

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT  
455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105  
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# W9

**Prepared November 2, 2021 (for November 17, 2021 Hearing)**

**To:** Coastal Commissioners and Interested Persons

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

**Subject: North Central Coast District Director's Report for November 2021**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, immaterial CDP extensions, and emergency CDPs for the North Central Coast District Office are being reported to the Commission on November 17, 2021. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's North Central Coast District Office in San Francisco. Staff is asking for the Commission's concurrence on the items in the North Central Coast District Director's Report, and will report any objections received and any other relevant information on these items to the Commission when it considers the Report on November 17th during the virtual online hearing.

With respect to the November 17th hearing, interested persons may sign up to address the Commission on items contained in this Report prior to the Commission's consideration of the Report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on November 17, 2021 (see attached)**

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**CDP Waivers**

- 2-21-0512-W, Caltrans Highway 1 Eucalyptus Removal (Bollinas to Olema, Marin County)

**CDP Amendments**

- 2-20-0319-A1, Mirada Road Pedestrian Bridge Replacement, Deadline Extension (Unincorporated Half Moon Bay, San Mateo County)

**CDP Extensions**

- 2-06-017-E8, Gary Dowd Marshall Tavern Reconstruction Extension (Marshall, Marin County)

**Emergency CDPs – None**

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** November 2, 2021  
**To:** All Interested Parties  
**From:** Stephanie Rexing, North Central Coast District Manager  
Rainey Graeven, Coastal Planner  
**Subject: Coastal Development Permit (CDP) Waiver 2-21-0512-W**  
Applicant: Caltrans

### Proposed Development

Regular CDP authorization of the emergency removal of 250 compromised trees (primarily Blue Gum Eucalyptus trees)<sup>1</sup> located adjacent to Highway 1 in the Caltrans right-of-way between post miles 18.67 and 20.37 (roughly from the Bolinas-Fairfax road intersection to Olema) in Marin County, originally authorized earlier this year pursuant to Emergency CDP (ECDP) G-2-21-0016. ECDP G-2-21-0016 allowed Caltrans to remove dead/dying trees and branches that, if allowed to remain, posed threats to motorists traveling along Highway 1 and/or property damage (e.g., to vehicles, power lines, etc.). Trees were cut to an approximately 6-inch stump, and tree cuttings were completely removed from the roadway.

### Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

ECDP G-2-21-0016 allowed for the above-referenced project as a means to protect life and property and prevent Highway 1 closures, which had the potential to occur as a result of tree or branch falls in the Highway right-of-way, whether onto power lines and/or into the roadway (potentially resulting in accidents, road blockage, downed power lines, etc.). The project was implemented in a way to minimize potential public recreational impacts (i.e., from delays/closures of Highway 1, which serves as a primary public recreational access route in this area) as well as to limit impacts to businesses and residences. In addition, best management practices were employed to protect against coastal resource impacts otherwise, including requirements for a licensed biologist to survey trees flagged for removal for the presence of nesting birds, monarch

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<sup>1</sup> The project scope was limited to dead/dying trees, including primarily diseased trees (resulting from the trees' close proximity to one another, boring beetles, sulfur fungus, and potentially a pathogen known as 'Pistachio Canker'), but also trees severely impacted by the drought. Of the 250 trees, four were Monterey Pine, four were Monterey Cypress, and the remaining 242 were Blue Gum Eucalyptus.

butterflies, sensitive bat species, and any state or federally listed sensitive species within 72 hours prior to tree removal, and to delay removal if any of the aforementioned species were found. The mechanical equipment used for tree removal activities remained in the roadway, and thus potential impacts to water quality (from oil leaks, ground disturbance, etc.) were avoided. In terms of public views, tree removal spanned approximately 1.5 miles and was interspersed as opposed to sections of trees being clear cut, and the forest as a whole remains visually complete. In summary, the emergency work was deemed necessary to protect public safety and property, it was implemented in a way that avoided significant coastal resource impacts, and it can be found consistent with the Coastal Act.

### **California Environmental Quality Act (CEQA)**

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the development may have on the environment. Marin County, acting as lead CEQA agency, determined that the proposed project was categorically exempt from CEQA review pursuant to Section 15304 (as a minor alteration to land), and thus did not identify any significant adverse environmental effects from the proposed project.

The Commission's review, analysis, and decision-making process has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed CDP waiver is not expected to result in any significant environmental effects, including as those terms are understood in CEQA. Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed CDP waiver would necessitate. Thus, the proposed CDP waiver will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

### **Coastal Commission Review Procedure**

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Wednesday, November 17, 2021 during the virtual online hearing. If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

**If you have any questions about the proposal or wish to register an objection, please contact Rainey Graeven (Rainey.Graeven@coastal.ca.gov) in the North Central Coast District office.**

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# NOTICE OF PROPOSED PERMIT AMENDMENT

**Date:** November 2, 2021

**To:** All Interested Parties

**From:** Stephanie Rexing, North Central Coast District Manager  
Erik Martinez, North Central Coast Coastal Planner

**Subject: Proposed Amendment to Coastal Development Permit (CDP) 2-20-0319**  
**Applicant: San Mateo County Department of Public Works**

## Original CDP Approval

CDP 2-20-0319 was approved by the Coastal Commission on May 14, 2021 and authorized the demolition of an existing concrete arch bridge accommodating the California Coastal Trail (currently closed for safety reasons) and replacement with a new pedestrian bridge fronted by a soil nail wall with reduced rock slope armoring at each bridge abutment area, along the bluff and beach adjacent to Mirada Road and the California Coastal Trail where it crosses over Arroyo de en Medio Creek at Half Moon Bay State Beach.

