

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(831) 427-4863 FAX (831) 427-4877  
[www.coastal.ca.gov](http://www.coastal.ca.gov)

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# CENTRAL COAST DISTRICT (SANTA CRUZ) DEPUTY DIRECTOR'S REPORT

*For the*

*May Meeting of the California Coastal Commission*

MEMORANDUM

Date: May 7, 2009

TO: Commissioners and Interested Parties  
FROM: Charles Lester, 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 Central Coast District Office for the May 7, 2009 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 Central Coast District.

***DE MINIMIS WAIVERS***

1. 3-08-043-W Carmel River Steelhead Association, Attn: Hank Smith & Brian Le Neve, Project Coordinators (, Monterey County)

***IMMATERIAL AMENDMENTS***

1. 3-98-095-A1 Department Of General Services, County Parks, Attn: Jeanette Di Leo, Parks Planner (Los Osos, San Luis Obispo County)

**TOTAL OF 2 ITEMS**

## **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>3-08-043-W</b> Carmel River Steelhead Association, Attn: Hank Smith & Brian Le Neve, Project Coordinators	Placement of seven large woody debris (LWD) complexes in the Carmel River. Each LWD complex would consist of a Douglas fir log approximately 18 to 20 feet long with an attached redwood root wad, and have been designed following the specifications for such structures provided in the California Salmonid Stream Habitat Restoration Manual. The project will provide refugia for migrating adult and juvenile Steelhead, as well as for California red-legged frogs, southwestern pond turtles, and other aquatic fauna.	Carmel River Lagoon (west of Highway 1 bridge and east of Carmel River Lagoon), Monterey County

### **REPORT OF IMMATERIAL AMENDMENTS**

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<b>3-98-095-A1</b> Department Of General Services, County Parks, Attn: Jeanette Di Leo, Parks Planner	CDP amended to extend the pedestrian boardwalk approximately 100 linear feet into an area known as Rose's Grove. The extension would connect the existing Elfin Forest Boardwalk to Rose's Grove.	Elfin Forest (northern portion of Los Osos, at the northern end of 11th St. through 17th Street), Los Osos (San Luis Obispo County)

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**NOTICE OF PROPOSED PERMIT WAIVER**

**Date:** April 22, 2009  
**To:** All Interested Parties  
**From:** Dan Carl, Central Coast District Manager *DC*  
Katie Morange, Coastal Planner *KM*  
**Subject:** Coastal Development Permit (CDP) Waiver 3-08-043-W  
Applicant: Carmel River Steelhead Association, Attn: Hank Smith

**Proposed Development**

Placement of seven large woody debris (LWD) complexes in the lower Carmel River and lagoon to provide structural cover and scour for migrating adult and rearing juvenile steelhead trout, as well as for California red-legged frogs, southwestern pond turtles, and other aquatic fauna. Each LWD complex would consist of a Douglas fir log approximately 18 to 20 feet long with an attached redwood root wad cabled to a granite boulder.

**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(s) regarding the proposed development, the Executive Director (ED) of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The proposed project would provide habitat enhancement for aquatic species in the Carmel River and lagoon, including the federally-listed threatened steelhead trout, and has been designed following the specifications for such structures provided in the *California Salmonid Stream Habitat Restoration Manual* and in consultation with NOAA Fisheries. The project (including as conditioned by the Department of Fish and Game Streambed Alteration Agreement No. 2008-0097-R4) includes measures to ensure protection of special-status species and the biological productivity and quality of the river environs during installation, including no heavy equipment in the live stream, erosion and sediment control measures, and a biological monitor(s). As part of the proposed project, the Carmel River Steelhead Association (CRSA) will provide annual reports for the review of the ED on the conditions of the LWD structures and the effectiveness of the project, and the project also includes provisions for the ED to review its effectiveness every 5 years otherwise. If any such ED reviews indicate that the project is resulting in adverse coastal resource impacts, CRSA would end the project, remove artificial elements of it, and restore affected project areas to their pre-project state as necessary. In sum, the project has been designed to prevent adverse impacts during installation and has been designed to enhance and provide for the continuation of habitat values of the lower Carmel River and lagoon.

