

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
(415) 904-5260 FAX (415) 904-5400  
[www.coastal.ca.gov](http://www.coastal.ca.gov)

**W3**

# **NORTH CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT**

*For the*

*May Meeting of the California Coastal Commission*

**MEMORANDUM**

Date: May 9, 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 May 9, 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.

***DE MINIMIS WAIVERS***

1. 2-07-016-W Bodega Marine Laboratory, Attn: Director Susan Williams, Phd. (Bodega Bay, Sonoma County)

**TOTAL OF 1 ITEM**

## **DETAIL OF ATTACHED MATERIALS**

### **REPORT OF DE MINIMIS WAIVERS**

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<b>2-07-016-W</b> Bodega Marine Laboratory, Attn: Director Susan Williams, Phd.	Installation of a temporary micrometeorological tower to collect data for atmospheric and climate change research. The proposed development would be located on an existing concrete pad on top of rocky outcroppings on the beach adjacent to Bodega Marine Laboratory. The proposed tower would be removed after five months.	2099 Westside Road, Bodega Bay (Sonoma County)

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**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

**DATE:** May 7, 2007  
**TO:** Bodega Marine Laboratory, Attn: Director Susan Williams, Phd.  
**FROM:** Peter M. Douglas, Executive Director  
**SUBJECT:** Waiver of Coastal Development Permit Requirement:  
**Waiver De Minimis Number 2-07-016-W**

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13238 of the California Code of Regulations.

**APPLICANT:** Bodega Marine Laboratory, Attn: Director Susan Williams, Phd.  
**LOCATION:** 2099 Westside Road, Bodega Bay (Sonoma County) (APN(s) 100-010-08)  
**DESCRIPTION:** Installation of a temporary micrometeorological tower to collect data for atmospheric and climate change research. The proposed development would be located on an existing concrete pad on top of rocky outcroppings on the beach adjacent to Bodega Marine Laboratory. The proposed tower would be removed after five months.  
**RATIONALE:** Proposed development involves no significant impacts on coastal resources or public access to the shoreline.

**IMPORTANT:** This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Wednesday, May 9, 2007, in San Pedro. If four Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,  
PETER M. DOUGLAS  
Executive Director

  
By: YINLAN ZHANG  
Coastal Program Analyst

cc: Local Planning Dept.  
Bodega Marine Laboratory, Attn: Clauria Luke, Asst. Director

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**Memorandum****May 7, 2007****To:** Commissioners and Interested Parties**FROM:** Charles Lester, Deputy Director  
North Central Coast District**Re:** **Additional Information for Commission Meeting Wednesday, May 9, 2007**

<u><b>Agenda Item</b></u>	<u><b>Applicant</b></u>	<u><b>Description</b></u>	<u><b>Page</b></u>
<b>W5a, SMC-MAJ-1-06</b>	<b>San Mateo County</b>	<b>Correspondence</b>	<b>1</b>
<b>W5.5a, A-2-HMB-07-015</b>	<b>Francisco Oliva</b>	<b>Correspondence</b>	<b>2 to 4</b>

Miramar Beach Restaurant  
Miramar, California  
650-726-9053

California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, Ca 94105-2219

May 3, 2007

Dear Coastal Commission.

We are writing this letter to comment on the San Mateo County Local Coastal Program Amendment NO. 1-06 (Major)

For the past three years we the proprietors of the Miramar Beach Restaurant have followed all the required procedures in a diligent manner to comply with regulations in our request to build a connecting patio deck to the Restaurant. In reviewing the Coastal Commission staff report we do agree to the findings and believe that hopefully a timely resolution in designating the parcel in question as commercial recreation would allow us to move forward with our project. We thank you for your consideration. Please contact us with any questions.

Respectfully submitted:

Signature on File

H. Gabe Whelan

Signature on File

Mark P. Jamplis

May 3, 2007

Agenda Items W 5.5a  
Kevin J. Lansing

California Coastal Commission  
c/o North Central Coast Office  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219  
Attn: Mr. Michael Endicott, District Manager

RECEIVED

MAY 04 2007

CALIFORNIA  
COASTAL COMMISSION

Re: Appeal No. A-2-HMB-07-015 (Oliva)

Dear Mr. Endicott:

I request that this letter be distributed to each member of the Commission. I am currently a member of the Planning Commission for the City of Half Moon Bay, but my comments below represent my views as an individual citizen.

I support the Staff's recommendation for a finding that a substantial issue exists. Official email correspondence sent to the City in March 2006 shows that biologists from the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG) informed the City that the intermittent stream known as the "Pullman Ditch" and its associated riparian zone is considered habitat for the California Red-legged Frog and the San Francisco Garter Snake.

The project approved by the City does not include comprehensive mitigation measures designed in consultation with USFWS and DFG. The City failed to acknowledge that the Pullman Ditch is habitat for rare or endangered species, even though LCP Policy 3-4 specifically calls out the need to abide by USFWS and DFG regulations in sensitive habitat areas. The Pullman Ditch meets the definition of sensitive habitat stated in section 18.38.020 of the City's zoning code.

LCP Policy 3-24 requires the City to protect habitat for rare and endangered species using the "implementing ordinances of the City." The project approved by the City fails to comply with section 18.38.085 of the City's zoning code which requires a 50 foot buffer surrounding habitat of rare or endangered species. The project can easily be re-designed to meet the 50 foot buffer requirement with minimal impact to the overall project.

