

CALIFORNIA COASTAL COMMISSION

North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219
(415) 904-5260 or (415) 904-5200 FAX (415) 904-5400



F13

NORTH CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT

*For the
June Meeting of the California Coastal Commission*

MEMORANDUM

Date: June 10, 2015

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 June 2015 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.

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>
<p>G-2-15-0013 San Francisco Recreation and Park Department, Attn: Lisa Wayne</p>	<p>Burial of two whale carcasses recently washed up on Sharp Park Beach. A Komatsu 300 Excavator would be used to dig two holes above the mean high tide line approximately 25 feet deep and 50 feet long. A skip box would be used to collect debris and mats would be used as needed in order for the excavator to access and work on site. The carcasses would be dragged from the tide line and into the holes. The whales will be covered with the excavated sand, which would then be graded to pre-excavation conditions. The work is anticipated to take 2-3 days. This methodology has been coordinated with the National Marine Fisheries Service Stranding Coordinator. The proposed emergency development is necessary to abate further public health and safety concerns and nuisance to the surrounding communities.</p>	<p>Sharp Park Beach, City of Pacifica APN 016-430-20</p>

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**EMERGENCY PERMIT**

Issue Date: May 19, 2015
Emergency Permit No.: G-2-15-0013

San Francisco Recreation and Parks Dept.
501 Stanyan Street, San Francisco, CA 94117

LOCATION OF EMERGENCY WORK: Sharp Park Beach, City of Pacifica (APN 016-530-20)

WORK PROPOSED:

Burial of two whale carcasses recently washed up on Sharp Park Beach. A Komatsu 300 Excavator would be used to dig two holes above the mean high tide line approximately 25 feet deep and 50 feet long. A skip box would be used to collect debris and mats would be used as needed in order for the excavator to access and work on site. The carcasses would be dragged from the tide line and into the holes. The whales will be covered with the excavated sand, which would then be graded to pre-excitation conditions. The work is anticipated to take 2-3 days. This methodology has been coordinated with the National Marine Fisheries Service Stranding Coordinator. The proposed emergency development is necessary to abate further public health and safety concerns and nuisance to the surrounding communities.

PERMIT RATIONALE:

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from information you submitted that an unexpected occurrence in the form the appearance of two whale carcasses on Sharp Park Beach is now causing public health and safety concerns, which 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 conditions listed on the attached page.

Sincerely,

A handwritten signature in cursive script that reads "Charles Lester".

CHARLES LESTER,
Executive Director

By: Nancy Cave, North Central Coast District Manager

Emergency Permit Number: G-2-15-0002
Date: January 27, 2015
Page 2 of 5

cc:
City of Pacific, attn.: Tina Wehrmeister , Planning Director
National Marine Fisheries Service, attn.: Justin Viezbicke, Stranding Coordinator (CA)

Enclosures: 1) Acceptance Form

CONDITIONS OF APPROVAL:

1. The enclosed ECDP acceptance form must be signed by the Permittees and returned to the California Coastal Commission's North Central Coast District Office within 15 days of the date of this permit (i.e., by June 2, 2015). This ECDP is not valid unless and until the acceptance form has been received in the North Central Coast District Office.
2. Only that emergency development specifically described in this ECDP is authorized. Any additional and/or different emergency and/or other development requires separate authorization from the Executive Director and/or the Coastal Commission.
3. The emergency development authorized by this ECDP must be completed within 30 days of the date of this permit (i.e., by June 17, 2015) unless extended for good cause by the Executive Director.
4. Any additional work requires separate authorization from the Executive Director. However, should the burial sites slump or cave in over time, the applicant may undertake actions to re-grade the area consistent with the same conditions of approval of this ECDP. 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.
5. This permit does not obviate the need to obtain necessary authorizations and /or permits from the other agencies (i.e., National Marine Fisheries Service, State Lands Commission, Gulf of the Farallones National Marine Sanctuary).
6. All emergency development shall be limited to the least amount necessary to abate the emergency. Specifically, the Excavator used to dig the holes and move the whales will take the most direct routes across the beach and stay as far landward from the intertidal zone as possible during the course of the work. The work will be performed as efficiently as possible to minimize the amount of time the large machinery spends on the beach. Public access to the construction areas will remain open as long as conditions do not impose a public safety risk.
7. All emergency construction activities shall limit impacts to coastal resources (including public recreational access and habitat areas) to the maximum extent feasible including by, at a minimum, adhering to the following construction requirements (which may be adjusted by the Executive Director if such adjustments: (1) are deemed necessary due to extenuating circumstances; and (2) will not adversely impact coastal resources):
 - a. All areas proposed for construction activities and/or construction staging shall be minimized to the maximum extent feasible in order to limit construction encroachment on the shoreline and to have the least impact on public access and the marine environment. Construction activities, materials, and/or equipment storage are prohibited outside of the defined construction, staging, and storage areas. No construction materials, debris, or waste shall be placed or stored where it may be subject to wave or tidal action, erosion, or dispersion.

