended by Commission staff diligently balance the property owners' right to shoreline armoring with the public's right to beach access, notably:

- 1.) As modified, the approximately 7-foot wide armoring system would occupy much less public beach space than the proposed armoring project (reducing such coverage by about 2,484 square feet, or by over 62%), thereby avoiding and minimizing impacts to coastal resources at the same time as providing other utility (e.g., for the public accessway area, for emergency access, etc.);
- 2.) Staff worked with the applicant to direct mitigation requirements into tangible public benefits including having new public access easements and develop new public

- recreational access improvements in the project vicinity (i.e., improved public overlooks with benches, safety and interpretive signage, bicycle racks, etc.
- 3.) The removal of all riprap from the project area (with an exception to prevent wave reflection toward the bluff below Terrace Avenue) will provide more and safer beach access in front of the seawall as clearing the rocks will literally provide more space on the sandy beach for recreational use, as well as remove dangerous obstacles that can't be seen by surfers or swimmers at a mid- or higher tide.

We strongly encourage the Commission to support the staff's thoughtful recommendations on this project and approve only with all conditions included.

Sincerely,

Jennifer Savage

California Policy Manager

Surfrider Foundation

scott tye <tyeyaksb@yahoo.com> Mon 6/8/2020 10:07 AM

To: Pfeifer, Sara@Coastal

Cc: Jesse Wernick <jessewernick@yahoo.com>; Jennifer Savage <jsavage@surfrider.org>

#### Sara Pfeifer

Thank you so much for reaching out again regarding the upcoming hearing for the Brighton/Bolinas item. The Marin County chapter has been in contact with the various interests and elements(including yourself) with the concerns of this project. Our executive committee has reviewed the staff report and discussed issues with representatives of the project over the past 6 months, and have determined that the elements under consideration reflect those of Jennifer Savage, Policy director for Surfrider Foundation's national office. Our position is in line with the specific concerns and recommendations of Jennifer Savage's item# 3 regarding the removal of the 'rip rap' covering the intertidal and wetsand section of this stretch of Bolinas Brighton beach. We believe that this action is not only required to improve the safety of surfing and beach activities, but also the policy of the CCC to allow for the progression of the ocean in the view of Sea Level Rise adjustment.

Thank you again for your efforts to communicate and stay in contact with all' stackholder groups. Let this email be considered our comment request to be submitted to the Commission hearing.

Scott Tye-Vice Chairman Jesse Wernick-Chairman Marin County chapter Surfrider Foundation **From:** San Simeon Lodge <sansimeonlodge@earthlink.net>

**Sent:** Monday, June 1, 2020 3:30 PM

To: NorthCentralCoast@Coastal < NorthCentralCoast@coastal.ca.gov>

Subject: Public Comment on June 2020 Agenda Item Wednesday 11a - Application No. 2-17-0438 (AMJT

Capital and BCPUD, Bolinas, Marin Co.)

Dear board,

I Miguel Sandoval support the approval of this project by the Coastal Commission.

Thank you,

Miguel Sandoval



#### **BOARD OF SUPERVISORS**

March 6th, 2020

PRESIDENT

Katie Rice

2ND DISTRICT

Sara Pfeifer, Coastal Planner North Central Coast District California Coastal Commission 45 Fremont Street, Suite 2000 San Francisco, CA 94105

VICE PRESIDENT

Dennis Rodoni

4<sup>TH</sup> DISTRICT

2ND VICE PRESIDENT

Judy Arnold
5TH DISTRICT

Damon Connolly

Kathrin Sears

Matthew H. Hymel
COUNTY ADMINISTRATOR
CLERK OF THE BOARD

Diane Patterson
ASSISTANT CLERK OF THE BOARD

Marin County Civic Center 3501 Civic Center Drive Suite 329 San Rafael, CA 94903 415 473 7331 T 415 473 3645 F 415 473 6172 TTY www.marincounty.org/bos SUBJECT: Support of Postponement - CDP Application No. 2-17-0438

100 Brighton Ave., Bolinas, Marin County

Dear Ms. Pfeifer:

I have recently been made aware of the Bolinas Community Public Utility District (BCPUD) and AMIT's request to postpone the Coastal Commission's consideration of their proposed seawall and public accessway improvement project to June 10-12, 2020 In Rohnert Park. I support the applicants' request to postpone the item and extend the 90-day Permitting Streamlining Act deadline for the project to be considered in a more local venue. The existing public walkway is a popular recreational area and many members of the Bolinas community have expressed interest in participating in your hearing process. A June hearing enables greater public participation regarding a locally significant issue.

Thank you for your consideration.

Sincerely,

Dennis Rodoni, District 4

Demy Rodoni

cc: Katie Rice, Commissioner

Jack Ainsworth, Executive Director, CA Coastal Commission Jeannine Manna, North Central Coast District Manager

Jennifer Blackman, General Manager, Bolinas Community Public Utility District

#### Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP

Attorneys at Law

1901 Avenue of the Stars, Suite  $1800\,|\,\text{Los}$  Angeles, CA 90067-6019

Telephone: 310.788.2400 | Facsimile: 310.788.2410

www.allenmatkins.com

Spencer B. Kallick

E-mail: skallick@allenmatkins.com

Direct Dial: 310.788.2417 File Number: 378991-00001/WLA812718.01

#### Via Electronic Mail

February 23, 2020

California Coastal Commission Sara Pfeifer North Central Coast District 45 Fremont Street, Suite 2000 San Francisco, California 94105 Sara.Pfeifer@coastal.ca.gov

Re: Coastal Development Permit No. 2-17-0438 (AMJT Capital and BPUD)

100 Brighton Avenue, Bolinas, California 94924

Dear Honorable Commissioners,

This firm represents the O'Connell family ("O'Connell"), the property owners of 31 Terrace Avenue in Bolinas, California (the "Property"). At the March 2020 Commission meeting, the Commission will consider the proposed redevelopment and expansion of a 170 foot seawall (the "Project") directly next door to the O'Connell's Property. The Project has the potential to impact the next door Property and has larger implications for the neighboring beach and Bolinas community. We write to express our general support for the Project and provide recommendations that will help enhance the Project and Coastal access for all.

#### 1. Project Recommendations & Refinements

We conducted a substantial amount of due diligence on the Project. This included communication with the Applicant's team and Coastal staff. We have hired a third party Coastal engineer to conduct an independent third-party review of the Project. (Exhibit A, TerraCosta Consulting Group Letter Dated February 3, 2020 (the "**TerraCosta Letter**").) We hereby provide the following Project recommendations and request certain refinements.

#### A. Beach Nourishment Is Worthwhile

Our understanding is that the Applicant will be required to pay approximately \$1.8 million in Public Access and Recreation Mitigation Fees ("**Mitigation Fees**"). We further understand that the intention is these funds be used for a new cement pad with picnic tables adjacent to the beach. While we applied these ideas, we would offer that the funds should also be allocated

Allen Matkins Leck Gamble Mallory & Natsis LLP Attorneys at Law

California Coastal Commission February 23, 2020 Page 2

toward a small beach nourishment project. The addition of sand to the neighboring beach would help bolster a dynamically invariant beach. It would also be instrumental in ensuring the longevity of the beach as a place for Bolinas residents and visitors to enjoy a unique Coastal environment for many years to come.

#### B. The Riprap Should Remain

Our understanding is that Coastal staff recommend the removal of the stone riprap at the edge of the O'Connell's Property. The stone riprap still provides significant wave energy absorption and should remain. Further, it continues to provide a substantial benefit to those accessing the pocket beach by improving access from Brighton Avenue.

#### C. The Groins/ "L-shaped" Fence Should Stay In Place

Our understanding is that Coastal staff recommend removing the existing groins and/or L-shaped fence on the beach below the O'Connell's Property. Coastal staff has asked for the O'Connell's permission to remove these elements. We must respectfully decline this request. For decades, the existing groins have served to slow erosion of the beach, which is of vital importance and should be maintained. Maintaining the existing groins would also delay the need for another invasive bluff-top stabilization project.

