

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260 FAX (415) 904-5400

Th15

NORTH CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT

For the

January Meeting of the California Coastal Commission

MEMORANDUM

Date: January 10, 2013

TO: Commissioners and Interested Parties
FROM: Dan Carl, 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 January 10, 2013 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. 2-12-023-W Marin County Open Space District (, Marin County)

EXTENSION - IMMATERIAL

1. A-2-PAC-07-022-E4 Pacifica Beach LLC (Pacifica, San Mateo 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>
2-12-023-W Marin County Open Space District	Biological restoration of Kent Island	within the Bolinas Lagoon Open Space Preserve, near the communities of Bolinas and Stinson Beach, Marin County

REPORT OF EXTENSION - IMMATERIAL

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
A-2-PAC-07-022-E4 Pacifica Beach LLC	The expiration date of CDP A-2-PAC-07-022 has been extended by the Commission three times previously (to March 7, 2011; March 7, 2012 and March 7, 2013, respectively), and would be extended in this case by one year to March 7, 2014. The Commission's reference number for this proposed extension is A-2-PAC-07-022-E4.	1567 Beach Boulevard, Pacifica (San Mateo County)

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**NOTICE OF PROPOSED PERMIT WAIVER**

Date: December 27, 2012

To: All Interested Parties

From: Madeline Cavalieri, Central Coast District Manager
Laurel Kellner, Coastal Planner

Subject: Coastal Development Permit (CDP) Waiver 2-12-023-W

Applicant: Marin County Open Space District

Proposed Development: Biological restoration of Kent Island within the Bolinas Lagoon Open Space Preserve, near the communities of Bolinas and Stinson Beach, 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 project includes the removal of invasive, non-native plants using seawater irrigation, hand removal and other methods, and replanting of native species to restore 29 acres of coastal dune and wetland habitat. Two water intake/pump assemblies will be placed temporarily in Bolinas Lagoon to be used one at a time. The 24" diameter pump intakes will be hand-dug about 2-3 feet into the channel. Irrigation of salt-intolerant plants with saltwater will occur intermittently in autumn, spring, and summer from 8:00 am to 5:00 pm on weekdays for two to three years, after which time all irrigation equipment, including the water intakes, will be removed. All non-native plants will then be disposed of onsite by burial. In addition, the proposed project includes best management practices to avoid impacts to sensitive resources, such as, but not limited to, buffers, biological monitoring, and staff training to avoid wildlife and native plant disturbance. As proposed, the project will not have any significant adverse impacts on coastal resources, including water quality, marine resources, and public access to the shoreline.

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 January 10, 2013, in Pismo Beach. If three 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 Laurel Kellner in the North Central Coast District office.

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**NOTICE OF PROPOSED PERMIT EXTENSION**

Date: December 26, 2013
To: All Interested Parties
From: Madeline Cavalieri, Central Coast District Manager *JD for MC*
Karen J Geisler, Coastal Planner
Subject: Proposed Extension to Coastal Development Permit (CDP) A-2-PAC-07-022
Applicant: Pacifica Beach, LLC

Original CDP Approval

CDP A-2-PAC-07-022 was approved by the Coastal Commission on March 7, 2008, and provided for the construction of a nine-unit three-story condominium building with a 10,575 square-foot subterranean parking garage at 1567 Beach Boulevard in Pacifica, San Mateo County.

Proposed CDP Extension

The expiration date of CDP A-2-PAC-07-022 has been extended by the Commission three times previously (to March 7, 2011; March 7, 2012 and March 7, 2013, respectively), and would be extended in this case by one year to March 7, 2014. The Commission's reference number for this proposed extension is A-2-PAC-07-022-E4.

Executive Director's Changed Circumstances Determination

Pursuant to Title 14, Section 13169 of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that there are no changed circumstances affecting the approved development's consistency with the certified City of Pacifica Local Coastal Program and/or Chapter 3 of the Coastal Act, as applicable.

Coastal Commission Review Procedure

The Executive Director's determination and any written objections to it will be reported to the Commission on January 10, 2013 in Pismo Beach. If three Commissioners object to the Executive Director's changed circumstances determination at that time, then the extension shall be denied and the development shall be set for a full hearing of the Commission.

If you have any questions about the proposal or wish to register an objection, please contact Karen J Geisler in the North Central Coast District office.

