

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
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Prepared April 2, 2021 (for April 15, 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 April 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 April 15, 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 April 15th during the virtual online hearing.

With respect to the April 15th 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 April 15, 2021 (see attached)

CDP Waivers

- 2-21-0091-W, Marin County Whitehouse Park Improvements (Point Reyes Station)

Emergency CDPs

- G-2-21-0016, Caltrans Tree Cutting and Removal (Olema)

CDP Extensions – None

CDP Amendments – None

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NOTICE OF PROPOSED PERMIT WAIVER

Date: April 1, 2021
To: All Interested Parties
From: Jeannine Manna, North Central Coast District Manager
Abigail Black, North Central Coast Planner
Subject: **Coastal Development Permit (CDP) Waiver 2-21-0091-W**
Applicant: Marin County Parks

Proposed Development

Trail and parking lot maintenance and improvements, including removal and replacement of permeable rock aggregate, re-paving of an existing asphalt parking lot, and creation of an ADA-designated parking area and trail within existing developed areas at Whitehouse Pool park near the intersection of Sir Francis Drake Boulevard and Bear Valley Road in Point Reyes Station, Marin County.

Executive Director's Waiver Determination

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

The proposed project activities will occur within existing developed areas onsite, and will incorporate best management practices to protect adjacent habitat, coastal water quality, and public access, including through the use of erosion and sedimentation controls, prohibition of vehicle cleaning or refueling in project areas to prevent leakage, and adequate noticing prior to any parking lot closures. The project will improve and enhance existing onsite access by creating ADA parking and a paved ADA-compliant trail for use at Whitehouse Pool. In sum, the project as proposed will not adversely impact coastal resources, including public access, and is therefore consistent with Chapter 3 of the Coastal Act and the Marin County Local Coastal Program.

Coastal Commission Review Procedure

This waiver is not valid until it has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Thursday, April 15, 2021, by way of virtual 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 Abigail Black in the North Central Coast District office.

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**EMERGENCY COASTAL DEVELOPMENT PERMIT**

Issue Date: April 2, 2021
Emergency Permit No. G-2-21-0016

APPLICANT:

Caltrans, District 4
111 Grand Ave; Oakland, CA 94612

LOCATION OF EMERGENCY:

Highway 1 in Marin County between the intersection of Highway 1 and Fairfax-Bolinas Road and Olema, Post Miles (PM) 18-22.

EMERGENCY WORK:

Removal and/or trimming of dead and dying Eucalyptus and non-native trees from Caltrans right-of-way along Highway 1.

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from information you submitted that dead and dying Eucalyptus trees along Highway 1 present a safety threat to the travelling public along Highway 1 in the above listed area, which requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. 14 Cal. Admin. Code Section 13009. The Executive Director of the Coastal Commission hereby finds that:

- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this Emergency Permit; and
- (b) Public comment on the proposed emergency development has been reviewed if time allows.

The emergency work is hereby approved, subject to the conditions listed on the attached pages.

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

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

cc: Marin County Community Development Agency

Enclosures: 1) ECDP Acceptance Form

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CONDITIONS OF APPROVAL:

1. The enclosed Emergency Coastal Development Permit (ECDP) Acceptance form must be signed by the Permittee (i.e. Caltrans) and returned to the Coastal Commission's North Central Coast District Office within 20 days of the issue date of this permit (by April 22, 2021). This ECDP is not valid unless and until the ECDP acceptance form has been received in the North Central Coast District Office.
2. Copies of this ECDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
3. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and their contact information (i.e., address, email, phone numbers, etc.) including, at a minimum, a telephone number and email address that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the contact information (e.g., name, address, email, phone number, etc.) and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit the record (of complaints/inquiries and actions taken in response) to the Executive Director.
4. Only that work specifically described in this ECDP and as more specifically described in the Commission's file for the ECDP for the specific property listed above is authorized. The work permitted under this ECDP only allows for the minimum necessary to address the emergency situation at hand. Any additional work or maintenance to the work done pursuant to this ECDP requires separate authorization from the Executive Director. All emergency development shall be limited in scale and scope to that specifically identified in this ECDP.
5. All work shall take place in a time and manner to minimize any potential damages to coastal resources and to minimize impacts to public access. Construction shall be conducted pursuant to rigorous best management practices designed to avoid coastal resource impacts, including at a minimum:
 - i. All trees to be removed shall be surveyed within 72 hours prior to removal by a licensed biologist for the presence of nesting birds, monarch butterflies, sensitive bat species, and any other federally listed or threatened species;