#### D. Construction Should Not Impede Beach Access Or Impact Property

On January 24, 2020, the Applicant's team provided us a document that addresses the Project's expected construction approach and staging. It states that no work would occur on the O'Connell's Property. We appreciate this direction and request that the Commission include a condition requiring that any work on the O'Connell's Property require the O'Connell's prior written consent. We would also request that all Project construction for the Project be performed in a manner that limits impacts to beach access.

In sum, we support the Project and ask that the Commission consider the aforementioned recommendations and refinements, especially beach nourishment in connection with the expenditure of the Mitigation Fees. Please feel free to contact me directly with any questions.

Very truly yours,

Spencer B. Kallick

Spencer B. Kallick

cc: AMJT Capital; BPUD



Project No. 3087 February 13, 2020

Geotechnical Engineering

Coastal Engineering

Maritime Engineering

Mr. Spencer B. Kallick

ALLEN MATKINS LECK GAMBLE MALLORY & NATSIS LLP

1901 Avenue of the Stars, Suite 1800

Los Angeles, California 90067

THIRD-PARTY REVIEW
COASTAL DEVELOPMENT PERMIT (CDP)
APPLICATION NO. 2-17-0438
SEAWALL REPLACEMENT AT 100 BRIGHTON AVENUE, BOLINAS
DATED JUNE 4, 2018
PREPARED BY NOBLE CONSULTANTS/GEC

#### Dear Mr. Kallick:

TerraCosta Consulting Group, Inc. (TerraCosta) is pleased to present the results of our third-party review of the Noble Consultants/GEC report for seawall replacement at 100 Brighton Avenue in Bolinas, California. We have reviewed files provided by you, including three emails from Coastal Commission Staff addressed to both Greichen Lucas and Susan McCabe specific to the 100 Brighton Avenue project along with the four sheets containing concept-level construction drawings prepared by Noble Consultants dated October 21, 2019. We conducted our review on behalf of the property owners at 31 Terrace Avenue, the upcoast neighbor to the 100 Brighton Avenue project, to confirm that the recommendations in Noble's report mitigate to the extent possible further erosion of the coastal bluff below Surfer's Overlook or their adjacent property to the east during the seawall reconstruction.

In summary, we agree with Noble's characterization of the coastal environment and their description and assessment of alternatives and the rationale for the planned shoreline stabilization. We agree that the stone riprap still provides significant wave energy absorption during periods of depleted beach conditions and agree that the existing stone riprap is an essential additional shore protection device for the residence at 100 Brighton Avenue, while at the same time providing a small artificial headland to at least partially trap and retain the modest sand beach that accumulates to the west of 100 Brighton Avenue. While Coastal Staff has inferred that 100 Brighton Avenue has contributed to

passive erosion (June 16, 2017, Coastal Commission letter), if one were to assume that 100 Brighton Avenue did not exist, the adjacent property to the east would present the same seaward encroachment with the same inferred passive erosion. The structure at 100 Brighton Avenue does however, to a certain extent, help maintain a small interim pocket beach that provides some level of protection to the back beach coastal bluffs that support Terrace Avenue and Surfer's Overlook. Repairs to the Terrace Avenue coastal bluff date back to 1967, with relatively extensive roadway stabilization measures dating back to at least 2002, with the California Coastal Records Project (www.californiacoastline.org) Image No. 5573 clearly showing significant roadway stabilization measures, an obvious threat to the stability of Terrace Avenue. Moreover, between 2013 and 2019 substantial additional roadway stabilization measures were implemented (Image No. 201906105) in an effort to maintain this narrow section of Terrace Avenue. Accordingly, any efforts to improve the stability of the small transient pocket beach west of 100 Brighton Avenue would improve the stability of the steep coastal bluffs supporting Terrace Avenue and would also provide a significant benefit to the beach-going public by improving access to the beach from Brighton Avenue.

We also echo the importance of the groin at the east end of Brighton Beach which helps control the inlet to Bolinas Lagoon, with this groin and its predecessors dating back to 1880, helping to improve the stability of the lagoon inlet. We also note that the relatively short length and low elevation of the groin limit the sand trapping effect and allows sand to bypass the structure once the beach fills up to its equilibrium profile.

Of the five alternatives evaluated by Noble, clearly Alternative 5 of the proposed project is the best alternative. However, we would suggest that consideration also be given to the proposed project combined with a small beach nourishment project to add a small amount of additional sand to what has been considered a dynamically invariant beach.

Given the potential for future beach nourishment projects west of 100 Brighton Avenue, we would discourage the removal of the two aging relatively small timber groins and would recommend their rehabilitation concurrent with any future beach nourishment project. Similarly, the short "L" shaped groin adjacent to the back beach, combined with an ongoing beach nourishment program, would also tend to reduce ongoing erosion impacting the bluff below Terrace Avenue and delay the need for yet additional more invasive bluff-top stabilization to protect the street.



Specific again to the stability of the back of the small pocket beach west of 100 Brighton Avenue, and on behalf of the neighboring property owners at 31 Terrace Avenue, we would oppose any reduction of the proposed restacking and rehabilitation of the rock revetment protecting the northerly return wall, and would also argue that a small amount of additional rock in this area would protect not only the northern flank of Brighton Avenue, but importantly the relatively steep erodible bluffs at the back of the small pocket beach just west of 100 Brighton Avenue.

We appreciate the opportunity to comment on Noble Consultants recommendations for stabilizing the existing residence at 100 Brighton Avenue. However, we believe that the public would be better served with the inclusion of a modest beach nourishment program, along with the continued stabilization of the very steep Terrace Avenue roadway embankment that abuts up to the coastal bluff behind the small pocket beach, adjacent to and just west of 100 Brighton Avenue.

If you have any questions or require additional information, please feel free to contact us.

Very truly yours,

TERRACOSTA CONSULTING GROUP, INC.

Walter F. Crampton, Principal Engineer

R.C.E. 23792, R.G.E. 245

WFC/ar



#### **REFERENCES**

- Bolinas Lagoon Ecosystem Restoration Project Draft Feasibility Study, Marin County, California, June 2002
- 2. Noble Consultants/GEC, Coastal Development Permit (CDP) Application Number 2-17-0438, Seawall Replacement at 100 Brighton Avenue, Bolinas (Response to California Coastal Commission Letter dated 9-29-2017; Sections: Project Description; Project Need; & Proposed Hazard Response), June 4, 2018.
- 3. Protect NEPA, Disaster Averted: California's Bolinas Lagoon Article, November 27, 2017, www.protectnepa.org.
- 4. Tetra Tech, Inc., Bolinas Lagoon Watershed Study, Input Sediment Budget, November 2001.



### **BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT**

BCPUD BOX 390 270 ELM ROAD BOLINAS CALIFORNIA 94924

415 868 1224



January 17, 2020

Sara Pfeifer
California Coastal Commission
North Central Coastal District Office
45 Fremont Street, Suite 2000
San Francisco, California 94105

Re: CDP Application 2-17-0438: Reconstruction of the Seawall and Walkway at 100

Brighton Avenue, Bolinas, California (APN#193-142-15).

Dear Ms. Pfeifer:

On behalf of the Bolinas Community Public Utility District ("BCPUD"), I am writing as a follow-up to our telephone conversation of January 13, 2020 concerning the above-referenced CDP application. We respectfully request that you include this letter as an exhibit to your staff report. Thank you in advance for your anticipated courtesy in this regard.

