

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260
www.coastal.ca.gov

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NORTH CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT

For the

February Meeting of the California Coastal Commission

MEMORANDUM

Date: February 15, 2007

TO: Commissioners and Interested Parties
FROM: Charles Lester, North Central Coast District Deputy Director
SUBJECT: *Deputy Director's Report*

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the North Central Coast District Office for the February 15, 2007 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the North Central Coast District.

EMERGENCY PERMITS

1. 2-07-003-G City Of Pacifica, Attn: Elizabeth Claycomb (Pacifica, San Mateo County)

TOTAL OF 1 ITEM

DETAIL OF ATTACHED MATERIALS

REPORT OF EMERGENCY PERMITS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13142 of the California Code of Regulations because the development is necessary to protect life and public property or to maintain public services.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
2-07-003-G City Of Pacifica, Attn: Elizabeth Claycomb	Expose void in Beach Blvd Seawall by jack-hammering holes through the concrete deck above it. Pump approximately 100 yards of concrete into the void and close off hole to match the current concrete deck. NO concrete will be washed, hosed, or discharged in a manner that will reach the ocean. During the construction process, public access to the street will be closed and barricaded for safety and to divert traffic flow to address the street closure. Work will be conducted on the landward side of the seawall.	Intersection of Santa Rosa Ave Beach Blvd at the Pacifica Pier, Pacifica (San Mateo County)

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**EMERGENCY PERMIT**

Elizabeth Claycomb
City Of Pacifica
170 Santa Maria Avenue
Pacifica, CA 94044

Date February 5, 2007
Emergency Permit 2-07-003-G

LOCATION OF EMERGENCY WORK:

Intersection of Santa Rosa Ave Beach Blvd at the Pacifica Pier, Pacifica (San Mateo County)

WORK PROPOSED:

Expose void in Beach Blvd Seawall by jack-hammering holes through the concrete deck above it. Pump approximately 200 yards of concrete into the void and close off hole to match the current concrete deck using a concrete pumper, concrete vibrator, and compressor. NO concrete will be washed, hosed, or discharged in a manner that will reach the ocean. During the construction process, public access to the street will be closed and barricaded for safety and to divert traffic flow to address the street closure. Work will be conducted on the landward side of the seawall.

This letter constitutes approval of the emergency work identified above. Based upon our conversation on Friday (2/5/07), I understand that an unexpected occurrence in the form of a failure in the Beach Blvd Seawall that doubled in size causing the above mentioned concrete deck to collapse in the public Right of Way 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 which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms of this permit;
- (b) Public comment on the proposed emergency action has been reviewed if time allows;
- (c) As conditioned, the work proposed would be consistent with the requirements of the California Coastal Act of 1976.

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

Sincerely,

PETER M. DOUGLAS
Executive Director

A handwritten signature in black ink, appearing to read "Michelle Jespersen".

By: MICHELLE JESPERSON
Coastal Program Analyst

cc: Local Planning Department

Enclosures: 1) Acceptance Form; 2) Regular Permit Application Form

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed within 30 days of the date of this permit (i.e., by March 7, 2007).
4. Within 60 days of the date of this permit (i.e., by April 6, 2007), the permittee shall either (1) submit a complete application for a regular Coastal Development Permit to authorize the emergency development permanently or (2) revise the project description in its pending Coastal Development Permit application No. 2-06-014 to include the emergency development and submit the materials necessary to complete that application. If neither of the above two options is carried out the emergency work shall be removed in its entirety within 150 days of the date of this permit (i.e., by July 5, 2007), unless this requirement is waived in writing by the Executive Director.
5. In exercising this permit, the applicant 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.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies (i.e. Dept. of Fish & Game, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, State Lands Commission.)

As noted in Condition #4, the emergency work carried out under this permit is considered to be TEMPORARY work done in an emergency situation. If the property owner wishes to have the emergency work become a permanent development, a Coastal Development Permit must be obtained. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for public access (such as an offer to dedicate and easement) and/or a requirement that a deed restriction be placed on the property

If you have any questions about the provisions of this emergency permit, please call the Commission's North Central Coast District Office at the address and telephone number listed on the first page.

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**Memorandum****February 9, 2007**

To: Commissioners and Interested Parties

FROM: Charles Lester, Deputy Director
North Central Coast District

Re: **Additional Information for Commission Meeting Thursday, February 15, 2007**

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
Th7a, A-2-SMC-07-001	Sterling	Correspondence	1 to 4

McCracken, Byers & Haesloop LLP

a Multi-Disciplinary Practice
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Of Counsel
Patrick M. K. Richardson
Paralegals
Jill Briggs

February 7, 2007

HAND-DELIVERED

Patrick Krue, Chair
Meg Caldwell, Vice Chair
Sara Wan
Dr. William A. Burke
Steven Kram
Mary K. Shallenberger
Bonnie Neely
Mike Reilly
Dave Potter
Khatchik Achadjian
Larry Clark
Steve Padilla
California Coastal Commission
North Central Coast District Office
45 Fremont Street, Ste. 2000
San Francisco, CA 94105-2219

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FEB 08 2007

CALIFORNIA
COASTAL COMMISSION

Re: A-2-SMC-07-001; Appeal regarding Coastal Development Permit, Planned Agricultural District Permit and Grading Permit to Allow Daniel and Denise Sterling to build a Single-Family Residence on their 143-acre Parcel in the County of San Mateo for Them and Their Four Children.

