#### 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

**EX PARTE** 

#### EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Roberto Uranga

1) Name or description of project: <u>2-17-0438 (AMJT Capital and BCPUD)</u>

2) Date and time of receipt of communication: <u>June 2, 2020 at 2:30pm</u>

3) Location of communication: <u>Telephone</u>

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication:

<u>Anne Blemker</u>

5) Identity of person(s) on whose behalf communication was made: Mark Pincus, AMJT Capital

6) Identity of persons(s) receiving communication: Roberto Uranga

7) Identity of all person(s) present during the communication: Susan McCabe, Anne Blemker, Celina Luna

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

I had a phone briefing with representatives of the applicants. We reviewed an electronic briefing book that had previously been provided to Commission staff. They described the proposed seawall reconstruction project and its long-standing benefit to the Bolinas community in providing public access on top of the seawall walkway. They discussed their efforts to work with staff to address issues related to design and mitigation. The applicants are generally in agreement with the staff recommendation, with certain exceptions, including staff's conditions requiring:

- 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

The applicants are requesting approval of the permit by the Commission with changes to the special conditions as put forth by the applicants.

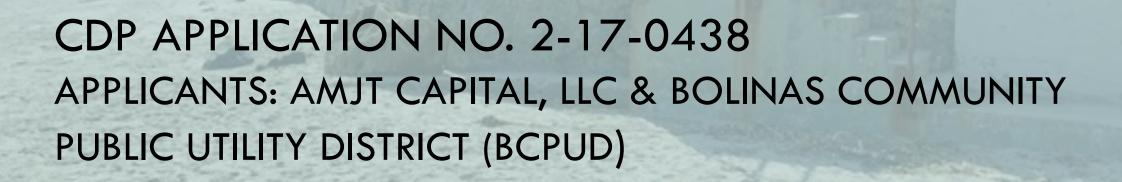
06/04/2020

Date

Signature of Commissioner

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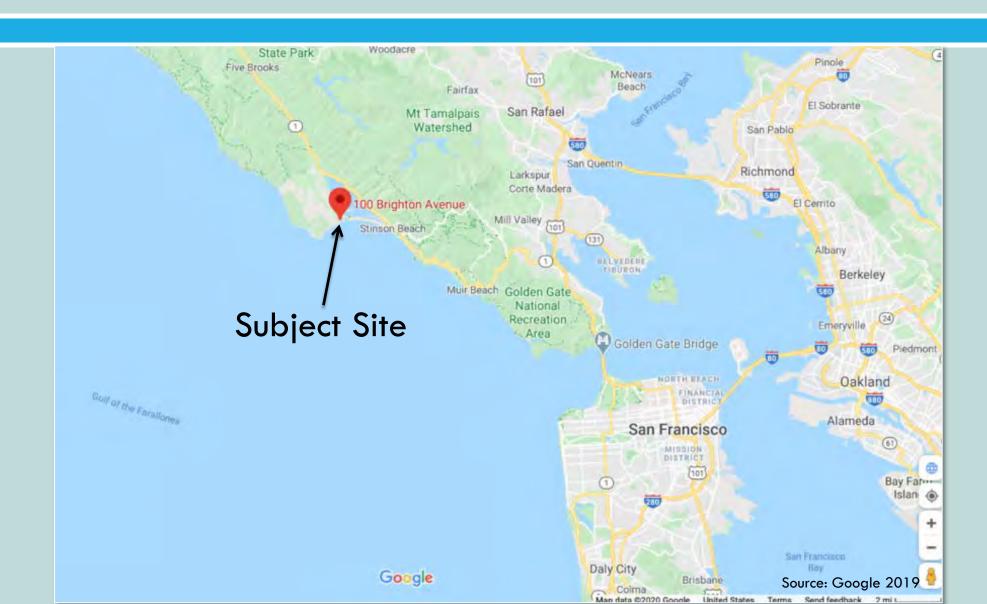
TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.