During our telephone conversation on January 13th, you inquired why the BCPUD, a public agency, agreed to become a co-applicant on this CDP application; you stated that California Coastal Commission ("CCC") staff view this as a project undertaken by "a private property owner, mostly for their own benefit", meaning the protection of their home, and that CCC staff find it "odd" that the BCPUD is a co-applicant. While it is true that the reconstruction of the seawall and walkway will serve to protect the existing home, which has been there for more than a century, as I explained during our call, the BCPUD Board of Directors agreed to be a co-applicant largely because of the other coastal dependent uses served by the seawall, i.e., the public safety benefits and important public access way provided to the community and visiting public across the seawall's walkway. It is important to note that the BCPUD has a legal interest in the seawall's walkway through prior acceptance of the lateral access easement as required by a CCC-approved permit decades ago. As detailed in correspondence previously provided to CCC staff by the Bolinas Fire Protection District, the walkway across the top of the seawall provides a critical emergency access way for first responders to the northern beaches and therefore enhances public safety. The walkway across the top of the seawall also serves as an iconic public viewing point and gathering point for beach visitors, particularly during high tide events. The walkway also provides access for surfers and those partaking in other recreational activities on the northern beaches as depicted in the attached photographs. In addition, I noted that the BCPUD agreed to become a co-applicant when invited to do so by the private property owner as an easement holder and owner of the property located immediately adjacent to 100 Brighton Avenue on which a portion of the pedestrian access ramp is to be constructed (APN#193-143-12).

You inquired why the BCPUD has "allowed so much private development on public property" and you said CCC staff are curious as to "why BCPUD would be willing to allow a private homeowner to encroach so significantly onto public land." I responded that the development in question is a community garden that was designed and installed by volunteers in association with prior owners of the subject private property; the installation of this garden was strongly supported by the community as a way to honor and respect this main entry point to the

Letter to Sara Pfeifer January 17, 2020 Page Two

Bolinas Beach (which previously had become a dumping point of sorts for trash). With regard to the fence and shed belonging to the property owner which encroach onto BCPUD property, this encroachment was not "allowed" by the BCPUD; rather, for decades all concerned assumed the fence and shed were located on APN#193-142-15 and it was only much more recently when a survey was completed that the BCPUD learned of the encroachments. BCPUD and the property owners are working together to finalize an easement agreement to resolve the minor encroachment pending the approval of CDP Application 2-17-0438. Please note that the fence and shed do not block or otherwise impede any public access to the coast as they are located approximately 15 feet above the seawall.

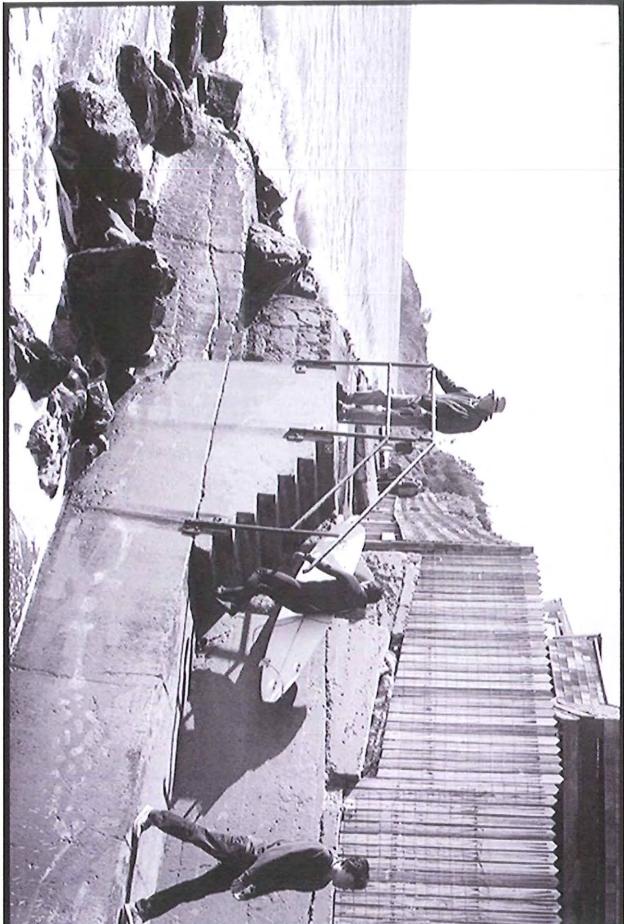
In closing, for many decades the BCPUD Board of Directors has served as the public "voice" of the community on matters of common concern and, from time to time, becomes involved in projects outside the scope of its primary responsibilities to provide safe and cost-effective public utility service to Bolinas residents and coastal visitors. It does so because Bolinas is located in an unincorporated area of Marin and does not otherwise have direct local representation in the form of a town council or other representative government. Ordinarily, a private property owner's proposal to build or repair a seawall likely would not rise to the level of a matter of common concern, but CDP Application 2-17-0438 is different – the seawall and its walkway provide critical public safety access, enhance recreational purposes and serve coastal dependent uses that are very important to our community and the visiting public, hence the BCPUD's agreement to serve as co-applicant.

Please do not hesitate to contact me if you have any questions or would like to discuss any aspect of this letter.

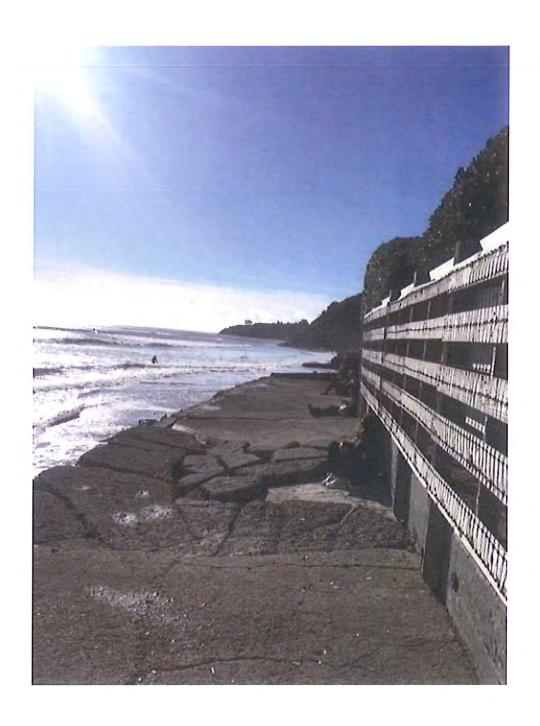
Very truly yours,

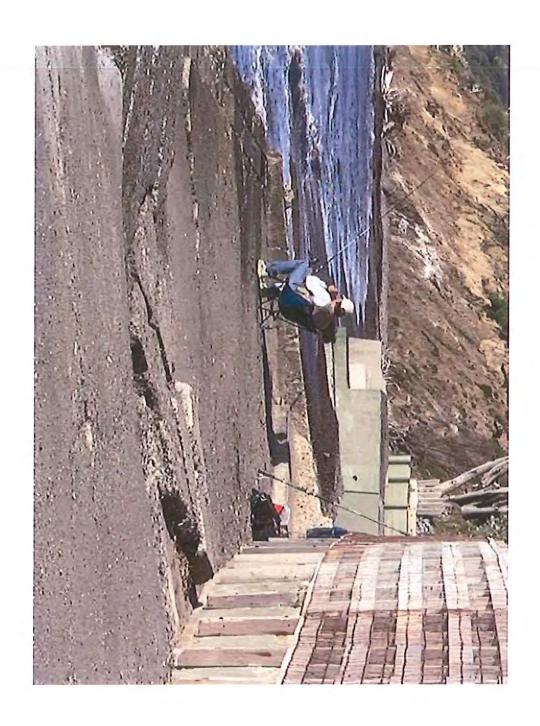
Jennifer Blackman General Manager

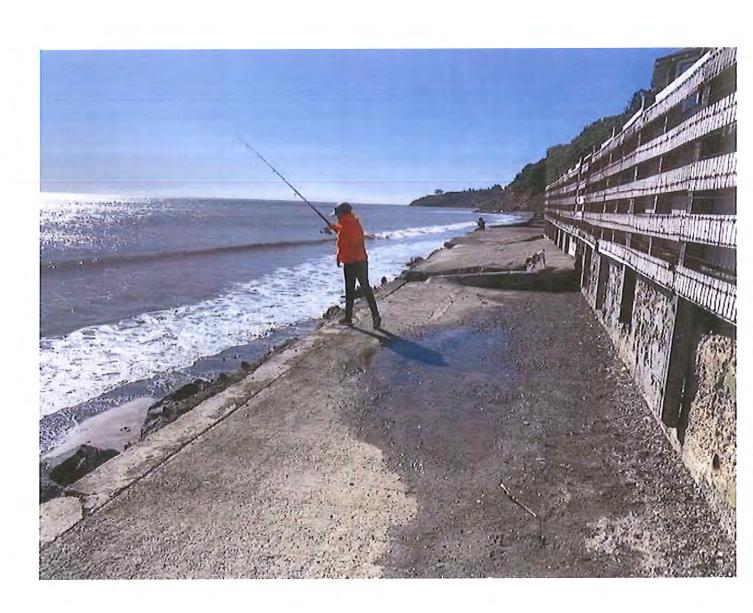
cc: AMJT Capital, LLC



David Briggs ..