- b. The applicant shall keep construction activities under surveillance, management, and control to minimize interference with, disturbance to, and damage of fish and wildlife. If any marine mammal is observed within 15 meters of the project site during construction, work shall stop immediately.
 - c. All contractors shall ensure that work crews are briefed on the conditions of this ECDP.
 - d. Whales shall be moved during low tide conditions to minimize contact of machinery with coastal waters.
 - e. Equipment washing, refueling, and/or servicing shall not take place on the shoreline. Mobile fueling of construction equipment shall be prohibited. Reasonable and prudent measures shall be taken to prevent any discharge of fuel or oily waste from heavy machinery or construction equipment into coastal waters. Should any spilling of fuel occur, the contractor shall immediately recover the contaminated ground and dispose of it off site in an approved area.
 - f. All accessways impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction.
 - g. No demolished construction material or discharge of any effluent shall be allowed to enter the beach during the project's construction work. All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day.
 - h. At the end of the construction period, the applicant shall inspect the project area and ensure that no debris, trash or construction material has been left on the beach or in the water, and that the project has not created any hazard to public access.
 - i. The Permittee shall notify planning staff of the Coastal Commission's North Central Coast District Office immediately upon completion of construction. If planning staff should identify additional reasonable restoration measures, such measures shall be implemented immediately.
8. Copies of this ECDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
 9. The Permittee shall designate a coordinator to answer questions from the public for as long as the emergency development activities authorized under this ECDP persist. The coordinator shall be available by phone 24 hours a day for the duration of construction. The coordinator's phone number, address, and e-mail address shall be conspicuously posted at the job site and readily visible from public viewing areas, along with basic information about the purpose and duration of the construction activities and indication that the coordinator should be contacted in the case of questions regarding the activities for regular inquiries and emergencies. The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action,

Emergency Permit Number: G-2-15-0002

Date: January 27, 2015

Page 5 of 5

if necessary, within 24 hours of receipt of the complaint or inquiry.

10. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
11. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the subject site without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Chapter 9 of the Coastal Act.

The emergency development carried out under this ECDP is at the Permittees' risk and is considered to be temporary work done in an emergency situation to abate an emergency. For the development to be authorized under the Coastal Act and/or if the property owners wish to expand the scope of work, a regular CDP must be obtained. A regular CDP is subject to all of the provisions of the California Coastal Act and may be conditioned or denied accordingly.

If you have any questions about the provisions of this ECDP, please contact the Commission's North Central Coast District Office at 45 Fremont Street, Suite 2000, San Francisco, CA 94105 (415)-904-5200.

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EMERGENCY PERMIT ACCEPTANCE FORM

TO: CALIFORNIA COASTAL COMMISSION
North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

RE: Emergency Permit No. G-2-15-0013

INSTRUCTIONS: After reading the attached Emergency Permit, please sign this form and return to the North Central Coast District Office Office within 15 working days from the permit's date.

I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them.