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- ii. All best management practices (BMPs) shall be in place prior to the commencement of construction as well as at the end of each work day;
 - iii. The Permittee shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the project area). The Permittee shall inspect the project area at the completion of the work to ensure that no debris, trash, or construction materials are left at the site or in the adjacent coastal waters;
 - iv. The Permittee shall clean public roadway surfaces adjacent to the project site, the off-load site, and staging areas;
 - v. All access points adversely affected by development activities shall be restored to their pre-construction condition or better within three days of completion of construction;
 - vi. Construction and removal activities (including but not limited to equipment staging and storage and removal of constructed structures) are prohibited outside of the limits of the designated construction, staging, and storage areas;
 - vii. All access ways impacted by construction activities shall be restored to their preconstruction condition or better within three days of completion of construction.
 - viii. The Permittee shall ensure that work crews are briefed on the importance of observing the appropriate precautions and the reporting of any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or cleaning up improperly contained foreign materials.
 - ix. The Permittee shall conduct work during daylight hours.
 - x. The Permittee shall notify planning staff of the Coastal Commission's North Central Coast District Office immediately upon completion of construction and required restoration activities. If planning staff should identify additional reasonable restoration measures, such measures shall be implemented immediately.
6. The work authorized by this ECDP must be completed within 60 days of the issue date of this permit (i.e., by June 1, 2021), and this ECDP shall become null and void at that time, unless that expiration date is extended by the Executive Director for good cause.
 7. The Permittee recognizes that the emergency development authorized by this ECDP is considered temporary and is no longer authorized if it is not followed-up by a regular CDP. A regular CDP will be subject to all of the provisions of the California Coastal Act and would be conditioned accordingly.

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8. In exercising this ECDP, the Permittee agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
9. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit documentation clearly identifying all development and removal completed under this emergency authorization (comparing any previously permitted condition to both the emergency condition and to the as-built, post-work condition), and a narrative description of all emergency development activities undertaken pursuant to this emergency authorization. Photos showing the project site before the emergency (if available), during emergency project construction activities, and after the work authorized by this ECDP is complete shall be provided.
10. This ECDP shall not constitute a waiver of any public rights which may exist on the property. The Permittee shall not use this ECDP as evidence of a waiver of any public rights which may exist on the property.
11. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the California Department of Fish & Wildlife, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, and the California State Lands Commission.
12. This ECDP only authorizes the temporary emergency development identified herein, although the Executive Director may modify and/or extend the authorization to additional and closely related temporary emergency development for good cause provided that: such modification/ extension is also necessary to temporarily abate the identified emergency; such modification/extension is sited and designed in such a way as to protect coastal resources as much as possible, including through imposition of additional ECDP conditions if necessary; and such modification/extension is subject to all of the terms and conditions of this ECDP, including any additional ECDP conditions added by the Executive Director in modifying/extending the authorization.
13. Within 60 days of issuance of this ECDP (i.e., by June 1, 2021), or as extended by the Executive Director through correspondence, for good cause, the Permittee shall submit a complete follow-up CDP that satisfies the requirements of Section 13056 of Title 14 of the California Code of Regulations. If the Executive Director determines that the follow-up CDP application is incomplete and requests additional information, the Permittee shall submit this additional information by a certain date, as established by the Executive Director. If such a follow-up CDP application is withdrawn by the Permittee or is denied by the Commission, or if the follow-up CDP application remains incomplete for a period of 120 days after the Executive Director informs the applicant that the application is incomplete, the emergency development will no longer be considered authorized.
14. Failure to a) submit a complete follow-up CDP Application that complies with Condition 13 above; or b) comply with all terms and conditions of the required follow-up CDP, including any deadlines identified therein will constitute a knowing and intentional violation of the Coastal Act and may result in formal enforcement action by the Commission or the Executive Director. This formal action could

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include a recordation of a Notice of Violation on the Permittee's property; the issuance of a Cease and Desist Order and/or a Restoration Order; the imposition of administrative penalties for violations involving public access; and/or a civil lawsuit, which may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day, and other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this ECDP will constitute a knowing and intentional Coastal Act violation.

15. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
16. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the subject site without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Chapter 9 of the Coastal Act.

As noted in Conditions 7 and 8 above, the emergency development carried out under this ECDP is at the Permittee's risk and is considered to be temporary work done in an emergency situation to abate an emergency. For the development to be authorized under the Coastal Act and/or if the Permittee wishes to expand the scope of work, a regular CDP must be obtained. A regular CDP is subject to all of the provisions of the California Coastal Act and may be conditioned or denied accordingly.

If you have any questions about the provisions of this ECDP, please contact the Commission's North Central Coast District Office at 455 Market Street, Suite 300, San Francisco, CA 94105, (415) 904-5260.

Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation.

Signature of Property Owner or
Authorized Representative

Address: _____

Print Name

Date of Signing