The LCP violations noted above were pointed out to the City well in advance of the local approval action, as shown in the attached correspondence with City staff. It should be noted that the March 2006 emails from the USFWS and CDFG biologists were never included in the City staff reports for this project. However, these emails were specifically referenced and discussed in a Coastal Commission staff letter transmitted to the City on March 22, 2007---prior to the start of the local public hearing on this project. There is no justification for the City's failure to comply with its certified LCP, in my opinion.

Sincerely, / /

**Signature on File**

Kevin J. Lansing  
359 Filbert Street  
Half Moon Bay CA 94019  
kevin.j.lansing@sf.frb.org

Comments on PDP-004-06 (2788 Pullman)

From: Kevin.J.Lansing@sf.frb.org  
Sent: Thursday, December 14, 2006 11:39 AM  
To: Hilton Kwong  
CC: Steve Flint; Sage Schaan  
Subject: Comments on PDP-004-06 (2788 Pullman)

Attachments: KJL\_CCWD\_Phase 3 ELG\_Comments\_September2006.pdf

Hilton:

Below is a summary of my concerns about this project. Please distribute these comments to the other Commissioners.

1. Based on the H.T Harvey biological report and a site visit to the Pullman ditch by USFWS biologist Lucy Triffleman on September 12, 2006, the ditch must be considered ESHA pursuant to the City's certified LCP:

-- On page 8 of the H.T. Harvey reports, it states "vegetation below the top-of-bank of the ditch...may provide habitat or cover for wildlife and is considered riparian habitat as defined in the Local Coastal Plan."

-- On page 13 of the H.T. Harvey report it states "A small pool, present during September 2005, at the upstream end of Pullman ditch could provide foraging habitat for this species. Therefore, there is a possibility that the California red-legged frog could occur on the [project] site...."

--- USFWS biologist Lucy Triffleman surveyed the Pullman ditch on September 12, 2006 in reviewing the permit for the CCWD pipeline project. Ms. Triffleman considered the ditch to be habitat for California red-legged frog. USFWS required CCWD to adopt mitigation measures to protect the species as part of a "technical assistance" action. Please see the attached letter which makes reference to that site visit.

--- The Coastal Commission staff letter of February 22, 2006 also notes that the Pullman ditch should be presumed habitat. Please note that the biological report for the CCWD pipeline was prepared after the Coastal commission letter was received. The CCWD biological report confirms that Frenchman's Creek and vicinity is indeed habitat for CRLF and SFGS.

2. Given that the ditch provides habitat to support protected species, the LCP requires a 50 foot buffer. The proposed project provides only a 42 foot buffer and is therefore in violation of the LCP. A previous remodeling project on Kehoe Avenue invaded into the 50 foot ESHA buffer, but there staff made the argument that the buffer was already developed as a backyard. Here that claim cannot be made, because the lot is vacant. Hence any new development must respect the 50 foot buffer. The project should be therefore be continued to allow redesign to accommodate a 50 foot buffer.

3. Based on comments from a DFG biologist Dave Johnston on an earlier similar project, the City has required projects like this to install a protective wall that allows one-way out transit of frogs or snakes. That should also be a condition on this project. The wall should be constructed at the edge of the 50 foot buffer.

Kevin Lansing

Kevin J Lansing/SF/FRS

03/22/2007 01:21 PM

To Sigrid White

cc sflint@ci.half-moon-bay.ca.us

Subject Comments PDP-004-06

Dear Sigrid,

I do not have Kathy Marx's email, so please pass these comments on to her. I also request that these comments be forwarded to the other members of the Commission.

1. The staff report argues that a 50 foot buffer from the stream is not required. In justification staff cites a statement on page 11, paragraph 2 of the H.T. Harvey biological report which says "No wildlife species listed as threatened or endangered...are likely to occur on the project site." However, the staff report fails to also note that on page 13, paragraph 3, the H.T Harvey report states "...there is a possibility that the California red-legged frog could occur on the site as a very uncommon dispersant."

There is nothing in the HMB LCP that would allow the 50 foot buffer to be ignored just because the probability of finding a listed species on the site is considered low. If endangered species or endangered species habitat are or could be present, 18.38.085 requires a 50 foot buffer. Note that 18.38.085 does not state that the 50 foot buffer must be invoked only when the probability of finding species or species habitat rises above some threshold. Page 13 of the H.T. Harvey report says that a small pool that could support "foraging habitat" was found at the upper end of the Pullman ditch. Species could thus travel in the ditch to a point directly behind the project--making that area also habitat. There is nothing in the LCP to justify dismissing the 50 foot buffer requirement on the basis of a some probability argument as staff as done. Therefore, the project should be redesigned to respect the 50 foot buffer.

2. The applicant has refrained from redesigning the house to a mirror image so as to improve neighborhood compatibility. Staff argues that "the project meets all of the applicable development standards..." Section 18.21.030 of the zoning code allows for the imposition of standards which are more restrictive than the development standards set forth in the City's zoning code when issues of neighborhood and surrounding compatibility are an issue, as they are here. The Planning Commission directed that this was the justification for the mirror image design. Unless this direction is changed, the project cannot move forward with the existing design.

Kevin Lansing  
Planning Commissioner