### **BOARD OF SUPERVISORS**

October 29, 2019

PRESIDENT Kathrin Sears

Kathrin Sears
380 DISTRICT

VICE PRESIDENT

Katie Rice

2ND DISTRICT

2ND VICE PRESIDENT Dennis Rodoni 4™ DISTRICT

Damon Connolly
15T DISTRICT

Judy Arnold 5<sup>™</sup> DISTRICT

Matthew H. Hymel county administrator clerk of the Board A

3501 Civic Center Drive Suite 329 San Rafael, CA 94903 415 473 7331 T 415 473 3645 F 415 473 6172 TTY www.marincounty.org/bos

Marin County Civic Center

California Coastal Commission

Attn. Sara Pfeifer

North Central Coast District 45 Fremont St., Suite 2000 San Francisco, CA 94105

Re: In Support of Application #2-17-0438

100 Brighton Avenue, Bolinas

As the representative on for the Bolinas community on the Marin County Board of Supervisors, I am writing in support of AMJT CAPITAL LLC and Bolinas Community Public Utilities District (BCPUD)'s co-application for the repair and life-safety upgrade of the existing seawall and walkway at 100 Brighton Avenue in Bolinas.

This renovation project is vital to the community and as it serves both the public and our emergency responders with a safe access to and from the beach. During high tides, the bulkhead walkway provides the only access to a large stretch of Brighton Beach heavily used by residents and visitors. Annually, our emergency staff respond to approximately twelve incidents on the beach. The seawall is in a deteriorated condition making it difficult to walk and sit upon with hazardous areas of exposed corroding rebar and eroding concrete.

The proposed project is within the existing footprint, will enhance public access and recreational use with upgraded ADA infrastructure, while also improving the life safety emergency use by first responders.

I respectfully encourage you to approve this application. Please feel free to contact my office should you need more information.

Sincerely,

Dennis Rodoni, District 4

### **BOLINAS FIRE** PROTECTION DISTRICT

P.O. BOX 126

100 MESA ROAD

BOLINAS, CALIFORNIA 94924

415 868-1566 FAX 415 868-2009

October 22, 2018

Sara Pfeifer California Coastal Commission North Central Coast District 45 Fremont Street, Suite 2000 San Francisco, CA 94105

Re: Coastal Development Permit Application Number 2-17-0438 (Armoring at 100 Brighton Avenue, Bolinas)

Dear Ms. Pfeifer:

Thank you for the opportunity to write this letter in support of the request by the owners of 100 Brighton Avenue, Bolinas, to replace and improve the deteriorating access way and seawall.

During high tides, the seawall provides the only access to a large stretch of Brighton Beach heavily used by residents and visitors. Annually, we respond to approximately twelve incidents on the beach ranging from water rescues, medical aids, body recovery and illegal fires. The Marin County Sheriff's Office responds to additional calls for service for various incidents of a law enforcement nature. Each of these incidents requires us to bring equipment on and off of the beach in order to transport patients or extinguish fires. One piece of equipment used frequently is a large metal basket with one or two wheels which allows us to transport a nonambulatory patient. The basket is six feet long and three feet wide and requires several responders to maneuver on the sides and ends of the basket. The existing seawall has deteriorated to the point of being hazardous for emergency responders and visitors. The current routes of access and egress pose trip hazards with loose cement and rocks as well as exposed and rusted rebar. In addition, the access and egress on the west side of the wall is comprised of loose, unevenly set rocks posing a serious trip and fall hazard as we try to move patients from the beach area.

During high tide, this area of Brighton Beach is not accessible by any other means as the surrounding cliffs are extremely steep and comprised of unstable material that is constantly deteriorating. The next closest access for this area of Brighton Beach is approximately one mile to the east and two miles to the west, both of which are unusable during high tide and increase our response time to an unacceptable degree.

The Bolinas Fire Protection District believes the improvement of the seawall fronting 100 Brighton Avenue is an important project that would benefit our operations as well as the myriad of public users of the beach. Thank you very much for your consideration.

Fire Chief

CC: Susan McCabe, McCabe and Company Anne Blemker, McCabe and Company

## BOLINAS FIRE PROTECTION DISTRICT

P.O. BOX 126 ■ 100 MESA ROAD 415 868-1566 ■ FAX 415 868-2009

BOLINAS, CALIFORNIA 94924

California Coastal Commission North Central Coast District 45 Fremont St., Suite 2000 San Francisco, CA 94105 Attn. Sara Pfeifer - Sara.Pfeifer@coastal.ca.gov

October 16, 2019

Re: In Support of Application #2-17-0438 100 Brighton Avenue, Bolinas

Dear Ms. Pfeifer.

As the incoming Fire Rescue Chief, I'd like to echo the words of my predecessor, retired Fire Chief Anita Tyrell-Brown and thank you for the opportunity to write in support of AMJT Capital LLC and Bolinas Community Public Utility District (BCPUD)'s co-application for the repair and life safety upgrade of the existing seawall and walkway at 100 Brighton Avenue in Bolinas.

This renovation project is critically important to us as we see it servicing both the public and our emergency responders with a safe means of access to and from the beach. During high tides, the bulkhead walkway provides the only access to a large stretch of Brighton Beach heavily used by residents and visitors. Annually, we respond to approximately twelve incidents on the beach ranging from water rescues to medical aids, body recoveries and illegal fires. Each one of these incidents requires us to bring equipment to put out fires and/or transport patients. In order to safely extricate a patient off the beach we use the 'wheeled-stokes', a piece of equipment that is made up of a single pivoting wheel attached to a 7'l x 2'w gurney guided on either side by 4-6 rescuers in order to balance the patient; requiring a minimum 8' handling width to safely and comfortably maneuver the patent along the front of the wall.

Currently, the existing seawall has deteriorated to the point of being hazardous for emergency rescuers, as well as visitors, with corroding exposed rebar and eroding concrete posing as potential trip hazards. In addition, the existing stair at the South/East end and the lack of an access path at the North/West end of the bulkhead make it challenging to perform safe rescue operations.

At times, the only means of egress to sections of the beach is the seawall walkway, as the surrounding cliffs are too steep and comprised of unstable material impossible for people to access. The next closest access for this area of Brighton Beach is approximately one mile to the East and two miles to the West, both of which are unusable during high tide and increase our response time to an unacceptable degree.

The Bolinas Fire Protection District continues to support the proposed improvement of the seawall and walkway, and believe that it is an important project that benefits our operations, as well as the myriad of public beach users. We ask that you approve the application as proposed by the applicants.