**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 Thursday, May 7, 2009, at the Hyatt Regency



## **NOTICE OF PROPOSED PERMIT WAIVER**

**CDP Waiver 3-08-043-W (Carmel River Steelhead Association LWD Project)**

**Page 2**

Embarcadero in San Francisco. If four 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 Katie Morange in the Central Coast District office.**



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**NOTICE OF PROPOSED PERMIT AMENDMENT**

**Date:** April 23, 2009  
**To:** All Interested Parties  
**From:** Dan Carl, Central Coast District Manager  
Jonathan Bishop, Coastal Planner *JB*  
**Subject:** **Proposed Amendment to Coastal Development Permit (CDP) 3-98-095**  
Applicants: San Luis Obispo County General Services Agency and County Parks Department

**Original CDP Approval**

CDP 3-98-095 was approved by the Coastal Commission on January 13, 1999, and provided for the construction of a 5,300-foot long pedestrian boardwalk loop trail with two viewing platforms in the Elfin Forest in the community of Los Osos, San Luis Obispo County.

**Proposed CDP Amendment**

CDP 3-98-095 would be amended to extend the pedestrian boardwalk approximately 100 linear feet into an area known as Rose's Grove. The extension would connect the existing Elfin Forest Boardwalk to Rose's Grove, a popular public access and recreation area. The Commission's reference number for this proposed amendment is 3-98-095-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 proposed project is both a public access benefit and a method of resource protection. The boardwalk extension will allow for improved public access to a popular grove of oak trees (Rose's Grove), while at the same time reducing informal trail use impacts. The boardwalk extension will be wide enough to provide wheelchair access and will be raised on pier blocks to avoid trampling and heightened use impacts on sensitive species. No vegetation removal is proposed and all construction related BMP's are included as part of the project. Thus, the proposed project has no potential for adverse effects on coastal resources (including public access) and is consistent with Chapter 3 of the Coastal Act.

**Coastal Commission Review Procedure**

The CDP will be amended as proposed if no written objections are received in the 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 Thursday, May 7, 2009, in San Francisco. If three 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 contact Jonathan Bishop in the Central Coast District office.**



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May 6, 2009

To: Commissioners and Interested Parties

From: Charles Lester, Senior Deputy Director, Central Coast District

Re: Additional Information for Commission Meeting Thursday, May 7, 2009

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
Th11a, A-d-SLO-09-14	Williams	Correspondence	1

# RECEIVED

MAY 04 2009

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Agenda No.: Th11a

App. (Permit) No.: A-3-SLO-09-014

Name: Rosann Broten

Position: Opposed to project

## To Whom It May Concern:

Unfortunately, I am unable to attend the hearing scheduled for 5/7/09. I am the sole proprietor of a bookstore here in Cambria and have no employees. Time away from the store constitutes a financial hardship for me. I am hoping that you, as Commissioners and alternates, will have a chance to read my comments prior to the hearing.

I have spoken to Jonathan Bishop since notification of the hearing. Here are my concerns:

1. No one on the Coastal Commission staff has physically inspected the site in question. I have read former appeals that are similar to mine, and there have been a site inspections prior to staff recommendation.
2. The area of Cambria involved is Park Hill, not Lodge Hill. Conditions and some standards are different.
3. I apologize for the mistake in labeling Section 23.04.110 C incorrectly as 23.08.022 C. However, I still contend that a "sideyard" is different from a "side setback" or a "sideyard setback" and that the intent of this section is to prohibit the building of guesthouses on either side of existing residences.