Signature of property owner or
Authorized representative

LISA WAYNE

Name

501 STANYAN ST

Address

SF. CA 94117

5/18/15

Date of Signing

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 TDD (415) 597-5885

**Memorandum****June 10, 2015**

To: Commissioners and Interested Parties

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

Re: ***Additional Information for Commission Meeting
 Friday June 12, 2015***

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
F15a	A-2-SMC-10-016 McGregor	Staff Report Addendum	
F15a	A-2-SMC-10-016 McGregor	Correspondence, Paul McGregor	1-2
		Ex Parte Communication, Carole Groom	3
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F15a

Prepared June 10, 2015 for June 12, 2015 Hearing

To: Commissioners and Interested Persons
From: Nancy Cave, North Central Coast District Manager
Renée Ananda, North Central Coast Coastal Program Analyst
Subject: **STAFF REPORT ADDENDUM for F15a**
Appeal Number A-2-SMC-10-016 (McGregor SFR)

In a letter dated June 3, 2015, the Applicant, Paul McGregor, raised some issues and sought some clarifications regarding the staff recommendation for Appeal Number A-2-SMC-10-016. Mr. McGregor asked that his letter be provided to the Commission. On June 8, 2015, Staff met with the Applicant and his agent to address the Applicant's issues and concerns with respect to the proposed special conditions of approval. During that meeting, Staff and the Applicant reached agreement on minor revisions to the staff recommendation, which are identified below. With the revisions, the Applicant is in agreement with the staff recommendation. The purpose of this addendum is therefore to modify the staff recommendation for the above-referenced item. These changes do not change the basic staff recommendation, which is still approval with conditions. Where applicable, changes shown in ~~strike through~~ show deletions, and changes shown in underline show additions.

1. Modify **Special Condition 1b** on staff report page 6 as follows to allow for bathroom facilities in the barn.

***b. Barn Design.** The barn shall be reduced in size from 2,000 square feet to no more than 1,600 square-feet, and all windows and balconies shall be eliminated on the portions of the barn in the Highway 1 viewshed (generally the west facing elements). The barn shall also be sited and designed to appear weathered and rustic, including through use of wood and unpainted exterior materials in low-slung barn style with a lack of decorative detail (e.g., simple board and bat, simple linear casing and trims, etc.), and through use of untreated corrugated metal, corten steel, or wood roofing. The barn shall not include any cooking ~~or bathroom~~ facilities.*

2. Add a response to comments section on staff report page 31 just prior to the CEQA finding:

Response to Comments

The Applicant submitted a letter dated June 3, 2015 raising some issues and looking for some clarifications. The following is provided as response.

Bathroom in Barn

The Applicant requests that the bathroom proposed for the barn be retained as he states it is necessary for him and the farmer working the property. He also indicates that the plans never included cooking facilities within the barn and confirms that he is not seeking approval to have this type of facility. The conditions allow for a bathroom in the barn.

Agricultural Deed Restriction

The Applicant raises questions regarding the imposition of an agricultural deed restriction. Commission Staff conveyed to the Applicant in a meeting June 8, 2015 the importance of ensuring long-term agricultural use of the land and that further non-agriculturally-related development on the parcel is not appropriate beyond what would be allowed within the 10,000 square-foot development envelope. Requiring a deed restriction is consistent with what has been required for approvals of other CDPs proposing development on Planned Agricultural District (PAD)-zoned land in San Mateo County. In this case, an agricultural deed restriction would be recorded on the parcel as opposed to an affirmative agricultural conservation easement (that would involve a third party monitoring the use of the agricultural easement). A deed restriction will run with the land and does not require the involvement of a third party. Therefore, with a recorded deed restriction, the undeveloped agricultural portions of the parcel will remain available for agricultural production in perpetuity regardless of future ownership of the property. The residential use would be allowed as well, subject to the special conditions of the approval, which include preserving most of the parcel for agricultural use. The Applicant indicated to Commission Staff that he was satisfied with this approach.

Approved Site Plan

The Applicant asked for clarification of Condition 5, confirming that the Commission-approved plans for the project would not change the locations of the house, barn and driveway and therefore the corresponding County building permit process would not become an impossibility. In the June 8, 2015 meeting, Staff clarified that Special Condition 1 would allow for the project in substantial conformance with the submitted plans, including in terms of locations, with modifications designed to achieve visual compatibility. These modifications should not significantly alter the locations of the house, barn and driveway, and Staff would work with the Applicant to ensure compliance with the conditions. .

