

**SEAPLANE INVESTMENT, LLC
ENFORCEMENT CASE ER2019.063**

**FORMAL ENFORCEMENT PROCEEDING
PROPOSED STIPULATED CCD2023.002.00 FOR SIX UNRESOLVED
VIOLATIONS**

**PROPOSED STIPULATED CCD2023.003.00 FOR THREE RESOLVED
VIOLATIONS**

GREG SCHARFF, GENERAL COUNSEL

NOVEMBER 9, 2023

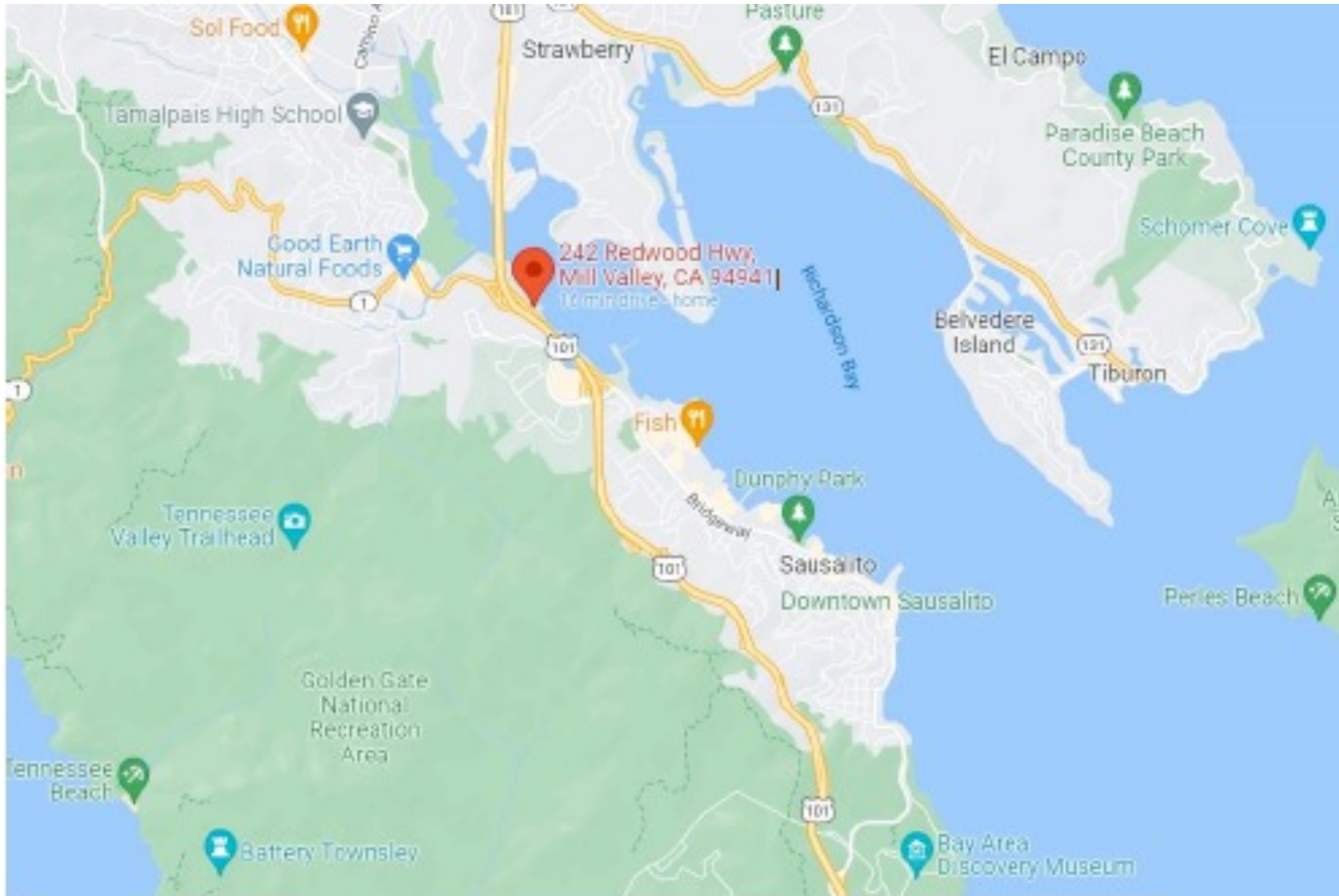
ITEM 6



OUTLINE

- Location
- Violations
 - Six Unresolved Violations
 - Three Resolved Violations
- Staff Recommendation
- Respondent's Presentation

VICINITY MAP – 240-242 REDWOOD HIGHWAY, MARIN COUNTY



SITE PLAN – 240-242 REDWOOD HIGHWAY, MARIN COUNTY BOUNDARIES OF PARCELS 167 (LEFT) AND 164 (RIGHT)