Following is the entire section:

### **23.04.110 - Side Setbacks:**

The side setback is measured at right angles to the side property line to form a setback line parallel to the side property line, which extends between the front and rear setback areas. The minimum side setback is to be as follows, except where otherwise provided by Sections 23.07.172 and 23.07.174 for sites adjacent to streams or wetlands, or by Section 23.04.118 for sites adjacent to the coastline:

**a. General side setback requirements:** These requirements apply except where otherwise provided by subsections b through f of this section. See Section 23.04.116 (Projections into Required Setbacks) for additional applicable standards. The required general side setback is measured at the front setback line as follows:

**(1) Within urban and village areas.** 10 percent of the lot width, to a maximum of five feet on sites less than one acre in net area, but not less than three feet, and a minimum of 30 feet on sites of one acre or larger in net area. For sites of one acre or larger, a smaller setback may be granted using the adjustment provided in Section 23.05.104f. The adjustment shall consider the ultimate division of the property into the minimum parcel size as allowed by Section 23.04.025 et seq. applicable to the land use category in which the site is located, or as set by planning area standard.

**(2) Within rural areas.** 10 percent of the lot width to a maximum of 25 feet, but not less than three feet, on sites of less than one acre in net area and a minimum of 30 feet on sites of one acre or larger in net area. For sites of one acre or larger, a smaller setback may be granted using the adjustment provided in Section 23.05.104f.



**b. Corner lots:** The side setback on the street side of a corner lot within urban and village areas on sites of less than one acre in net area is to be a minimum of 10 feet, except that:

- (1) In a central business district no side setback is required;
- (2) A site having a width of 50 feet or less is to be provided a minimum of a five foot setback.
- (3) A corner lot adjacent to a key lot is to be provided a side setback equal to one-half the depth of the required front setback of the key lot except that:
  - (i) Where the corner lot is less than 50 feet in width, the setback is to be a minimum of 10 feet.
  - (ii) Where an alley is between the corner lot and a key lot, the setback on the street side of the corner lot is to be five feet.
- (4) In rural areas and on sites one acre or larger in net area, Section 23.04.110a(2) shall apply.

**c. Accessory buildings or structures: A side yard may be used for an accessory building or structure no greater than 12 feet in height, provided that it is not used for human habitation and is either:**

- (1) Located no closer than three feet to any property line; or
- (2) Established on the property line as a common wall structure pursuant to Subsection f, or as a zero lot line structure, provided that all applicable Uniform Building Code requirements are satisfied for a property line wall. In addition, accessory buildings and structures shall satisfy all applicable provisions of Section 23.08.032 (Residential Accessory Uses).

**d. Commercial and Industrial categories:** No side setback is required in the Commercial or Industrial land use categories, except:

- (1) As required for corner lots by subsection b of this section; or
- (2) Where required by the Uniform Building Code; or
- (3) **Adjacent to a residential category:** When the commercial or industrial site is adjacent to a Residential land use category, in which case the side setback adjacent to the Residential category is to be a minimum of 10 feet, and is to be landscaped as set forth in Sections 23.04.180 et seq. The minimum setback is to be increased one foot for each three feet of commercial or industrial building height above 12 feet.

**e. Office and Professional category:** Side setbacks are to be provided as set forth in Subsection d of this section, except within a central business district no side setback is required.

**f. Side setbacks for special development types:**

- (1) **Airspace condominiums.** The side setback for a building constructed within a common-ownership parcel on a smaller individually-owned parcel or within airspace, shall be the same as required for interior setbacks by Section 23.04.114 (Interior Setbacks and Open Areas).
- (2) **Common wall development:** Any two dwelling units, and/or their accessory garages, may be constructed on adjoining lots without setbacks between them provided that:
  - (i) The setback has been eliminated through Subdivision Map or Development Plan approval; and
  - (ii) A common wall or party wall agreement, deed restriction or other enforceable restriction has been recorded; and
  - (iii) The side setbacks opposite the common wall property line are not less than two times the minimum width required by this section.
  - (iv) Common wall construction is in compliance with the Uniform Building Code.
- (3) **Zero lot line development:** A group of dwelling units on adjoining lots may be established so that all units abut one side property line, provided that:
  - (i) The setback has been eliminated for an entire block through Subdivision Map or

Development Plan approval; and

(ii) The modified setback requirements for the block are recorded as part of a land division map, deed restriction, or other enforceable restriction.