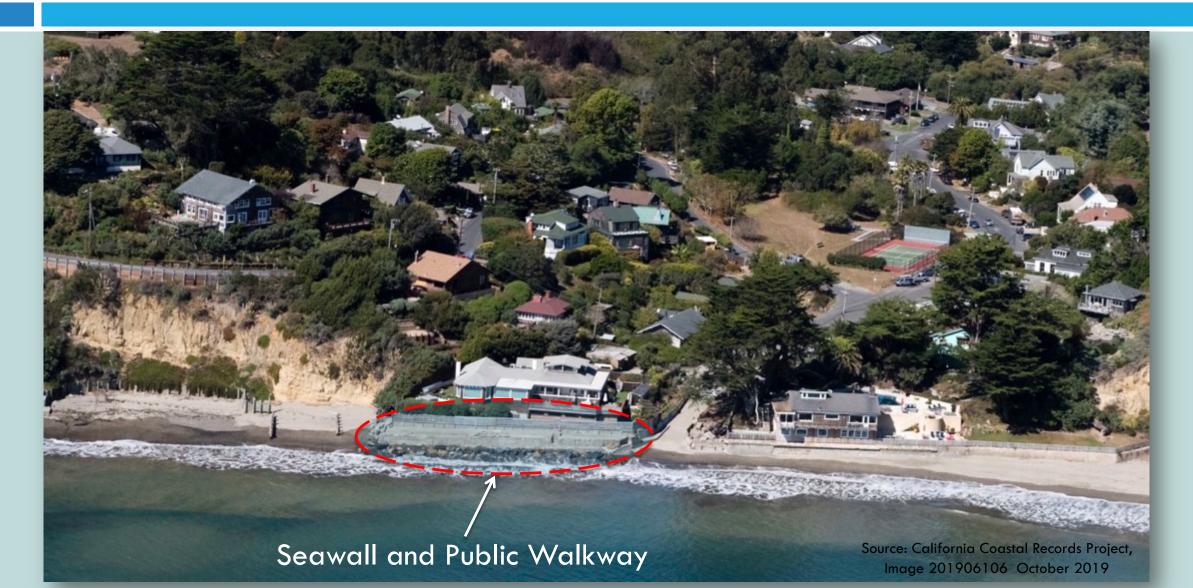
CCC HEARING
JUNE 10, 2020
ITEM # W11a







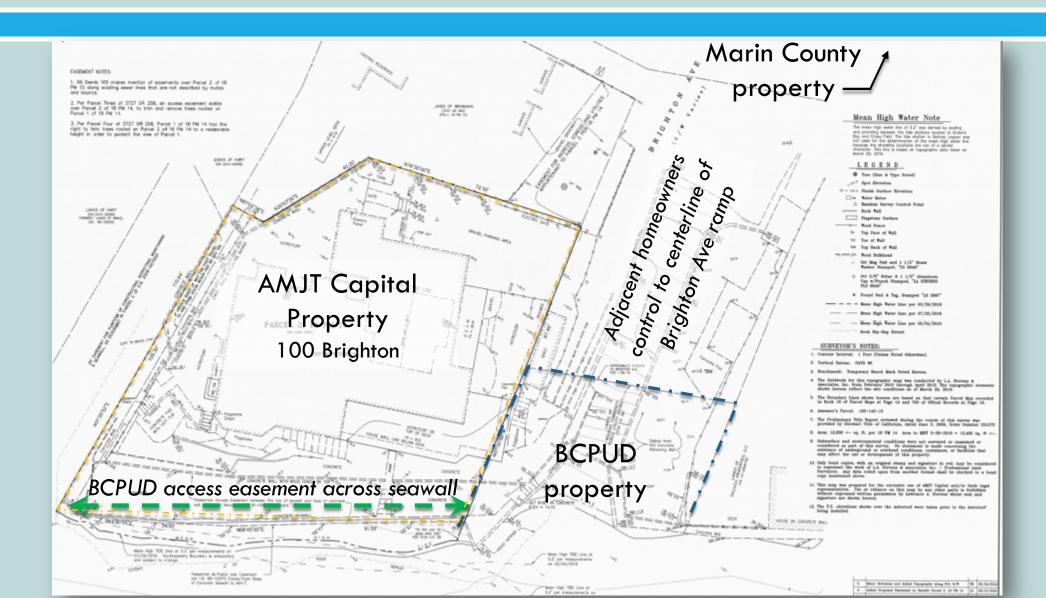
# Surrounding Area



# 