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**Memorandum****January 7, 2013**

To: Commissioners and Interested Parties

FROM: Dan Carl, North Central Coast District Deputy Director
North Central Coast District

Re: *Additional Information for Commission Meeting
Thursday January 10, 2013*

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
Th17a	A-2-SMC-12-013 (Zbiczak, San Mateo County)	Correspondence, Lennie Roberts	1-2



Th 17a

January 6, 2013

Chair Mary Shallenberger and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 95060

Re: Th. 17.a. Appeal No. A-2-SMC-12-013 (Zbiczak, San Mateo Co.). Appeal by Linda Montalto Patterson, Susan and Dwight Pate and Lee and Lisa Deal of San Mateo County decision granting permit with conditions to Hank & Irene Zbiczak for construction of new 5,546 sq.ft., 2-story, single-family home, including attached 3-car garage, on Magellan Avenue near Mirada Road in the unincorporated Miramar area of San Mateo County. (ND-SF)

Dear Chair Shallenberger and Commissioners,

Committee for Green Foothills disagrees with the Staff Recommendation for No Substantial Issue, and respectfully requests that you find the above-referenced Appeal raises a Substantial Issue as to the proposed 5,546 sq. ft. residence's conformity with the San Mateo County LCP, particularly the Visual Resource Policies.

The proposed residence is a manufactured home placed atop a three-car garage in a highly scenic area west of Highway One adjacent to Mirada Surf Trail and Park. This very large structure is being shoehorned into a sensitive area, and as such, is out of scale with the character of the setting and would be an intrusion into a highly scenic area, contrary to LCP Policy 8.13.a.(4).

The County Zoning Hearing Officer concluded that the house would not require removal of significant trees. However, the revised site plan shows a 36" diameter Monterey cypress tree cluster within two feet of the foundation and gas line. One entire side of this tree would need to be severely pruned and removed in order to locate the house in such close proximity. Excavation for the foundation construction will sever the major supporting tree roots on this same side of the tree as well. This tree will not survive such treatment. The County's reliance on the existing trees to help screen the house is thus illusory.

In highly scenic areas such as this, the County requires story poles or photo-montages to evaluate the potential impact of new homes for consistency with the Visual Resource Policies of the LCP. In this case, story poles were only erected along one side of the house, due to numerous Monterey cypress and Monterey pine trees that were in the way. This is a clear indication that the house would require at least major pruning if not outright removal of additional trees. One of the major Findings of the County's Approval was that no trees would be removed. CGF does not believe that these Findings are valid, based on experience with other construction projects in close proximity to mature trees.

CGF notes that the Staff Report (page 8) has an error in that it states: "Existing Monterey cypress and Monterey pine trees (approximately two dozen trees total) border the sites' northern and eastern property lines..." The trees are actually along the southern and western property lines. They will not screen the house from users of Mirada Surf Park and Trail, or from Highway One.

CGF respectfully requests that the Commission find the Appeal raises and Substantial Issue in order for Staff to work with the Applicant to redesign the house and reduce the project's visual impacts in this highly scenic and popular recreation area.

Thank you for consideration of our views.

Sincerely,

Signature on file

Lennie Roberts, San Mateo County Legislative Advocate
Committee for Green Foothills

TH/7a

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS

Date and time of communication: 7 January 2013

Location of communication: email
(If communication was sent by mail or
facsimile, indicate the means of transmission.)

Identity of person(s) initiating communication: Lennie Roberts

Identity of person(s) receiving communication: Carole Groom

Name or description of project:

- 1) 5,546 sq.ft. home on Magellan Avenue near Mirada Road in uninc. San Mateo County
- 2) Application for claim of vested right for domestic water service for a 5,500 sq.ft home, 1,000 sq. ft secondary residence, and 1,000 sq.ft garage/workshop on Cave Landing Road in unincorporated Avila Beach area of San Luis Obispo County
- 3) Appeal of decision granting permit for the construction of 5,500 sq.ft home, 1,000 sq. ft secondary residence, and 1,000 sq.ft garage/workshop on Cave Landing Road in unincorporated Avila Beach area of San Luis Obispo County
- 4) 3,600 sq.ft. duplex residential structure on raised pilings at 140 Addie St., Pismo Beach
- 5) Wastewater treatment plant and related development at 160 Atascadero Road in the City of Morro Bay

Description of content of communication:

(If communication included written material, attach a copy of the complete text of the written material.)