UNRESOLVED VIOLATIONS 1 THROUGH 6

1973 PERMIT AND MPA VIOLATIONS

1. Failure to provide required public access (Special Condition II.C of Permit 1973.014.04)
2. Failure to maintain public access (Special Condition II.C of Permit 1973.014.04)
3. Placement of unauthorized fill on Yolo Street – Vehicle parking, Seaplane storage/repair, fueling tank, asphalt path (McAteer-Petris Act Section 66632(a) and Special Condition II.D of Permit 1973.014.04)
4. Placement of unauthorized fill on Parcel 164 - Helicopter landing pads and walkways [McAteer-Petris Act Section 66632(a)]
5. Placement of unauthorized fill in the Bay - Floating docks [McAteer-Petris Act Section 66632(a)]
6. Placement of unauthorized fill in the Bay and shoreline band - Water access ramp [McAteer-Petris Act Section 66632(a)]

RESOLVED VIOLATIONS 1 THROUGH 3

1. Failure to resolve penalty portion of an assignment violation of Permit 1973.014.04 using standardized fines.
2. Failure to resolve penalty portion of an assignment violation of Permit M1985.030.01 using standardized fines.
3. Failure to resolve penalty portion using standardized fines of a violation involving failure to complete a houseboat remodeling and relocation project after expiration of Permit 1973.014.04 and continuing work with an expired permit.

STAFF RECOMMENDATION FOR SIX UNRESOLVED VIOLATIONS CCD2023.002.00 (1 OF 4)

Cease and desist from violating the MPA and Permits 1973.014.01 and M1985.030.01

By June 30, 2024, to comply with existing permits:

- a. Maintain the permit-required public access along the existing shoreline pathway within Respondent's current property ownership
- b. On Yolo Street from the termination of the shoreline pathway located within the dedicated public access area within Respondent's property, stripe and maintain by restriping as often as necessary to maintain a clearly delineated public shoreline pathway, an 8-foot-wide accessible path of travel as shown on the Interim Shoreline Access Improvements Plan in Order Exhibit 3
- c. Install a total of eight (8) public shore signs consisting of: five (5) Public Shore directional arrow signs on Bolinas (1 sign), Parepa (1 sign) and Yolo (1 sign) Streets and back-to-back signs (2 signs) visible from the Sausalito-Mill Valley Bike Path, and three (3) public shore signs
- d. Permanently relocate accessible parking spaces to the west side of Bolinas Street as shown in the photographs in Order Exhibit 3
- e. On Yolo Street, remove the approximately three-inch-high, elevated asphalt path that was constructed to allow for pedestrian access during high tides
- f. Confirm with BCDC staff which helicopter pads and walkways are currently covered within existing Permit M1985.030.01



STAFF RECOMMENDATION FOR SIX UNRESOLVED VIOLATIONS CCD2023.002.00 (2 OF 4)

Within twelve (12) months of the date of this Order, file a complete application for a Minor Permit Amendment under Permit 1973.014.04 that includes the following required components:

- a. A revised landscaping plan for the areas adjacent to the permit-required public access for review by BCDC staff that includes installation and maintenance of two accessible picnic tables on hardened surface pads that provide adequate maneuvering clearance with an accessible path of travel from the shoreline trail on Yolo Street to the tables in the grassy area southeast of the office building where maximum views of the Bay are available. To the extent that any new public access areas are proposed pursuant to Section D.c.ii include those areas within the revised landscaping plan.
- b. Request After-the-Fact Authorization for:
 - i. On Block 164, any heliport pads, fuel tanks, and walkways that are not otherwise permitted by M1985.030.01, as determined through the process outlined in Section B.d;
 - ii. The three fingers within the seaplane docking system not previously authorized under Permit 1973.014.04; and
 - iii. The concrete-and-rebar seaplane launch ramp constructed in March 2022.

STAFF RECOMMENDATION FOR SIX UNRESOLVED VIOLATIONS CCD2023.002.00 (3 OF 4)

c. Additional Public Access. Either:

- i. Design and construct an eight-foot-wide boardwalk connection to the existing Marin County bike path on County property as contemplated in Permit 1973.014.04, if Respondent is able to receive County approval for such boardwalk connection; or
- ii. Identify an alternative, equivalent-size public access area within Respondent's property site to provide for additional public access, if the County is unwilling to grant Respondent the right to construct and maintain the boardwalk connection

d. Prepare and submit a sea level rise risk assessment that addresses potential sea level rise in all permit-required public access as well as the additional public access areas identified above; and implement within the timeframes specified in the risk assessment the adaptive measures identified in such risk assessment including:

- i. Adaptive measures to maintain the required Parepa Street public access that is frequently flooded and therefore eroded; and
- ii. Adaptive measures to maintain public access for the life of the project or until 2050.

STAFF RECOMMENDATION FOR SIX UNRESOLVED VIOLATIONS CCD2023.002.00 (4 OF 4)

Pay \$43,800 in administrative civil penalties as follows:

- \$10,000 due within 60 days of Order issuance
- \$16,900 due within 12 months of Order issuance
- \$16,900 due within 24 months of Order issuance

STAFF RECOMMENDATION FOR THREE RESOLVED VIOLATIONS CCD2023.003.00

Pay \$5,000 in administrative civil penalties as follows:

- \$2,500 within 12 months of Order issuance
- \$2,500 within 24 months of Order issuance