Dear Honorable Commissioners:

This office represents Daniel and Denise Sterling who have been trying since 1999 to obtain permits to build a house for themselves and their four children, Brandon (12), Austin (10), Nicholas (7), and Grace (2), on the 143-acre parcel they own in the County of San Mateo.

The Sterlings have attempted to get permits to build a house on the site since 1999. This office did not represent them at that stage. In 1997 the Sterlings purchased the property and moved into an existing manufactured home on the site. Originally, the Sterlings were

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attempting to subdivide the property and build their house. The parcel size is more than large enough to permit subdivision into 2 parcels consistent with the applicable PAD zoning ordinance. However, neighbors who are living on smaller R-1 zoned parcels close to the site opposed the proposed location of house on the 143-acre parcel because it would be visible to their houses. Upon this office's representation of the Sterlings, we advised our clients that given their familial concerns with providing a home for their children as soon as possible, it would be preferable to withdraw the subdivision application and move the house to an area at the lowest part of the property in an area covered by trees that does not have any visual impact to the neighbors and is adjacent to R-1 properties. In February of 2006, they submitted an application to the County consistent with these goals.

On December 12, 2006, the County Board of Supervisors, by a 5-0 vote, unanimously certified the mitigated negative declaration and approved the Coastal Development Permit, Planned Agricultural Development Permit, and Grading Permit for the house.

There was no opposition by any of the neighbors to this new project.

Now the Coastal Commission, has on its own, appealed the permits to itself.

The Sterlings, who have been trying for almost eight years to gain the permits for a home to house themselves and their growing family were not willing to waive the 49 day hearing requirement.

We have had an opportunity to review the staff report. We totally disagree with its conclusions.

This is land that borders Peninsula Open Space Trust ("POST") lands on the east and R-1 zoned homes on the West. It probably should have never been zoned agricultural. In any event, anyone seeing the site would recognize immediately that there is no economic viability to growing crops on the site given its steep terrain, irregular topography and tree cover. There has never been a crop growing operation on the site. At times there has been the grazing of animals on the site. Our clients continue to graze animals on the site. They lease the space out to a cattle ranch operation. Seven to ten cows are on the site during the year. The cattle obtain their water from a 40 years old stock pond which is fed by the creek. There are no existing agricultural wells providing water to the cattle.

There are four wells on the site. The only well that would be used in the future for the proposed home is the existing well which has provided water for the manufactured home in which our clients have lived for seven years. This well and the water from this well would now provide water for the new home.

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There is absolutely no reason to further delay the Sterlings from having their permits to build their home. It is ridiculous to require this Applicant to provide additional agricultural information given that their Agricultural Land Management Plan was reviewed and approved by the Court of San Mateo Agriculture Advisory Committee. The cattle graze on the natural grass and drink from the creek as they have since this land was first grazed. There is more than adequate a 2 page agriculture report that details all the facts. Exhibit 5, CCC Staff Report. None of the agricultural wells are used for agricultural purposes. Since my clients have further subdivision rights they will not agree to any agricultural easement restricting that right and to require one without any authority in the County's Local Coastal Program is illegal. L.C.P. Policy 5.16 provides, in part: "As a condition of approval of a Master Land Division Plan, require...an [agricultural] easement..." The Sterlings are not proposing a land division.

: We request that you find that no substantial issue exists. Our clients who have met the concerns of the neighbors in a seven year process should not be further delayed.

Thank you for your future careful consideration of all the issues involved in this appeal.

Sincerely,

McCRACKEN, BYERS & HAESLOOP LLP

Signature on File

DAVID J. BYERS, ESQ.

DJB/jb

cc: Dan and Denise Sterling

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February 7, 2007

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Jill Briggs

HAND-DELIVERED

Peter Douglas, Executive Director
California Coastal Commission
Northern Central Coastal District Office
45 Fremont Street, Ste. 2200
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Re: A-2 SMC-07-001; Appeal regarding Coastal Development Permit, Planned Agricultural District Permit and Grading Permit to Allow Daniel and Denise Sterling to build a Single-Family Residence on their 143-acre Parcel in the County of San Mateo for Them and Their Four Children.

Dear Peter:

This office represents Daniel and Denise Sterling who have been trying since 1999 to obtain permits to build a home for themselves and their four children, Brandon (12), Austin (10), Nicholas (7), and Grace (2), on the 143-acre parcel they own in the County of San Mateo. After seven years and the clients redesigning the project numerous times such that no one testified against the project, the Coastal Commission has decided to appeal this to themselves.

In my conversation with Coastal Commission staff, it was unclear to me whether oral testimony would be permitted at the "substantial issue" hearing on February 15, 2007. My clients and I will be testifying at the hearing on February 15, 2007. We demand under due process that we be heard.

Sincerely,

McCRACKEN, BYERS & HAESLOOP LLP

Signature on File

DAVID J. BYERS, ESQ.

DJB/jb
cc: Daniel and Denise Sterling

RECEIVED

FEB 08 2007

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