(iii) The side setback is not to be eliminated or reduced on the street side of a corner lot.

(iv) Side setbacks opposite the zero setback property line are not less than twice the minimum required by this section.

[Amended 1993, Ord. 2649; 1995, Ord. 2715; 2004, Ord. 3001]

#### **23.04.112 - Rear Setbacks:**

The rear setback is measured at right angles to the rear property line to form a setback line parallel to the rear property line. The minimum rear setback is 10 feet on sites of less than one acre in net area and 30 feet on sites of one acre or larger in net area except as follows; and except where otherwise provided by Sections 23.07.172 and 23.07.174 for sites adjacent to streams or wetlands, or by Section 23.04.118 for sites adjacent to the coastline:

- a. Accessory buildings and structures: A rear setback in a residential category may be used for an accessory building or structure no greater than 12 feet in height, provided the accessory building is not used for human habitation or the keeping of animals, and is located no closer than three feet to a rear property.**

Please note that the word "setback" is included in 23.04.112a but not in 23.04110c. Also note that sideyard setbacks are 3' to 5', while rear setbacks are a minimum of 10'. Clearly a guesthouse could not be built within a 5' sideyard setback. My contention is that the building of guesthouses is prohibited within the entire sideyard.

4. On 4/16/09, the Williams's cut down a healthy, mature Monterey pine whose proposed removal was part of this project, which has not yet been approved. There was no permit for this tree removal. The other tree that was removed was also healthy, not diseased. The permit included in your packet does not apply to any trees that are not in the County Right-of-Way. The tree that was removed was nowhere near the right-of-way. I have spoken to all inspectors and contact people listed on this Dept. of Public Works permit. Mr. Jim Handeland has inspected the property and says there are no trees within the right-of-way. I have informed Paul Sittig (planner in charge of the project) and Jonathan Bishop of the illegal tree removal, but neither seems the least bit concerned about the violation. I have notified Code Enforcement, but have heard nothing back. I am including a photo taken since the removal. To the left of the visible balcony, you can clearly see the roof of the Williams's existing residence. The proposed guesthouse will be even more visible from Hwy. 1. If Michael Williams is ignoring county code now, what is going to keep him from adhering to standards in the future?

5. I am including a copy of the insert from the CCSD that was in our bills. Evidently, there is an underlying issue concerning the building of guesthouses that involves potential revenue that this "merger" program will generate for both the county and the CCSD. Although the flyer states that the Voluntary Lot Merger Program meets several goals of the Buildout reduction program, it also enables Cambrians to build on lots that would otherwise be unbuildable, since new water meters are not required. How does this program help curtail water usage in Cambria? It does not. Very few lots adjacent to existing residences have water meters or are even on the wait list, so they would not be able to have structures built on them anyway. That is, until now.

I implore the Commission to seriously consider my appeal, as the Williams's project, should it be approved, will set a precedent for further building and growth in Cambria. At the least, please determine that a substantial issue does exist and take jurisdiction over this coastal development permit.

Sincerely,

Rosann Broten



Enclosures:

Photo of view shed from Highway 1

Copy of Voluntary Lot



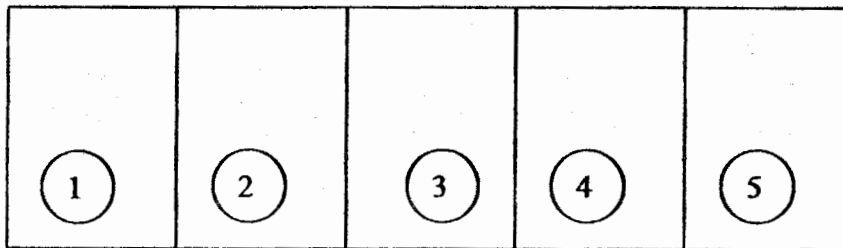
# Voluntary Lot Merger Program

**THE CCSD IS YOUR "ONE STOP" FOR MERGING LOTS!**

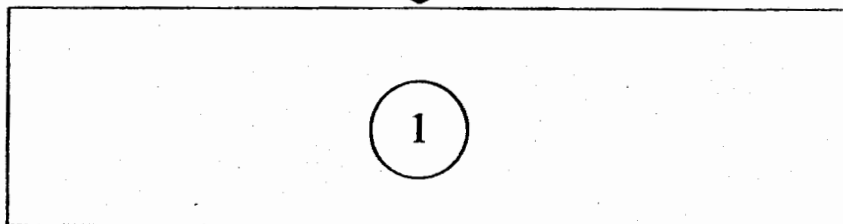
Voluntary lot mergers play a vital role in reducing the number of buildable lots in Cambria and meeting several of the major goals of the CCSD's Buildout Reduction Program such as conserving water and preserving a balance between potential growth and the sustained availability of public resources. In just two short years since the commencement of the CCSD's Voluntary Lot Merger Program in May 2007, Cambrians have accomplished over seventy percent of the Buildout Reduction Program (BRP) goal of 394 lots reduced by merger of vacant lots with existing built lots. Let's keep up the good work! In addition to preserving park-like open space in residential areas, there are many advantages for owners that utilize the Voluntary Lot Merger Program. Please have a look at the reverse side for the benefits of merging lots.

The CCSD has contracted with First American Title in Morro Bay to make mergers easy.

- CCSD and First American Title will handle all paperwork and County processing
- CCSD will pay all fees associated with the voluntary lot merger process
- First American Title in Morro Bay will handle all of the title work



5 Parcels • 5 Property Tax Bills • 1 Owner



1 Parcel • 1 Property Tax Bill • 1 Happy Owner

**For more information on how to merge your property contact:**

Cori Ryan

Mail: P.O. Box 65 Cambria, California 93428

805-927-6225 • Fax 805-927-5584

E-mail: [cryan@cambriacsd.org](mailto:cryan@cambriacsd.org)

[www.cambriacsd.org](http://www.cambriacsd.org)



## CAMBRIA COMMUNITY SERVICES DISTRICT

P.O. Box 65 • Cambria, CA 93428 • Telephone: (805) 927-6223 • Fax: (805) 927-5584

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### VOLUNTARY MERGERS

A voluntary merger is a process where two or more adjacent parcels under common ownership may be combined to create one large parcel. When vacant parcels are merged with a parcel that has a water allocation, the new parcel takes on the allocation of the one parcel that had an allocation. If all the parcels that are merged have no water allocation then the new parcel remains without water.

#### *Benefits of Merging Parcels*

- By merging your vacant parcel with an active service parcel you would be able to expand your home on to the vacant parcel, build a guesthouse or detached garage or keep it vacant to ensure your view or leave space between you and your neighbors.
- By merging your vacant parcel with your CCSD Wait List position parcel you would be giving yourself more square footage for your future home and leaving plenty of room for a spacious yard.
- You will eliminate at least one of your property tax bills and possibly save on special assessment taxes such as Fire Suppression Assessment Benefit.

#### *How to Merge Parcels*

- Mergers are a function of the SLO County Planning and Building Department. All mergers must be reviewed and recorded by the Planning Director. The CCSD is committed to simplifying the merger process as much as possible for our customers.
- Application packets are available at the CCSD office and staff will be happy to assist in any way needed.
- Filing and recordation fees will be assessed by the County, and the recordation fee will be charged to the customer however, the CCSD will reimburse the recordation fee and pay all other fees associated with your voluntary merger application.
- Complete the application packet and return it to the CCSD Administrative office.
- The CCSD has contracted with First American Title Company in Morro Bay to gather all necessary documentation, such as current deeds and title documents, and they will handle all communication with the County. An Owner's Authorization form is included in the application packet to allow First American to act on the owner's behalf.



Visit us at [www.cambriacsd.org](http://www.cambriacsd.org)

William's house  
(524C Plymouth)

my house (5260 Plymouth)

Fluy I