Sincerely,

Fire Chief George Krakauer

## THE APPLICATION TO REPAIR THE SEAWALL AT 100 BRIGHTON, BOLINAS! A LIFE SAFETY RENOVATION FOR PUBLIC ACCESS & RECREATIONAL USE

(COASTAL COMMISSION APPLICATION #2-17-0438)

#### THE APPLICATION TO REPAIR THE SEAWALL AT 100 BRIGHTON, BOLINAS!

A LIFE SAFETY RENOVATION FOR PUBLIC ACCESS & RECREATIONAL USE (COASTAL COMMISSION APPLICATION #2-17-0438)

				EMAIL (Optional)
19. MARK	Buell	Resident	MARK	cw Buell@6m
20. Susie	Zuell	Resident	Susie	bolinus @ Cor
21. Kircten	Walker	Resident/Boate	woman	Kinstew Kinsten
22				
23				
24				
25				
26				
27				
28				
29				
30				
31				
32				
33				
34				
35				
36.				

#### THE APPLICATION TO REPAIR THE SEAWALL AT 100 BRIGHTON, BOLINAS!

A LIFE SAFETY RENOVATION FOR PUBLIC ACCESS & RECREATIONAL USE (COASTAL COMMISSION APPLICATION #2-17-0438)

PRINT NAME RELATION TO AREA (Resident, Visitor, etc.)  A 1 1 100 100 Parisles to amendaross sky
1. Amanda Man Resident core egucil.com
2. Jenneter Brahm resident brahmej comenst. net
3. Brothe Waterfun Resident 120 Birch RO
4. Burtsaver Anna Visitol annalene Lourisone
4. Burtscher Anna Visitol annolene. Luntischer 5. Beau Vincent resident blK3276@yahoo.com
6. HEIDI GIROSS resident heidisandvoll@quael.com
7. Down Lich resident payspringer 220 hitmail
8. Panula Springer resident punspringer 22e icland con
9. Maya Ravani Resident maya, ravani Eginail. com
10. Cheryl Ruggiero Resident rucherylegmail.com
11. Haylie knowles Resident HaylieMk@gmail.Com
12 PAULETTE BUGART RESIDENT PAULETIE BUGARTOESIGN CON
13. HENTHER CUPP RESIDENT dappheather@gmail.com
14. Cristina di Grazia resident chaigrazia Egmail. com
15. josh chertok visitor josh chertoka gmid on
16. Valentini muench marridogiay visitor valentini@vangelis.com
17. PEGGY ORR Visitor peggytilburyorr amail.
18. OUSID. DUEL Resident susie bolinose
gmail, con

### THE APPLICATION TO REPAIR THE SEAWALL AT 100 BRIGHTON, BOLINAS!

A LIFE SAFETY RENOVATION FOR PUBLIC ACCESS & RECREATIONAL USE
(COASTAL COMMISSION APPLICATION #2-17-0438)

## THE APPLICATION TO REPAIR THE SEAWALL AT 100 BRIGHTON, BOLINAS!

A LIFE SAFETY RENOVATION FOR PUBLIC ACCESS & RECREATIONAL USE (COASTAL COMMISSION APPLICATION #2-17-0438)

PRINT NAME RELATION TO AREA (Resident, Visitor, etc.) EMAIL (Optional)
1. PETER SMITH RESIDENT BOARD WAVEN
2. Colory Nemec Resident
4. Greg Stande lesident tisherman
4. Greg Stande lesident/tisherman
5. Molly Maquire Resident
6. Wilder Winner Render Plancher
7. Cent Bant
8
9
10
11
12
13
14
15
16
17
18

# THE APPLICATION TO REPAIR THE SEAWALL AT 100 BRIGHTON, BOLINAS! A LIFE SAFETY RENOVATION FOR PUBLIC ACCESS & RECREATIONAL USE (COASTAL COMMISSION APPLICATION #2-17-0438)

	Andrew	11	TO AREA (Resident, Vis - Mesilant, bys		EMAIL (Optional)  Arewrein a com case
2	LINDSA	CARE -	VISITOR (Pacit	ica) La	BE DECamail.cm
4	Mickey	Murch	Murcha	a gmail.co	Stbedre@gmail.o
		Wattan	Res. Visitor		deron Q grafte
7	JAY	SHEEKS			swatand @ gmail.
	Jamie	Holden	BFD Volunteer/V		Len Ofe yahoron
	Juger	Elements	- resident	10	quem c/ements@8
11	Sim	1///-	- residen	l lucy	reid @ col. con sanrobinson
13					
14 15					
16 17					
17 18					

### 'I SUPPORT'

## THE APPLICATION TO REPAIR THE SEAWALL AT 100 BRIGHTON, BOLINAS!

A LIFE SAFETY RENOVATION FOR PUBLIC ACCESS & RECREATIONAL USE (COASTAL COMMISSION APPLICATION #2-17-0438)

PRINT	NAME RELATION TO	AREA (Resident, Visitor, etc.)	EMAIL (Optional)
1.	CK Krieger	Nuke	Visitor/Residou
2	TEVE HOPGE	N. W. L.	
4			
10			
11			)
12			1
13			
14	<u> </u>		
15			
16			
17			
18.			

## 'I SUPPORT'

# THE APPLICATION TO REPAIR THE SEAWALL AT 100 BRIGHTON, BOLINAS!

A LIFE SAFETY RENOVATION FOR PUBLIC ACCESS & RECREATIONAL USE (COASTAL COMMISSION APPLICATION #2-17-0438)

PRINT NAM	ME RELATIO	N TO APEA (Pasidant Visit	= 50.00 Tu=
	treyaSilver	NTO AREA (Resident, Visitor, etc.) Brighton Ave Resident for 37 year	EMAIL (Optional)
19. Mai	III of Siver	- Resident for 37 year	rosetafariagmail.com
20. Ken	Mylansen	Resident Whenf Rd 3	2 years bordhans a viae
21	aporte	PoBox 890 Bolings	House eahaworthe
22. FRI	C Be502	21 Box118 Bolinas	10013. GITTHIONKIN
23. L/ev	vellyn Lud	(ow (Resident)	
24. Step	ran'e Rogers	Alder Residents	minute Salyono. ga
25	Chekes Vein	10g Brighton Resident	0
26. Mm	ha Straton	Uni PM	Tmellastration@quail.
27		V	
28			
29			
30			
31			
32			
33			
34			
35			
36			

## 'I SUPPORT'

# THE APPLICATION TO REPAIR THE SEAWALL AT 100 BRIGHTON, BOLINAS! A LIFE SAFETY RENOVATION FOR PUBLIC ACCESS & RECREATIONAL USE (COASTAL COMMISSION APPLICATION #2-17-0438)

PRINT NAME REL	ATION TO AREA (Resident, Visitor, etc.)	EMAIL (Optional)
1. Sherry Hirsd	rosident/home owner	tolinas bead horse
	60 M.D. /11	1/
3. JIM LOCKEL	2 VISITOR	JHLOCKER@YAH
Lynn Adles	VISITOR	JHLOCKER@YAH
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
8		

From: <u>nztesq@aol.com</u>

To: <u>Pfeifer, Sara@Coastal</u>

Subject: Letter in Support of Application #2-17-0438 for 100 Brighton Ave., Bolinas

**Date:** Tuesday, November 12, 2019 8:09:13 AM

California Coastal Commission Attn. Sara Pfeifer North Central Coast District 45 Fremont St., Suite 2000 San Francisco, CA 94105 Sara.Pfeifer@coastal.ca.gov

Re: In Support of Application #2-17-0438 100 Brighton Avenue, Bolinas

Dear Ms. Pfeifer and Commissioners,

My husband and I are Bolinas residents and registered voters in Bolinas. We are writing in support of AMJT Capital LLC and Bolinas Community Public Utility District (BCPUD)'s co-application for the repair and life safety upgrade of the existing seawall and walkway at 100 Brighton Avenue in Bolinas.