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





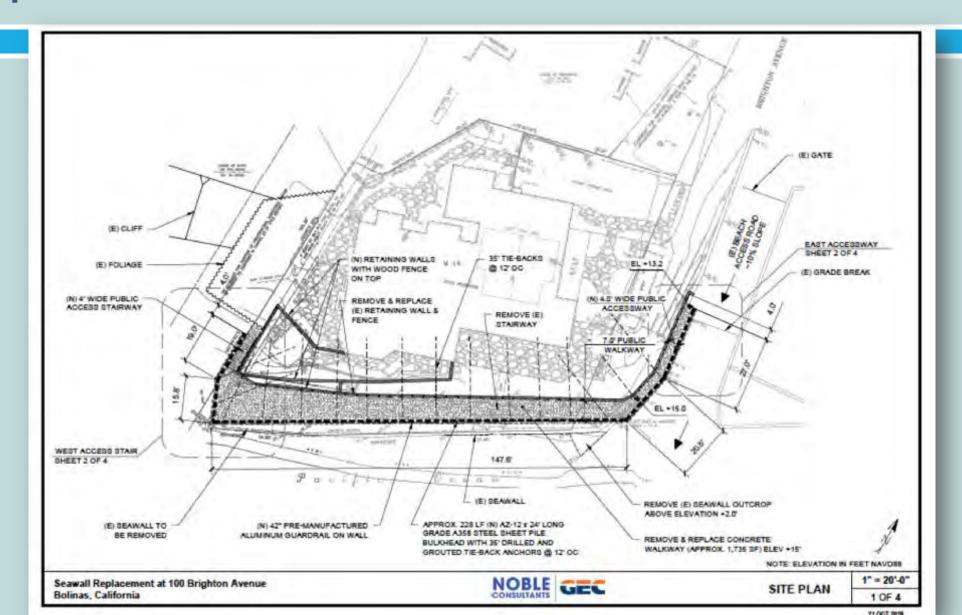
Source: California Coastal Records Project, Image 7215056