Written materials attached

7 - Jan 2013

Date

Carole Groom

Signature of Commissioner

If communication occurred seven (7) or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven (7) days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven (7) days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

From: Carole Groom
To: Eric Pawlowsky
Date: 1/7/2013 9:06 AM
Subject: Fwd: January CCC ex parte
Attachments: Ex Parte CCC January 2013.doc

>>> Lennie Roberts <lennie@darwin.ptvy.ca.us> 1/6/2013 1:20 PM >>>

Hi Carole, Hope you are enjoying this rainy Sunday! Attached are four priority items that our colleagues in San Luis Obispo have identified as priorities for your consideration. If you have any questions, I'd be glad to discuss them further. Note the Update on the Cayucos WWT plant.

I plan to send a letter to the Commission tomorrow regarding the San Mateo County appeal item:

TH 17. NEW APPEALS. See AGENDA CATEGORIES (<http://www.coastal.ca.gov/meetings/headings.html>).

a. **Appeal No. A-2-SMC-12-013 (Zbiczak, San Mateo Co.)** (<http://documents.coastal.ca.gov/reports/2013/1/Th17a-1-2013.pdf>). Appeal by Linda Montalto Patterson, Susan and Dwight Pate and Lee and Lisa Deal of San Mateo County decision granting permit with conditions to Hank & Irene Zbiczak for construction of new 5,546 sq.ft., 2-story, single-family home, including attached 3-car garage, on Magellan Avenue near Mirada Road in the unincorporated Miramar area of San Mateo County. (ND-SF)

I was not an Appellant on this item because somehow it slipped through at the ZHO without my noticing! You should get this letter in the packet under the District Director's Report or it may be posted as an Addendum to the Staff Report. In any event, it will go to all Commissioners and Staff so it is not necessary to report it as an ex parte.

Best,

Lennie

January 6, 2013

To: Carole Groom

From: Lennie Roberts, Committee for Green Foothills and Mike Ferreira, Sierra Club

Re: Ex Parte for January 2013 Coastal Commission meeting

Hi Steve, Listed below are four priority items for the January meeting, for your consideration.

Thursday, Jan 10

21. VESTED RIGHTS.

a. Application No. 3-12-013-VRC (McCarthy, San Luis Obispo Co.).

Application of Rob & Judi McCarthy for claim of vested right by Rob and Judi McCarthy for County Service Area 12 domestic water service for proposed 5,500 sq.ft., single family home and 1,000 sq.ft. secondary residence above detached 1,000 sq.ft. garage/workshop and related development, located on Cave Landing Road, approx. 500 feet north of parking/access area for Pirates Cove Beach, in unincorporated Avila Beach area of San Luis Obispo County. (DR-SC)

This is the same property as Item 22.a below. Our colleagues at San Luis Obispo Coastkeeper support the Staff Recommendation for denial of the vested rights claim.

The applicants claim they have a vested right to water service from CSA 12; however, this claim does not meet the standard of review for vested rights in that the applicant did not receive all government approvals and perform substantial work on the development of the property prior to February 1, 1973 per Coastal Act Section 30603. Granting the vested rights in this case would be inconsistent with long established Commission decisions, and could set a harmful precedent.

22. NEW APPEALS.

a. Appeal No. A-3-SLO-11-061 (McCarthy, San Luis Obispo Co.). Appeal by Commissioners Brennan and Stone of San Luis Obispo County decision granting permit with conditions to Rob and Judi McCarthy for construction of 5,500 sq.ft. single-family home and 1,000 sq.ft. secondary residence above detached 1,000 sq.ft. garage/workshop, and related development, including extension of public water service to project site, located on Cave Landing Road, approx. 500 feet north of parking/access area for Pirates Cove Beach, in unincorporated Avila Beach area of San Luis Obispo County. (DR-SC)

This is a de novo hearing on an Appeal of San Luis Obispo County's granting of a Coastal Development Permit.

San Luis Obispo Coastkeeper does not support the Staff Recommendation for

approval with conditions. Concerns remain that even with stringent conditions, including modification of the home's design, construction of berms, and landscaping, this project should not be approved because it will still significantly degrade the public viewshed, particularly views associated with the popular Pirate's Cove accessway.