We often use the bulkhead as a lookout point to assess existing ocean conditions, to watch the waves, the surfers, and people swimming. We have used the seawall and walkway to access the beach for our own personal use, for a leisurely walk with our dog, to swim and enjoy the fresh salt sea air. The seawall is in a dilapidated state of decay making it difficult to walk and sit upon with hazardous areas of exposed corroding rebar and eroding concrete. The owners and BCPUD are simply asking to make improvements that will make the area safe for the public and for emergency personnel that use the bulkhead to make rescues at the adjacent beach.

The renovation proposed within the existing footprint -- inclusive of a reconstructed seawall, ADA access ramp on the South side, stairway on the North side, handrail and resurfacing of the walkway -- will enhance public access and recreational use, while also improving the life safety emergency use by first responders.

We strongly encourage you to **approve** this application as proposed. The bulkhead serves an important role in our community and we ask that you allow it to be reconstructed.

Regards,

Herb and Nancy Tully 15 Terrace Ave. Bolinas, CA 94924 herbtully@gmail.com/nztesq@aol.com OCTOBER 24, 2019

CALIFORNIA COASTAL COMMISSION ATTN. SARA PFEIFER NORTH CENTRAL COAST DISTRICT 45 FREMONT ST., SUITE 2000 SAN FRANCISCO, CA 94105 SARA.PFEIFER@COASTAL.CA.GOV

RE: IN SUPPORT OF APPLICATION #2-17-0438 100 BRIGHTON AVENUE, BOLINAS

DEAR MS. PFEIFER AND COMMISSIONERS,

I AM A BOLINAS RESIDENT WRITING IN SUPPORT OF AMJT CAPITAL LLC AND BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT (BCPUD)'S CO-APPLICATION FOR THE REPAIR AND LIFE SAFETY UPGRADE OF THE EXISTING SEAWALL AND WALKWAY AT 100 BRIGHTON AVENUE IN BOLINAS.

QUITE OFTEN I USE THE BULKHEAD AS A LOOKOUT POINT TO VIEW THE OCEAN AND TO WATCH SURFERS AND ENJOY ACCESS TO THE BEACH FOR THE ENJOYMENT OF AQUATIC LIFE ON OUR LOCAL BEACH. THE SEAWALL IS IN A STATE OF DECAY MAKING IT DIFFICULT TO WALK ON SAFELY AND SIT, AS WE ALL LIKE TO, WITH HAZARDOUS AREAS NOW EXPOSED OF REBAR AND CORRODING CONCRETE. THE CURRENT OWNERS AND BCPUD ARE SIMPLY ASKING TO MAKE IMPROVEMENTS THAT WILL MAKE THE AREA SAFE FOR THE PUBLIC AND FOR EMERGENCY PERSONNEL THAT USE THE BULKHEAD.

THE RENOVATION PROPOSED WITHIN THE EXISTING FOOTPRINT - INCLUSIVE OF A RECONSTRUCTED SEAWALL, ADA ACCESS RAMP ON THE SOUTH SIDE, STAIRWAY ON THE NORTH SIDE, HANDRAIL AND RESURFACING OF THE WALKWAY - WILL ENHANCE PUBLIC ACCESS AND RECREATIONAL USE, WHILE ALSO IMPROVING THE LIFE SAFETY EMERGENCY USE BY FIRST RESPONDERS.

AS A RESIDENT, I STRONGLY ENCOURAGE YOU TO **APPROVE** THIS APPLICATION AS PROPOSED. THE BULKHEAD SERVES AN IMPORTANT ROLE IN OUR COMMUNITY AND WE ASK THAT YOU ALLOW IT TO BE RECONSTRUCTED.

Warmly, Mindy Marin

150/190 Horseshoe Hill Road Bolinas, CA. 94924 MINDY@BLUEWATERRANCH.COM

CC. AMJT CAPITAL LLC & BCPUD, KIRSTEN@WCM-SF.COM

October 25, 2019

California Coastal Commission Attn. Sara Pfeifer North Central Coast District 45 Fremont St., Suite 2000 San Francisco, CA 94105 Sara.Pfeifer@coastal.ca.gov

Re: In Support of Application #2-17-0438 100 Brighton Avenue, Bolinas

Dear Ms. Pfeifer and Commissioners.

I am a summer and weekend Bolinas Resident (and have been for decades and decades) and am writing in support of AMJT Capital LLC and Bolinas Community Public Utility District (BCPUD)'s co-application for the repair and life safety upgrade of the existing seawall and walkway at 100 Brighton Avenue in Bolinas.

I and my family, which have been connected to Bolinas since the early 20<sup>th</sup> century, often use the bulkhead to assess existing ocean tidal conditions, to watch the birds, to see how crowded the beach is... and to access the beach for our own personal use to walk pleasurably in the sand and surf and most especially to hunt for sand dollar fossils. I have watched with dismay as the seawall has become more and more dillapidated over the years, It is now in such a state of decay that it is difficult to walk and sit upon with hazardous areas of exposed corroding rebar and eroding concrete. And the entrance to the beach is at this point an embarrassment to Bolinas It is a very heavily trafficked gateway to our beloved beach. It should not be reduced in size...as it is always heavily populated, very especially on the weekends. The owners and BCPUD are simply asking to make improvements that will make the area safe for the public and for emergency personnel that use the bulkhead to make rescues at the adjacent beach.

The renovation proposed within the existing footprint -- inclusive of a reconstructed seawall, ADA access ramp on the South side, stairway on the North side, handrail and resurfacing of the walkway -- will enhance public access and recreational use, while also improving the life safety emergency use by first responders.

We strongly encourage you to **approve** this application as proposed. The bulkhead serves an important role in our community and we ask that you allow it to be reconstructed.

All Best,

Katherine D. Kirkham

# 9 Hillside, Bolinas singloudly@aol.com

October 25, 2019

California Coastal Commission Attn. Sara Pfeifer North Central Coast District 45 Fremont St., Suite 2000 San Francisco, CA 94105 Sara.Pfeifer@coastal.ca.gov

Re: In Support of Application #2-17-0438 100 Brighton Avenue, Bolinas

Dear Ms. Pfeifer and Commissioners,

Our names are Nabiel Musleh and Jenny Boyle. We are writing in support of AMJT Capital LLC and Bolinas Community Public Utility District (BCPUD)'s co-application for the repair and life safety upgrade of the existing seawall and walkway at 100 Brighton Avenue in Bolinas.

We regularly use the bulkhead as a lookout point to assess existing ocean conditions to watch the waves, surfers, seals cruising, fisherman surf casting, beach visitors lounging, people swimming and birds diving and to access the beach for our own personal use to walk, swim, surf make art and listen to the music and meditate.

The seawall is in a dilapidated state of decay making it difficult to walk and sit upon with hazardous areas of exposed corroding rebar and eroding concrete. The owners and BCPUD are simply asking to make improvements that will make the area safe for the public and for emergency personnel that use the bulkhead to make rescues at the adjacent beach.

The renovation proposed within the existing footprint -- inclusive of a reconstructed seawall, ADA access ramp on the South side, stairway on the North side, handrail and resurfacing of the walkway -- will enhance public access and recreational use, while also improving the life safety emergency use by first responders.

We strongly encourage you to **approve** this application as proposed. The bulkhead serves an important role in our community and we ask that you allow it to be reconstructed.

All Best.

Nabiel Musleh – nabiel@nabiel.com Jenny Boyle -- jenny@jbidesigns.com 315 Mistle rd Bolinas Ca 94924

 From:
 Bruce Bowser

 To:
 Pfeifer, Sara@Coastal

 Cc:
 Kirsten@wcm-sf.com

 Subject:
 100 Brighton Seawall

**Date:** Friday, October 25, 2019 3:17:09 PM

Dear Ms. Pfeifer,

I am a 30 year resident of Brighton Avenue in Bolinas. My home is a mere 100 yards from the waves breaking on the Pincus family seawall. This seawall is not only essential to the survival of the home at 100 Brighton but also for beach access to the thousands of visitors to our coast. I have been kept up to date by the BCPUD at their regular meetings, I have reviewed the construction documents and have never seen any thing but benefit for the residents and coastal visitors of such an undertaking. To reduce the width of the deck would cause true inconvenience and potential mishaps. The proposed 6 foot width is as narrow as a Freemont Street office corridor! Imagine if you will, passing surfers with boards and bags confronting mothers with wagons or strollers.