Deed Restriction Process

The Applicant expressed concern that the overall deed restriction process associated with the Commission approval would hinder his ability to timely complete the County's building permit process. In the June 8, 2015 meeting Staff explained to the Applicant that after the Commission acts upon his CDP application, Staff will provide the Applicant with a deed restriction template and instructions for preparation of the document. The deed restriction would have the special conditions attached to it when submitted for recordation. Staff clarified that a Notice of Intent to Issue a Coastal Development Permit (NOI) would be issued upon the Commission's permit action. Once the Applicant signs and returns the NOI a deed restriction recordation packet, including detailed instructions, will be mailed to the Applicant along with his copy of the signed NOI. Commission staff is available to walk through the process and address any questions the Applicant might have as he prepares the deed restriction for recordation.

Barn Use

In the June 8, 2015 meeting, Staff clarified that Special Condition 4 does not prohibit future uses that are consistent with what is allowed within the PAD zone and as listed in Special Condition 5. The Applicant is not restricted from applying for future uses that are consistent with those requirements.

Conclusion

With the removal of the bathroom prohibition in the barn and with the clarifications on what is meant by revised plans requirements and by further clarifying the purpose of the deed restriction for agricultural use, the Applicant indicated that he is in agreement with the conditioned CDP approval as specified herein.

F15a

Paul McGregor
168 West Point Ave.
Half Moon Bay, CA 94019

June 3, 2015

Renee Ananda and
California Coastal Commissioners
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Subject: Response to April 29, 2015 Staff report on Appeal No. A-2-SC-10-016

Dear Ms. Ananda and California Coastal Commissioners.

Thank you for all your work to get this item on the June 12, 2015 CCC agenda. There are a few issues in the staff report that need clarification and amendment. Please provide the Commissioners with this letter also.

Bathroom in barn

Condition 1b. - "The barn shall not include any cooking or bathroom facilities."

Response - The bathroom in the barn has always been included in the project plans and was approved by San Mateo County. The bathroom was never discussed or mentioned at any other time as being an issue. The bathroom is necessary for myself and the farmer working on the property. In addition, water is required for sprinklers in the barn and if I wish to have farm animals in the future. I want to retain the bathroom that has always been shown on the plans. Please eliminate this portion of the condition that has never been discussed before and is essential for managing the property. There have never been cooking facilities shown on any of my plans, nor am I seeking them.

Agricultural Deed Restriction

On March 20, 2015 you sent an e-mail regarding the potential of an agricultural easement or a deed restriction on my property. On May 11, 2015, I stated in an e-mail that I would agree to a "no additional building deed restriction on the bulk of the property if this project as proposed can be recommended for approval in a timely manner." I tentatively agreed to a no additional building deed restriction for 25 years, consistent with my existing agricultural lease, not an agricultural deed restriction in perpetuity.

Approved site plan

I need clarification to Condition 5. that references Condition 1. I need an assurance that when I submit the corresponding building permit plans for my project that they will be approved by CCC staff. As I have explained to you the existing plans have been modified per previous CCC staff members to seek the least visible portion of the site. The grading plan for access has been designed to minimize grading and land

disturbance. I can incorporate the minor details and elements of condition 1, however the location of house, barn and driveway need to remain unchanged in order to comply with the visual resource policies.

Length and terms of deed restriction

Also I mentioned to you that the deed restriction would correspond with my 25 year lease with the farmer. There is another project, Waddell, that has a 21 year agricultural deed restriction (Waddell CCC staff report Page 6, item D). The 25 year restriction seems appropriate for my 16 acres of non-prime soils.

You have not discussed who writes up the deed restriction. Can you please provide me a draft copy of the deed restriction for my property? What happens if we don't agree on the wording? Does this go back to the CCC? I would appreciate some additional information so I can understand the mechanics of the deed restriction.

Condition 5 & 6 are vague as to the form and length of the restriction and require clarification. **Per my previous discussions, I would agree to a 25 year deed restriction on the bulk for the property as long as my plans as submitted are approved. I am not agreeing to a 3rd party held affirmative agricultural deed restriction in perpetuity.**

Barn Use

Condition 4. - limits the use of the barn just to support agricultural uses.

Response – Per my email of 5-11 – I made it clear that **"The deed restriction must allow use of the approved buildings (including the barn) for all acceptable uses under the PAD."**

Condition 4 does not incorporate the future uses listed on page 19 of the staff report under Policy 5.6.b. As I stated in my 5-11 email, I want to utilize my house and barn for uses allowed in the PAD subject to approval of any necessary permits from the San Mateo County Planning and Building Department. I should not be restricted in the future from applying for farm labor housing, a stable or kennel permit consistent with the zoning requirements. **Condition 4 should be eliminated since any potential additional use of the barn and house would have to conform to the PAD rules.**

I appreciate you making a site visit and getting this on the agenda. Hopefully we can clear up these questions and be in concurrence at the hearing.