Photo taken: 1972

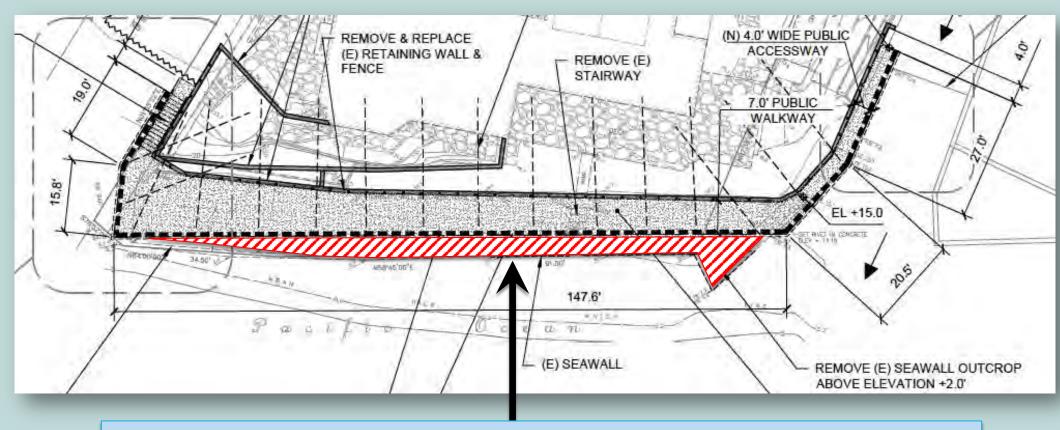
#### Proposed Project Description

- 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



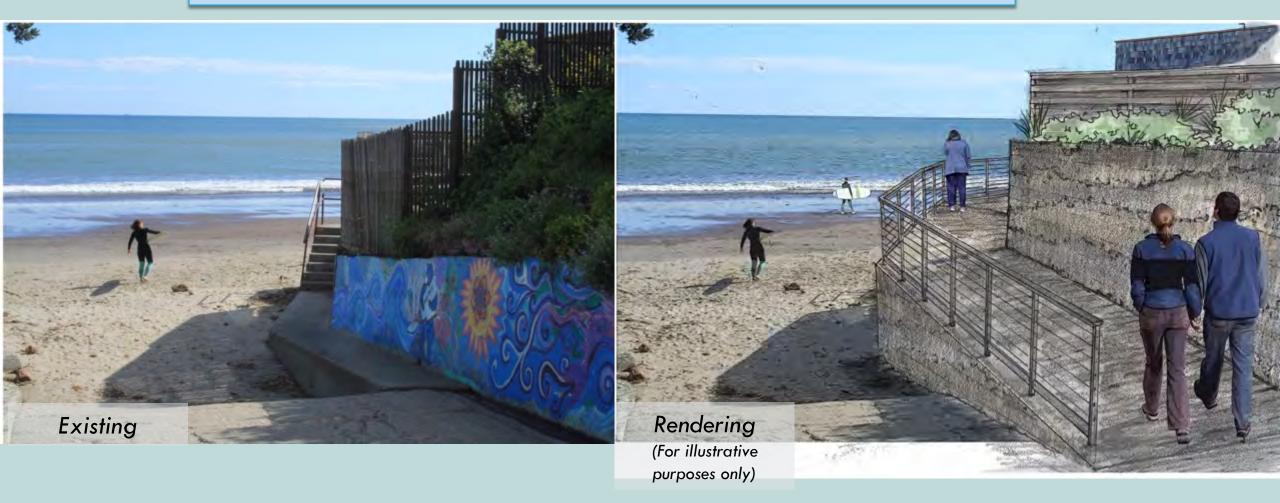
# Footprint Reduction and Removal of Central Staircase



- 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.

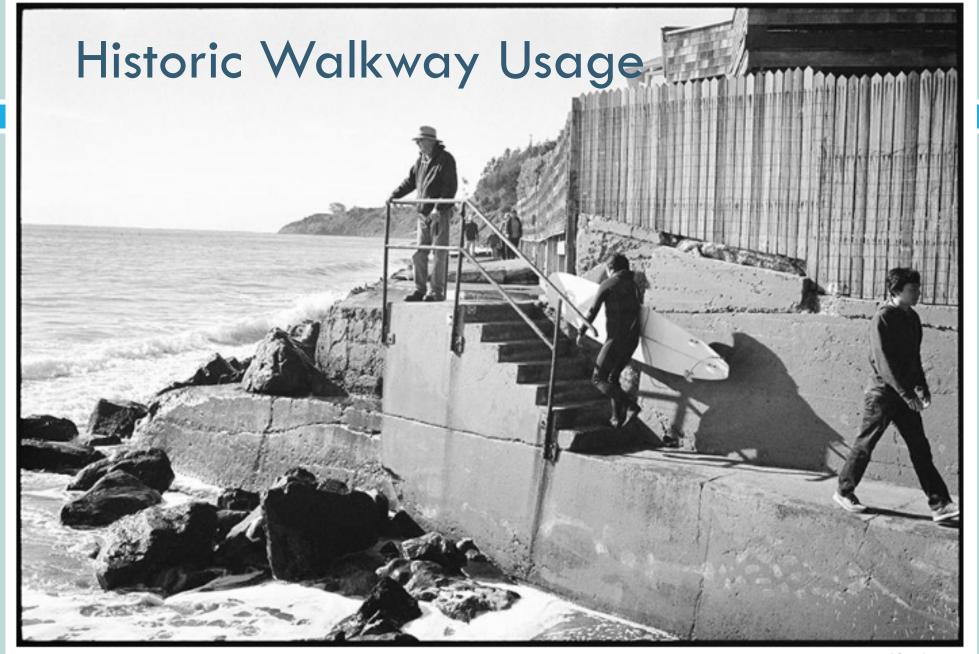


- No major structural elements replaced since construction
- Only repair and remodel undertaken to date