23. COASTAL PERMIT APPLICATIONS.

a. Application No. A-3-PSB-10-062 (Koligian, Pismo Beach). Application of Vaughn and Mary Koligian to construct 3,600 +/- sq.ft. duplex residential structure on raised pilings, to demolish portion of neighboring residential structure (which extends onto project site), construct bridge from sidewalk area providing access to new duplex, and other related improvements, at 140 Addie St., at mouth of Pismo Creek and at Pismo State Beach in Pismo Beach, San Luis Obispo County. (JM-SF)

Staff recommends Approval with stringent conditions. Our colleagues at San Luis Obispo Coastkeeper do not agree, and recommend Denial. They note that the original recommendation was for finding of Substantial Issue and Denial of the project. Even with conditions, a residential project on this site cannot be made consistent with the LCP and Coastal Act policies. Specific concerns include: (1) Hazard risks have not been minimized - the project site is within the 100 year flood plain, is subject to sea level rise, and the piles will likely obstruct floodwaters, (2) The project violates LCP and Coastal Act policies protecting environmentally sensitive habitat areas (ESHA) including policies that specifically protect Pismo Creek, (3) The project violates LCP policies intended to protect visual resources, and (4) The project conflicts with the City's and Coastal Act policies regarding public access and recreation.

b. Application No. A-3-MRB-11-001 (City of Morro Bay & Cayucos Community Services District, Morro Bay). Application of City of Morro Bay and Cayucos Community Services District to demolish existing Morro Bay wastewater treatment plant and construct new wastewater treatment plant and related development on same site, at 160 Atascadero Road near Morro Rock in City of Morro Bay, San Luis Obispo County. (SR-SC)

Staff is recommending Denial of the project. Our colleagues at the Santa Lucia Chapter of Sierra Club, and Surfrider Foundation, SLO Chapter, strongly support the staff recommendation for the following reasons: (1) the existing WTP is a non-conforming use under the zoning, and construction of a new plant in this location would require a zoning change. (2) the proposed location is within the Morro Creek 100 year flood zone, tsunami runup zone, and earthquake liquefaction zone; which sea level rise will exacerbate, (3) proposed mitigations to elevate site above hazard zone violate LCP policies requiring minimization of fill and would still leave plant subject to tsunamis, (4) project would violate LCP visual policies, (5) proposed site cannot accommodate recycled water storage and would defeat important reclamation efforts and (6) denial of the project will

provide opportunity to address superior siting and technology alternatives.

Important Update! At its meeting of January 3, 2013, the Morro Bay City Council voted 3-2 to support the Staff Recommendation for Denial of the project.

From: Linda Montalto Patterson [<mailto:linda@hastingshouseweddings.com>]
Sent: Wednesday, January 09, 2013 4:01 PM
To: Dreher, Nicholas@Coastal; Carl, Dan@Coastal
Subject: Appeal No.A-2-SMC-12-013(Zbiczak,San Mateo Co.)

Chair Mary Shallenberger and Members
California Coastal Commission
Dear Chair Shallenberger and Commissioners,
45 Fremont Street, Suite 2000
San Francisco, CA 95060

Re: Th. 17.a. [Appeal No. A-2-SMC-12-013 \(Zbiczak, San Mateo Co.\)](#). Appeal by Linda Montalto Patterson, Susan and Dwight Pate and Lee and Lisa Deal of San Mateo County decision granting permit with conditions to Hank & Irene Zbiczak for construction of new 5,546 sq.ft., 2-story, single-family home, including attached 3-car garage, on Magellan Avenue near Mirada Road in the unincorporated Miramar area of San Mateo County. (ND-SF)
Dear Chair Shallenberger and Commissioners,

I respectfully ask that you reconsider this project . It will have long term impact on the community since it affects the entrance to the Mirada Surf Park , one of the San Mateo Counties newest acquisitions. Hundreds of thousands of people access the park through this area every day. The project as proposed will be visible not only from the entrance but from multiple areas within the park, mainly all along the walkway that divides the park. It definitely affects the scenic corridor of the coast .
Pleas refer to previous letters submitted with the original appeal.

Thank you so much for your consideration.

Linda Montalto Patterson
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El Granada, CA 94018
linda@hastingshouseweddings.com