This seawall allows the only beach access at high tide, the companion seawall at 99 Brighton acts as a battering ram and I have often seen people knocked down and injured trying to run that gauntlet. The Pincus sea wall is essential for search and rescue efforts and the proposed plans would vastly improve those efforts. It is the bulkhead for all the properties on Brighton. Before the town was developed there was an ephemeral stream here flowing to the Ocean, the Brighton valley sediments would wash out to sea without our residential bulkheads.

I hope you and the staff of the California Coastal Commission would reconsider your stance on the Pincus Seawall improvements. If you would consider another visit to view the situation, I would happily be your guide. I live here 24/7/365 just call and we will arrange something at your convenience. On the other hand maybe we will meet in Half Moon Bay!

With Respect,

b2~~

Bruce Curtis Bowser BCB & Associates Bolinas Oceans~Advocate 89 Brighton Avenue P.O. Box 598, Bolinas, CA 94924

cel: 415 868 2494

ps. Peter Douglas was my hero.

From: <u>Lucy Reid</u>

To: Pfeifer, Sara@Coastal
Cc: Kirsten@wcm-sf.com

Subject: Marcus Pincus Seawall Project

**Date:** Thursday, October 24, 2019 9:13:34 AM

#### Dear Ms.Pfeifer

I was able to attend the Bolinas Community PUD meeting last night and to hear the updates on the Bolinas Seawall project at 100 Brighton Avenue.

I would like to express my strong support for CCC approval of the application of Marcus Pincus for the repair of the existing Seawall and walkway at Brighton Ave., Bolinas.

While there are arguments being made that narrowing the seawall will provide greater beach access, the reverse is true. There are improvements that can be made to the sewall and surrounding area to make it safer and more accessible. To name the ones that are most important to me:

- 1. This seawall as currently configured allows access when the tide is too high (greater than 3') to easily access this section of the beach. Providing ramp access to the seawall (In lieu of the current ramp with stairs) at the Brighton side and a ramp down to the beach at the western end, would be fantastic improvements.
- 2. The stairs above the rip-rap in the middle currently serve minimal benefit except to provide an opportunity for our less agile users to go down the stairs and sit on the seawall. Removing these stairs will make use of the walkway better but will mean that those with mobility issues who cannot easily get down to sit on the edge will lose a place to rest, chat and have lunch. A cement bench 17" high and 14" to 17" deep along the back of the walkway will be an improvement over the current situation.
- 3. We have many visitors and residents who find the current ramp at the end of Brighton too steep to descend safely, particularly those who use sticks or canes. Using this opportunity to make the slope of the ramp easier to traverse would be an improvement for those with mobility issues.
- 4. The current seawall is a social gathering spot: a patio above the waves to meet, talk, have lunch or a beer. It attracts all types of users at all times of day. There is much research on how to make a social spot useful and used and also how to destroy it. To significantly narrow the seawall will mean that this social gathering spot will be transformed into a thoroughfare and this opportunity for an easy to get to socializing spot at the beach will be lost. Please do not make 'our patio above the waves' more narrow.

While the CCC may see the seawall as a barrier to beach use, I see it clearly as an aid.

I will appreciate being apprised of any and all decisions and meetings that relate to this application going forward.

Lucy Reid 386 Ocean Parkway, PO Box 39, Bolinas CA 94924 October 23, 2019

California Coastal Commission Attn. Sara Pfeifer North Central Coast District 45 Fremont St., Suite 2000 San Francisco, CA 94105 Sara.Pfeifer@coastal.ca.gov

Re: In Support of Application #2-17-0438 100 Brighton Avenue, Bolinas

Dear Ms. Pfeifer and Commissioners.

I am a Bolinas Resident writing in support of AMJT Capital LLC and Bolinas Community Public Utility District (BCPUD)'s co-application for the repair and life safety upgrade of the existing seawall and walkway at 100 Brighton Avenue in Bolinas.

My husband and I use the bulkhead on a regular basis as a lookout point to assess existing ocean conditions to watch the waves, the surfing condition, the wild life, and to access the beach for our own personal use to walk, swim, surf and just relax at the beach. The seawall has become more dilapidated and is in a state of decay making it difficult to walk and sit upon with hazardous areas of exposed corroding rebar and eroding concrete. The owners and BCPUD are simply asking to make improvements that will make the area safe for the public and for emergency personnel that use the bulkhead to make rescues at the adjacent beach.

The renovation proposed within the existing footprint -- inclusive of a reconstructed seawall, ADA access ramp on the South side, stairway on the North side, handrail and resurfacing of the walkway -- will enhance public access and recreational use, while also improving the life safety emergency use by first responders.

We strongly encourage you to **approve** this application as proposed. The bulkhead serves an important role in our community and we ask that you allow it to be reconstructed.

Regards,

Kimberly Goosherst 52 Wharf Road, Bolinas kimberly@bluegooseevents.com

 From:
 Susan Robinson

 To:
 Pfeifer, Sara@Coastal

 Subject:
 Sea Wall Bolinas

**Date:** Tuesday, October 22, 2019 9:52:39 PM

Of course, we support the repair of the only way at high tide to get on the Downtown Bolinas beach without waders on! This is a beach access issue, not a regulatory whimsey! I have lived at Agate Beach for over 40 years, and treasure both entrances to the sea that supports us all!

Susan Robinson 386 Ocean Parkway Pob 39 Bolinas, CA 94924

Sent from my iPhone

October 22, 2019

California Coastal Commission Attn. Sara Pfeifer North Central Coast District 45 Fremont St., Suite 2000 San Francisco, CA 94105 Sara.Pfeifer@coastal.ca.gov

Re: In Support of Application #2-17-0438 100 Brighton Avenue, Bolinas

Dear Ms. Pfeifer and Commissioners,

I am a 79 year old Bolinas homeowner and resident writing in support of AMJT Capital LLC and Bolinas Community Public Utility District (BCPUD)'s co-application for the repair and life safety upgrade of the existing seawall and walkway at 100 Brighton Avenue in Bolinas.

My family and I often use the bulkhead as a lookout point to assess existing ocean conditions to watch the action in the ocean and to access the beach for own personal use and for that of my family when they are here. Since I am on a cane, it is critical that I have safe access to the beach for my walks and wades. The seawall is in a dilapidated state of decay making it difficult to walk and sit upon with hazardous areas of exposed corroding rebar and eroding concrete. The owners and BCPUD are simply asking to make improvements that will make the area safe for the public and for emergency personnel that use the bulkhead to make rescues at the adjacent beach.

The renovation proposed within the existing footprint -- inclusive of a reconstructed seawall, ADA access ramp on the South side, stairway on the North side, handrail and resurfacing of the walkway -- will enhance public access and recreational use, while also improving the life safety emergency u by first responders.

I strongly encourage you to approve this application as proposed. The bulkhead serves an important role in our community, and I ask that you allow it to be reconstructed.

All Best,

Anna

Anna Gade 550 Overlook Drive, Bolinas, CA 94924 uc\_anna@sbcglobal.net

Joe Straton and family PO Box 66 Bolinas, CA 94924

October 14, 2019

California Coastal Commission Attn. Sara Pfeifer North Central Coast District 45 Fremont St., Suite 2000 San Francisco, CA 94105 Sara.Pfeifer@coastal.ca.gov

Re: In Support of Application #2-17-0438 100 Brighton Avenue, Bolinas

Dear Ms. Pfeifer and Commissioners,

I am a Bolinas resident in support of AMJT Capital LLC and Bolinas Community Public Utility District (BCPUD)'s co-application for the repair and life safety upgrade of the existing seawall and walkway at 100 Brighton Avenue in Bolinas.