#### 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.

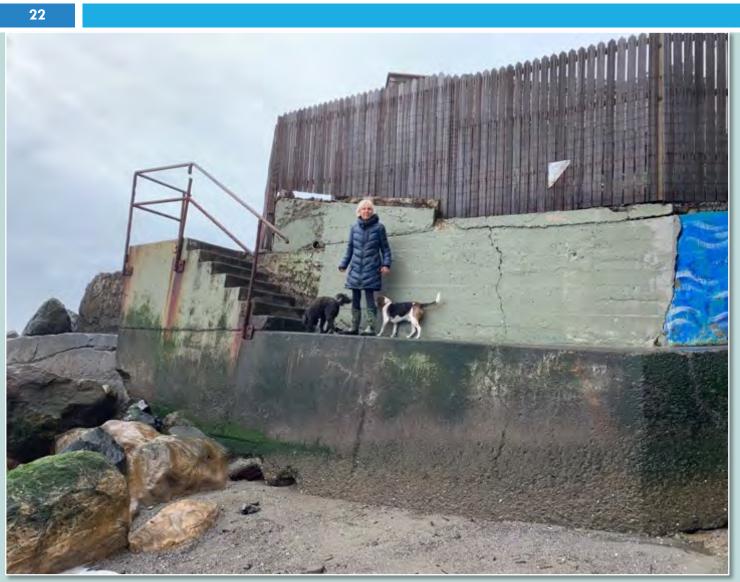


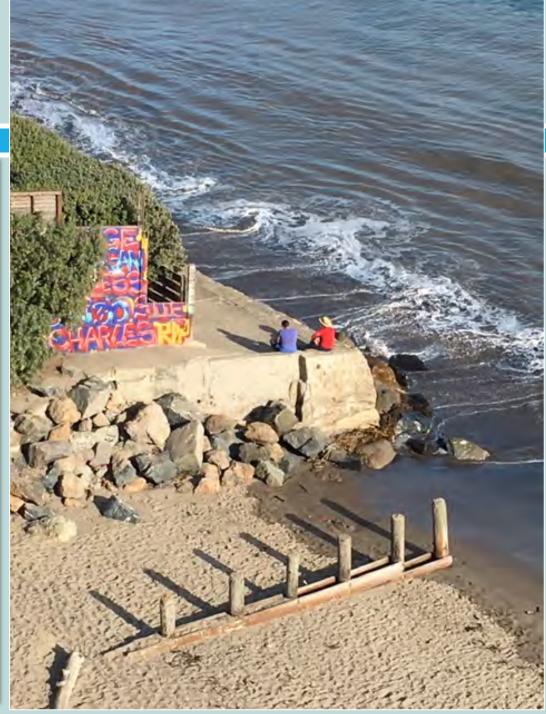
David Briggs

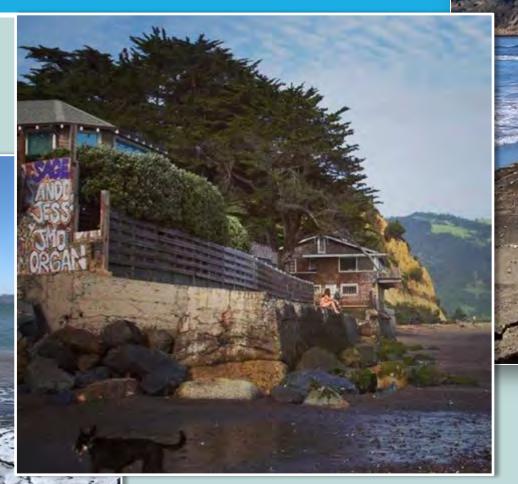
# Fishing and Beach Access



# 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

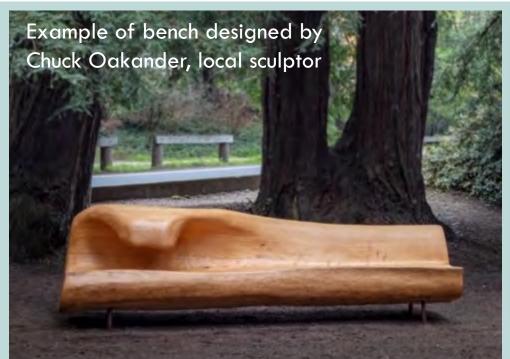