Respectfully yours,
signature on filee

Paul McGregor

F15a

DISCLOSURE OF EX PARTE COMMUNICATIONS

Date and time of receipt of communication:

July 23, 2014 at 2:30 p.m.

Location of communication:

Redwood City

Type of communication:

In person

Person(s) in attendance at time of communication:

Kerry Burke & Paul McGregor

Person(s) receiving communication:

Carole Groom

Name or description of project:

Appeal No. A-2-SMC-10-016 (Stage Road and Cabrillo Highway, San Gregorio)

Detailed substantive description of the content of communication:

The representatives provided background on the project, which was initially approved by the County of San Mateo in March 2010 and appealed by two former Coastal Commissioners. They indicated that the appeal was based on the usage of agricultural land and potential for prime soils, as well as visibility issues. The applicant, Mr. McGregor, attested that the Coastal Commission never had an agricultural expert test for prime soils and that because of the lack of prime soils on the land, only dry farming is viable. Furthermore, Mr. McGregor maintained that the location of the proposed house and barn was moved following discussions with Coastal Commission staff at their request, so visibility should not be an issue.

All materials provided have also been provided to Coastal Commission staff.

Date: July 31 2014

Signature of Commissioner:

Carole Groom

F15a

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Carole Groom

1) Name or description of project: Appeal #A-2-SMC-10-016 (Paul McGregor)

2) Date and time of receipt of communication: March 23, 2015 at 2:00 p.m.

3) Location of communication: Telephone

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: Kerry Burke

5) Identity of person(s) on whose behalf communication was made: Paul McGregor

6) Identity of persons(s) receiving communication: Carole Groom

7) Identity of all person(s) present during the communication: Kerry Burke, Carole Groom

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

Representative presented the proposed project and timeline. Ms. Burke mentioned that the applicant is not in agreement with staff. She maintained that the property is not on prime agricultural land and that the applicant is objecting to the changes that have been requested by staff, including a reduction of the house size. The attached materials were provided.

Apr 13 2015
Date

Carole Groom
Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, 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. This form may be filed with the Executive Director in addition to the oral disclosure.

Paul McGregor's project status report – March 23, 2015

CCC appeal # A-2-SMC-10-016

16 acres of non-prime soils between Highway One and Stage Road
APN: 081-030-010

Approved by San Mateo County in 2010;
Proposed single family house size: 4,688 square feet
Proposed barn size: 2,000 square feet

Current Barn size reduced to: 1,600 square feet per request of Renee Ananda in March, 2015

Recent submittals to CCC:

July 23, 2014

Provided information on 2 more recent SMC houses in PAD not appealed to CCC
Provided information and response on ag use on and off site impacts; ag viability; continued ag use; protection of ag; watershed study/analysis and affirmative per previous CCC letter

October 21, 2014

Provided landscaping plan with redwoods and cypress trees
Omitted barn balcony and sliding glass door

December 21, 2014

Provided additional information on length and square footage of driveway
Provided information on buffer area between house and ag uses and barn
Provided information regarding NO sensitive habitats on the property
Provided No prime soils map prepared by San Mateo County Planning Department
Provided additional letter from Mike Iacopi dated November 14, 2014 regarding his farming
Of the subject property
Provided December 1, 2014 letter from the San Mateo County Farm Bureau Board of
Director's support for the type of on-going farming and proposed use of the property
Provided information regarding the water use and historic dry farming of the site
Proposed a long-term agricultural lease

February 15, 2015

Provided equipment list and uses for the barn
Eliminated the barn's west elevation windows

March 19, 2015

Agreed to reduce barn size by 400 square feet from 2,000 square feet to 1,600 square feet
Provided information regarding long term agricultural lease with local farmer – Mike Iacopi
Provided information regarding condition of ground and limited economic return

March 20, 2015

Phone call from Renee Ananda requesting that Paul consider reduce the house size and enter into an Agricultural Easement and/or deed restriction