As a parent and dog owner, I frequently walk in that area. We use the bulkhead as a lookout point. The dog enjoys being on the bulkhead and we are on it as well. We also enjoy watching the surf and occasionally using our boards in the ocean.

The seawall is in a dilapidated state of decay making it difficult to walk and sit upon with hazardous areas of exposed corroding rebar and eroding concrete. The owners and BCPUD are simply asking to make improvements that will make the area safe for the public and for emergency personnel that use the bulkhead to make rescues at the adjacent beach.

The renovation proposed within the existing footprint -- inclusive of a reconstructed seawall, ADA access ramp on the South side, stairway on the North side, handrail and resurfacing of the walkway -- will enhance public access and recreational use, while also improving the life safety emergency use by first responders.

We strongly encourage you to **approve** this application as proposed. The bulkhead serves an important role in our community and we ask that you allow it to be reconstructed.

All Best,

Joe, Amelia, Wesley and Jack Straton

joestraton@hotmail.com

October 14, 2019

California Coastal Commission Attn. Sara Pfeifer North Central Coast District 45 Fremont St., Suite 2000 San Francisco, CA 94105 Sara.Pfeifer@coastal.ca.gov

Re: In Support of Application #2-17-0438 100 Brighton Avenue, Bolinas

Dear Ms. Pfeifer and Commissioners,

I am a Bolinas Resident and frequent user of its beaches writing in support of AMJT Capital LLC and Bolinas Community Public Utility District (BCPUD)'s co-application for the repair and life safety upgrade of the existing seawall and walkway at 100 Brighton Avenue in Bolinas.

I often use the bulkhead as a lookout point to sit and survey life and to reach the beach to walk our dog. The seawall is in a dilapidated state of decay making it difficult to walk and sit upon with hazardous areas of exposed corroding rebar and eroding concrete. The owners and BCPUD are simply asking to make improvements that will make the area safe for the public and for emergency personnel that use the bulkhead to make rescues at the adjacent beach.

The renovation proposed within the existing footprint -- inclusive of a reconstructed seawall, ADA access ramp on the South side, stairway on the North side, handrail and resurfacing of the walkway -- will enhance public access and recreational use, while also improving the life safety emergency use by first responders.

I strongly encourage you to **approve** this application as proposed. The bulkhead serves an important role in our community and we ask that you allow it to be reconstructed.

All Best.

Michael Moritz

875 Horseshoe Hill Road

Bolinas, Ca 94924

 From:
 Joyce Clements

 To:
 Pfeifer, Sara@Coastal

 Cc:
 Kirsten@wcm-sf.com

Subject: Support for Pincus Seawall, Bolinas

Date: Wednesday, October 16, 2019 8:01:32 PM

### Dear Ms.Pfeifer

I am writing to express my strong support for the CCC approval of the application of Marcus Pinkus for the repair of the existing Seawall and walkway at Brighton Ave., Bolinas. This bulkhead serves our community in providing safe Public ACCESS to the beach and for use Emergency First Aid by first Responders. As well as being important to access to Bolinas Beach for visitors and residents AT THIS TIME, the presence of this seawall is of HISTORIC importance to Bolinas.

I will appreciate being apprised of any and all decisions and meetings that relate to this application going forward.

Joyce Clements, 386 Ocean Parkway, PO ox 39, Bolinas CA 94924 Coastal Art Works <u>www.JoyceClements.com</u> October 16, 2019

California Coastal Commission Attn. Sara Pfeifer North Central Coast District 45 Fremont St., Suite 2000 San Francisco, CA 94105 Sara.Pfeifer@coastal.ca.gov

Re: In Support of Application #2-17-0438 100 Brighton Avenue, Bolinas

Dear Ms. Pfeifer and Commissioners,

I am a frequent visitor to Bolinas, writing in support of AMJT Capital LLC and Bolinas Community Public Utility District (BCPUD)'s co-application for the repair and life safety upgrade of the existing seawall and walkway at 100 Brighton Avenue in Bolinas.

I often use the bulkhead as a lookout point to assess existing ocean conditions, to watch the waves and plan where I'm going to take my son to play, and to access the beach to boogie board and to surf. The seawall is in a dilapidated state of decay making it difficult to walk and sit upon with hazardous areas of exposed corroding rebar and eroding concrete. The owners and BCPUD are simply asking to make improvements that will make the area safe for the public and for emergency personnel that use the bulkhead to make rescues at the adjacent beach.

The renovation proposed within the existing footprint -- inclusive of a reconstructed seawall, ADA access ramp on the South side, stairway on the North side, handrail and resurfacing of the walkway -- will enhance public access and recreational use, while also improving the life safety emergency use by first responders.

We strongly encourage you to **approve** this application as proposed. The bulkhead serves an important role in our community and we ask that you allow it to be reconstructed.

All Best.

Alistair Watson PO Box 2862 Olympic Valley, CA 96146 aliewatson@hotmail.com

From: Adam Werbach To: Pfeifer, Sara@Coastal

Cc: Lyn Werbach

Subject: Support of Seawall Repair at 100 Brighton Date: Monday, October 14, 2019 10:17:32 AM

### To Whom it May Concern:

As a downtown resident of Bolinas, California I am writing to express my support of the the seawall repairs at 100 Brighton.

As a long-time supporter of the CCC's "managed-retreat" climate change mitigation plan, I believe this project fits within the spirit and guidelines of seawall repair projects.

The access to Bolinas beach has deteriorated as the wall has crumbled and as high tides become more intense. Soon the beach will only be able to be consistently accessed via this wall. The community needs this access.

Thank you for your consideration.

Adam Werbach PO Box 3 Bolinas, CA 94924 From: alminvielle@gmail.com
To: Pfeifer, Sara@Coastal
Subject: Sea Wall in Bolinas

**Date:** Monday, October 14, 2019 11:17:56 PM

Give us access to our beach. This flat dry area is one of the few ways I can still enjoy our beach. It provides me easy and safe access to sit and look at the places I once surfed and ran. I am old now and the broad flat walkway provided by the breakwater brings me and other old timers close to a place dear to their hearts. Don't take it away. It our town balcony.

Sent from my iPhone

October 21, 2019

California Coastal Commission Attn. Sara Pfeifer North Central Coast District 45 Fremont St., Suite 2000 San Francisco, CA 94105 Sara.Pfeifer@coastal.ca.gov

Re: In Support of Application #2-17-0438 100 Brighton Avenue, Bolinas

Dear Ms. Pfeifer and Commissioners,

Since 1986, we have lived and owned a home in downtown Bolinas. We are writing in support of AMJT Capital LLC and Bolinas Community Public Utility District (BCPUD)'s co-application for the repair and life safety upgrade of the existing seawall and walkway at 100 Brighton Avenue in Bolinas.

We often use the bulkhead as a lookout point to assess existing ocean conditions, watch the waves and just generally enjoy the ocean. We also use the seawall to access the beach, especially at high tide. As downtown residents we are able to see how often locals and visitors use the seawall as we do. The seawall is an essential touchstone for the town and has been since the 60's. We are grateful that the owners have been able to maintain this access. However, the seawall is in a dilapidated state of decay making it difficult to walk and sit upon with hazardous areas of exposed corroding rebar and eroding concrete. The owners and BCPUD are simply asking to make improvements that will make the area safe for the public and for emergency personnel that use the bulkhead to make rescues at the adjacent beach.

The renovation proposed within the existing footprint -- inclusive of a reconstructed seawall, ADA access ramp on the South side, stairway on the North side, handrail and resurfacing of the walkway -- will enhance public access and recreational use, while also improving the life safety emergency use by first responders.

We strongly encourage you to **approve** this application as proposed. The bulkhead serves an important role in our community and we ask that you allow it to be reconstructed.

Thank you,
Sherry Hirsch & David L. Richman, M.D.
64 Wharf Rd, Bolinas
bolinasbeachhouse@att.net