#### **Debris Removal**



#### Public Overlook



#### Improvements and Public Art











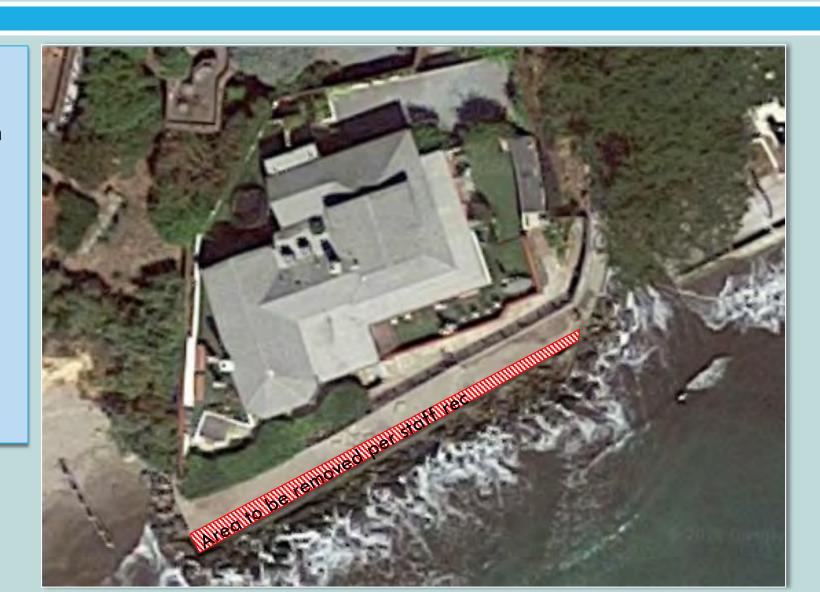
- Placement of new bench at overlook
- Relocation of carved art rocks by local artist, Cris Moon, from beach level to overlook area

#### 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;
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#### 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

