

## CALIFORNIA COASTAL COMMISSION

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

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Filed: Jan. 24, 2002  
 49<sup>th</sup> Day: Mar. 20, 2002  
 Staff: PTI-SF  
 Staff Report: Feb. 15, 2002  
 Hearing Date: Mar. 28, 2002  
 Commission Action:

**STAFF REPORT: APPEAL  
 SUBSTANTIAL ISSUE DETERMINATION**

**APPEAL NO.:** A-2-SMC-02-005

**APPLICANTS:** Raymond Lavine, Barbara Hammerman

**AGENTS:** Michael McCracken, Daniel Jansenson

**LOCAL GOVERNMENT:** San Mateo County

**LOCAL DECISION:** Approval with Conditions

**PROJECT LOCATION:** 11300 Cabrillo Highway, near Pescadero, San Mateo County, APN 086-201-20

**PROJECT DESCRIPTION:** Major remodeling and 7,126 sq. ft. addition to a 3,524 sq. ft. single-family residence, including a 4-car garage, guest house and pool. The project also includes a 7,257 sq. ft. deck addition, septic system and driveway repavement.

**APPELLANTS:** Commissioners Wan and Ruddock and Jim Rourke

**SUBSTANTIVE FILE DOCUMENTS:** San Mateo County PLN 1999-00792 (Jansenson/Lavine)

**STAFF RECOMMENDATION:** Substantial Issue

**EXECUTIVE SUMMARY**

The staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeal has been filed. The appellants have raised a substantial issue as to the consistency of the approved project with the certified Local Coastal Program (LCP).

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The approved development is a major remodeling and 7,126 sq. ft. addition to a 3,524 sq. ft. single-family residence, including a 4-car garage, guest house, and a 7-by-16 foot mechanical pool. The project also includes construction of a deck addition of 7,257 square feet to an existing deck of 520 square feet, as well as repavement of the existing driveway, installation of a septic system and the removal of three, large trees. The completed project would result in a house in excess of 10,500 square feet surrounded by a deck of some 7,700 square feet.

The project is located at 11300 Cabrillo Highway in a Scenic Highway Corridor approximately 100 yards north of Bean Hollow State Beach and approximately 5 miles south of Pescadero, in unincorporated San Mateo County. The project is within view of Highway 1 and public trail which is part of Bean Hollow State Beach. An intermittent stream runs along the northern boundary of the property and a small pond (40-by-15 feet) is located near the western property boundary near Highway 1. A seasonal wetland has been identified, but not yet delineated, in the northeastern corner of the parcel. A biological investigation conducted by Thomas Reid Associates for the applicants on May 30, 2000 has identified portions of the site as providing potential non-breeding habitat for several sensitive species, including the California red-legged frog, the San Francisco garter snake, and the Monarch butterfly.

The appellants contend that the approved project is inconsistent with policies of the LCP concerning (1) visual resources, (2) biological resources and (3) adequacy of existing water supply. Staff's analysis concludes that the project as approved by the County does raise significant questions regarding conformity with each of these LCP policies.

The size of the approved project, a 10,500 square foot house surrounded by a 7,700 square foot deck, raises an immediate question of conformity with County LCP policy requiring that development "blend with and be subordinate to the environment and the character of the area where located," "be as unobtrusive as possible" and "not detract from the visual qualities of the area." With deck, the approved project would be more than twice the total size of any nearby house. The location of the project, immediately adjacent to Highway 1 in a Scenic Highway Corridor across from Bean Hollow State Beach creates the potential for harmful impacts to views from public vantage points.

Moreover, the presence of sensitive habitat, including a seasonal wetland, which has been identified but not delineated, raises a question of whether the project sufficiently protects sensitive biological resources and, in particular, observes the buffer areas required by the LCP. From the project plans, the leach field of the new septic system appears to occupy a northerly portion of the site near the intermittent stream and the location where the seasonal wetlands were identified. The approved project would also include the removal of three, mature trees which may provide Monarch butterfly habitat.

Finally, given that the approved project would result in conversion of more than one acre of prime agricultural land as defined in the LCP, the LCP requires that the applicants demonstrate the existence of an adequate and potable well water source on the parcel in order to protect agricultural water supplies. The record on appeal does not contain information showing that there is adequate, existing well water to serve the proposed project.

For these reasons, as more fully discussed below, the staff recommends that the Commission find that the appeal raises a substantial issue concerning the conformity of the approved development with the San Mateo County Local Coastal Program.

## STAFF NOTES

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. Unless it is determined that there is no substantial issue, the Commission will continue with a full public hearing on the merits of the project at the same or subsequent hearing. If the Commission were to conduct a de novo hearing on the appeal, the applicable standard of review is whether the development is in conformity with the certified LCP.

The only persons qualified to testify before the Commission on the substantial issue question are the applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing.

### 1.0 STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

Pursuant to Section 30603(b) of the Coastal Act and as discussed in the findings below, the staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeals have been filed. The proper motion is:

#### Motion

*I move that the Commission determine that Appeal No. A-2-SMC-00-034 raises NO substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.*

#### Staff Recommendation of Substantial Issue

Staff recommends a NO vote. Failure to pass this motion will result in a finding of Substantial Issue and adoption of the following resolution and findings. If the Commission finds Substantial Issue, the Commission will hear the application de novo. The motion may pass only by an affirmative vote of a majority of the Commissioners present.

#### Resolution to Find Substantial Issue

The Commission finds that Appeal No. A-2-SMC-02-005 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified Local Coastal Plan (LCP) and/or the public access and recreation policies of the Coastal Act.

