

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV



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Prepared December 5, 2022 (for December 16, 2022 Hearing)

To: Coastal Commissioners and Interested Persons

From: Dan Carl, North Central Coast District Director

Subject: North Central Coast District Director's Report for December 2022

The following coastal development permit (CDP) waivers, immaterial CDP amendments, immaterial CDP extensions, emergency CDPs, and LCP certification reviews for the North Central Coast District Office are being reported to the Commission on December 16, 2022. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review from the Commission's North Central Coast District Office in San Francisco. Staff is only reporting any emergency CDPs and LCP certification reviews, is asking for the Commission's concurrence on the other items in the Report, and will report any objections received and any other relevant information on these items to the Commission when it considers the Report on September 9th during the hybrid virtual/in-person hearing.

With respect to the December 16th hearing, interested persons may sign up to address the Commission on items contained in this Report prior to the Commission's consideration of the Report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on December 16, 2022 (see attached)

CDP Waivers

- 2-22-0173-W, Hog Island Oyster Company Improvements (Tomales Bay, Marin County)

CDP Amendments, CDP Extensions, Emergency CDPs, LCP Certification Reviews

- None

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**NOTICE OF PROPOSED PERMIT WAIVER**

Date: December 2, 2022
To: All Interested Parties
From: Stephanie Rexing, North Central Coast District Manager
Honora Montano, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 2-22-0173-W
Applicant: Hog Island Oyster Company

Proposed Development

Improvements to an outdoor food service area including removal and replacement of an existing food service structure with a one-story, modular structure for the same use; construction of a new concrete pad and pathway; and installation of minor sewer improvements at the Hog Island Oyster Company, 20215 State Route 1, between the road and Tomales Bay, in the unincorporated Marshall area of 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 would update and improve the Hog Island Oyster Company's outdoor food service area adjacent to Tomales Bay in a manner that would not change operations or intensity of use. The modular, prefabricated structure to be installed would be similar in size and scope to the current food service structure, and the other development facilitates outdoor restaurant use in a developed area that provides a very popular visitor-serving destination on the Tomales Bay east shore. The modular design is also more adaptable than before, meaning that the site would be more able to respond to any coastal hazard issues in the future (and the project explicitly incorporates risk assumptions, armoring prohibitions, and triggers for removal/relocation should development be threatened by coastal hazards in the future). The project also includes riparian enhancement adjacent to the site that would include removal of debris and invasive species, planting of native species, and monitoring to ensure successful establishment. Finally, the project includes a series of construction best management practices to ensure coastal resource protection, including in terms of Tomales Bay water quality. In short, the project would update the popular Hog Island Oyster Company outdoor food area in a way that is sensitive to the bayside location, and consistent with the Coastal Act and the certified Marin County Local Coastal Program.

California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the development may have on the environment. The County, acting as lead CEQA agency, determined that the proposed project was categorically exempt from CEQA review, and thus did not identify any significant adverse environmental effects from the proposed project.

The Commission's review, analysis, and decision-making process for CDP-related matters, such as this, has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed CDP waiver is not expected to result in any significant environmental effects, including as those terms are understood in CEQA.

Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed CDP waiver would necessitate. Thus, the proposed CDP waiver will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

Coastal Commission Review Procedure

This waiver is not valid until it has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Friday, December 16, 2022. If four or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

If you have questions about the proposal or wish to register an objection, please contact Honora Montano in the North Central Coast District office.