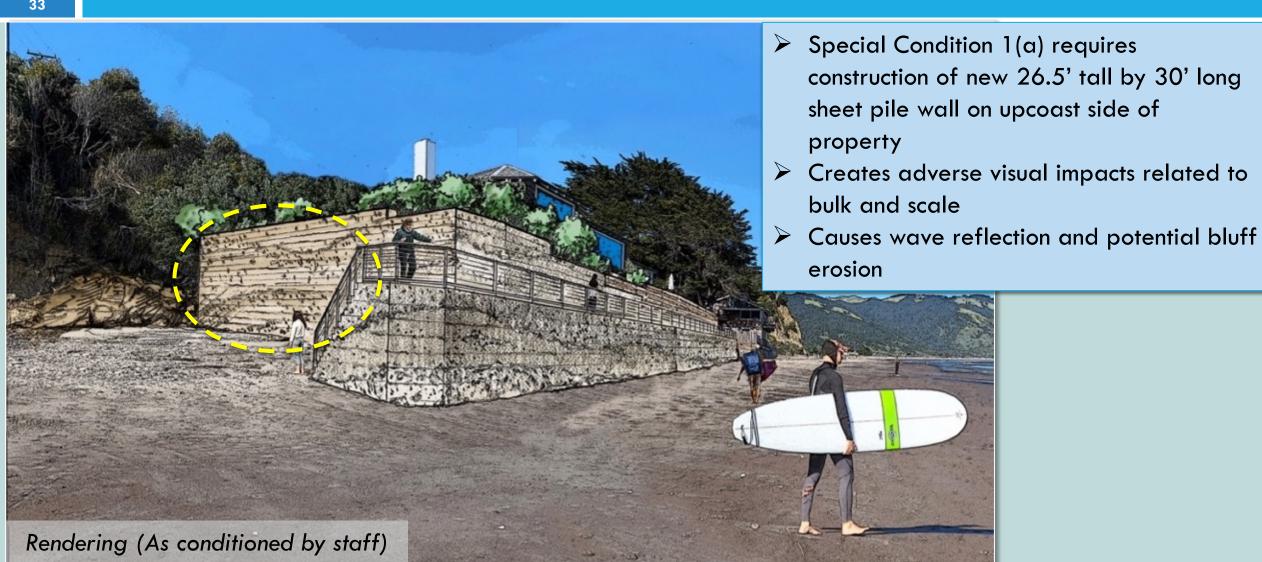


3:

- 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





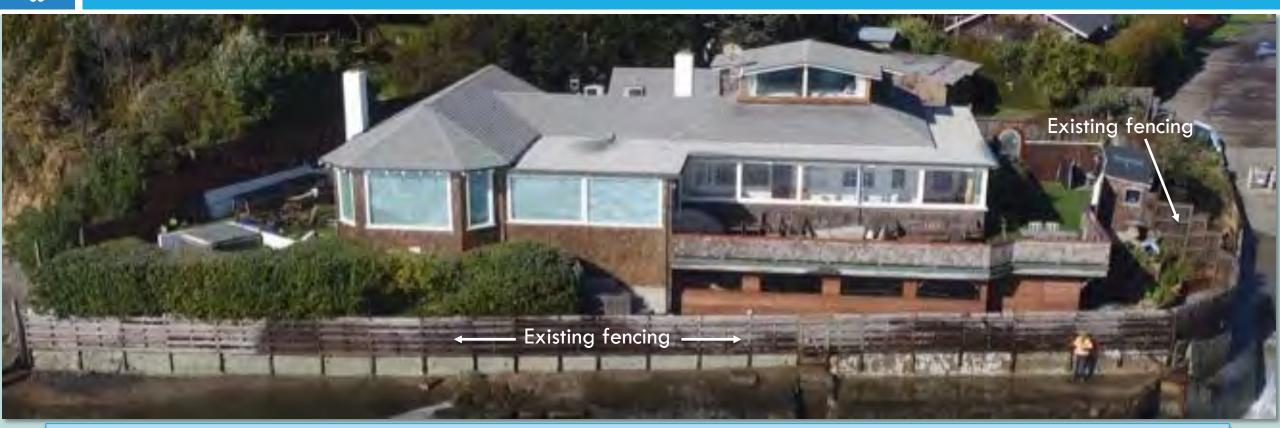


# Proposed Seawall w/o Sheet Pile Wall

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#### 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

JUN 10 2020

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Filed by Commissioner: Steve Padilla

1) Name or description of project:

2-17-0438 (AMJT Capital and BCPUD)

2) Date and time of receipt of communication:

June 2, 2020 at 12:00pm

3) Location of communication:

Telephone

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.) RECEIVED

4) Identity of person(s) initiating communication: Anne Blemker

5) Identity of person(s) on whose behalf communication was made: Mark Pincus, AMJT Capital

6) Identity of persons(s) receiving communication: Commissioner Steve Padilla

7) Identity of all person(s) present during the communication: Susan McCabe, Anne Blemker, Commissioner Padilla and his staff member Tony Cruz

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

The applicant's representatives went over an electronic briefing book that has been provided to Commission staff, which described the proposed seawall reconstruction project. They indicated that the seawall and its walkway provide public access to the Bolinas community. They discussed their efforts to work with staff to address issues related to design and mitigation. The applicants are generally in agreement with the staff recommendation, with certain exceptions, including staff's conditions requiring:

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6-09-2020

Date

Signature of Commissioner

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