## Proposed CDP Amendment

Special Condition 2 of CDP 2-20-0319 would be amended to extend the deadline to submit the Public Access Management Plan from August 14, 2021 to March 31, 2022, and to extend the deadline for construction of the new bridge and related public access improvements from the Saturday of Memorial Day weekend 2022 (May 29, 2022) to the Saturday of Memorial Day weekend 2023 (May 27, 2023). The Commission's reference number for this proposed amendment is 2-20-0319-A1.

## Executive Director's Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

The County had originally intended to do all of the CDP authorized work in 2021, but now indicates that that will not be possible, and that the work needs to be delayed by a year. Since the CDP was authorized in May 2021, the County has completed a re-design consistent with the Commission's approval (that features a soil nail wall as well as a new concrete staircase and public amenities), and has worked with other agencies to amend other authorizations needed to accommodate the Commission-approved project (and the County has so far obtained approvals from the Army Corps of Engineers and the Regional Water Quality Control Board, and should soon have California Department of Fish and Wildlife approval as well). However, after discussing design and construction options with several contractors, vendors, and bridge

manufacturers, the County learned that material shortages and a lack of resources for the bridge replacement would prevent the project construction from starting until 2022.

In the interim, the County will continue to provide public access to and along the coast via an alternate route established along Highway 1, as discussed during initial CDP authorization. Although this alternate route is not ideal in the long-term, it has been in use since the closure of the pedestrian bridge in the summer of 2020, and allows for ongoing access while the previously-discussed logistical hurdles to construction can be overcome. After securing contractors and construction materials, the County will monitor sand levels to identify potential opportunities to start construction as early as possible in order to minimize the delay and fully restore public access. In conclusion, the County has been working with due diligence toward replacing the pedestrian bridge, and has simply run into some roadblocks that necessitate a slightly longer schedule. While not ideal, the proposed amendment reflects what the County believes is feasible at this juncture, and can be found consistent with the Commission's original CDP approval, the Coastal Act, and the certified San Mateo County Local Coastal Program.

### **California Environmental Quality Act (CEQA)**

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the development may have on the environment. San Mateo County, acting as lead CEQA agency, adopted an Initial Study and Mitigated Negative Declaration for the original project pursuant to California Public Resources Code Section 21081.6. The County has assessed the current proposed project changes and determined that the changes to permit deadlines will not have a significant adverse environmental effect.

The Commission's review, analysis, and decision-making process for CDPs and CDP amendments has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal, and has concluded that approval of the proposed immaterial CDP amendment is not expected to result in any significant environmental effects, including as those terms are understood in CEQA. Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed immaterial CDP amendment would necessitate. Thus, the proposed immaterial CDP amendment will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

### **Coastal Commission Review Procedure**

The CDP will be amended as proposed if no written objections are received in the North Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on Wednesday, November 17, 2021 at the Coastal Commission's virtual online meeting. If three or more Commissioners object to the

Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

**If you have any questions about the proposal or wish to register an objection, please email [NorthCentralCoast@coastal.ca.gov](mailto:NorthCentralCoast@coastal.ca.gov) and/or please contact Erik Martinez in the North Central Coast District office.**

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# NOTICE OF PROPOSED PERMIT EXTENSION

**Date:** November 2, 2021  
**To:** All Interested Parties  
**From:** Stephanie Rexing, North Central Coast District Manager  
**Subject: Extension to Coastal Development Permit (CDP) 2-06-017**  
Applicant: Gary Dowd

### Original CDP Approval

CDP 2-06-017 was approved by the Coastal Commission on December 13, 2012 and provided for the reconstruction of the historic Marshall Tavern into an approximately 5,880 square-foot, 5-unit bed-and-breakfast (with an additional manager's unit) with a reconfigured 8-space gravel parking lot. The approved project also includes expanded pilings, a reconstructed retaining wall, a public access pier, as well as related site work at 20105 and 20125 Highway 1 along and over Tomales Bay in the unincorporated Marshall Area of Marin County. The CDP originally was set to expire on December 13, 2014, but the CDP expiration date has been extended seven times by the Commission at the Permittee's request, and the current expiration date is December 13, 2021.

### Proposed CDP Extension

The expiration date of CDP 2-06-017 would be extended by one year to December 13, 2022. The Commission's reference number for this proposed extension is **2-06-017-E8**.

### Executive Director's Changed Circumstances Determination

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

### Coastal Commission Review Procedure

The Executive Director's determination and any written objections to it will be reported to the Commission on November 17, 2021 at its virtual meeting. If three or more Commissioners object to the Executive Director's changed circumstances determination at that time, a full hearing on whether changed circumstances exist will be scheduled pursuant to the Commission's regulations.

**If you have any questions about the proposal or wish to register an objection, please email [northcentralcoast@coastal.ca.gov](mailto:northcentralcoast@coastal.ca.gov) and/or please contact Stephanie Rexing in the North Central Coast District office.**