### 2.0 FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

#### 2.1 Local Government Action

The San Mateo County Planning Commission originally approved a Coastal Development Permit, Planned Agricultural District Permit and Architectural Review Permit, and certified a Negative Declaration pursuant to the California Environmental Quality Act, for this project

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under County File Number PLN 1999-00792, CDP 98-0074 (Jansenson/Lavine) on December 13, 2000. Planning Commission approval was appealed by the Committee for Green Foothills to the County Board of Supervisors on December 28, 2000. In an effort to address the appellant's concerns, the applicant submitted revised plans for the project on October 8, 2001, reducing the proposed house addition to 10,285 square feet.

On appeal from the Planning Commission, on January 8, 2002 the San Mateo County Board of Supervisors conditionally approved a further reduced version of the project, permitting a 7,126 square foot addition.

Notice of Final Local Action by the County was received at the Commission's offices on January 16, 2002.

**2.2 Appeal Process**

After certification of an LCP, Coastal Act Section 30603 provides for appeals to the Coastal Commission of certain local government actions on coastal development permit (CDP) applications. Section 30603 states that an action taken by a local government on a CDP application may be appealed to the Commission for certain kinds of developments, including the approval of developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea, those within 100 feet of any wetland, estuary or stream, those within 300 feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff, or those located in a sensitive coastal resource area. Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified zoning ordinance or zoning district map. Finally, developments that constitute major public works or major energy facilities may be appealed, whether such facilities are approved or denied by the local government.

This project is appealable to the California Coastal Commission because it is within 100 feet of a seasonal wetland and within 300 feet of the top of the seaward face of a coastal bluff.

**2.3 Filing of Appeal**

The Commission received a Notice of Final Local Decision for the County Board of Supervisors' approval of the proposed development on January 16, 2002. In accordance with the Commission's regulations, the 10 working-day appeal period ran from January 17 through January 31, 2002 (14 CCR section 13110). Appellant Jim Rourke submitted his timely appeal to the Commission office on January 24, 2002, and Commissioners Wan and Ruddock submitted their timely appeal on January 30, 2002 (Exhibits 8 through 11).

Pursuant to Section 30621 of the Coastal Act, the appeal hearing must be set within 49 days from the date that an appeal is filed. The 49<sup>th</sup> day from the first appeal filing date is March 20, 2002. In accordance with the Commission's regulations, on January 29, 2002 staff requested all relevant documents and materials regarding the subject permit from the County to enable staff to analyze the appeal and prepare a recommendation as to whether a substantial issue exists. The regulations provide that a local government has five working days from receipt of such a request from the Commission to provide the relevant documents and materials.

## **2.4 Appellants' Contentions**

The Commission received an appeal of the County of San Mateo's decision to approve the project from Commissioners Wan and Ruddock and from Jim Rourke. Appellants' contentions as submitted to the Commission are attached in full as Exhibits 10 and 11. Both appeals make the same, core contentions, that the approved project is inconsistent with the policies of the certified LCP respecting (1) visual resources, (2) biological resources and (3) adequacy of water supply. These contentions are summarized and discussed in greater detail below.

## **2.5 Project Location and Site Description**

The project approved by the County is located at 11300 Cabrillo Highway in an unincorporated area of San Mateo County, California (**Exhibits 1 and 2**). The project is located on the east side of Highway 1 approximately 5 miles south of Pescadero, across from and approximately 100 yards north of Bean Hollow State Beach. The property is bounded by Highway 1 on the west and is surrounded by single-family residential development to the north, south and east.

The subject property has an area of approximately 4.7 acres and is zoned Planned Agricultural District/Coastal District (PAD/CD). The site is already developed with a 3,524 square foot house located near the southern boundary of the parcel approximately 300 feet from the frontage with Highway 1. The house was originally built in 1974. Access to the house is via a driveway running along the southern boundary of the property. The western end of the parcel, toward the western frontage with Highway 1, is sloped with narrow terraces, while the eastern two-thirds of the parcel is gently sloping and relatively flat. Access to the existing house is via a driveway running from Highway 1 eastward along the southern boundary of the parcel.

The predominant vegetation on the site is northern coastal shrub and nine significant trees (six pine, one olive, one magnolia, and one coastal live oak) of greater than 12 inches trunk diameter. There is a row of Monterey pines and westward-flowing seasonal creek along the northern property boundary. A site investigation on May 30, 2000 by Thomas Reid Associates identified a seasonal wetland on the northeastern corner of property and a small seasonal pond near the western property boundary near Highway 1 (**Exhibit 6**). This investigation concluded that the site is not likely to provide breeding habitat for either the California red-legged frog or San Francisco garter snake, but that these areas could be used as non-breeding habitat during the rainy season.

## **2.6 Project Description**

The approved project consists of a major remodeling and 7,126 square foot addition to an existing 3,524 square foot single-family house on a 4.97-acre parcel. The approved project also includes construction of a deck addition of 7,257 square feet to an existing deck of 520 square feet, a four car garage, a detached guest cottage, and a 7-by-16 foot mechanical pool, as well as repavement of the existing driveway, installation of a septic system and the removal of three, large trees. The approved project would result in a house in excess of 10,500 square feet surrounded by a deck of some 7,700 square feet (**Exhibit 4**).

## **2.7 Substantial Issue Analysis**

Section 30603(b)(1) of the Coastal Act states:

*The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.*

The contentions discussed below present potentially valid grounds for appeal in that they allege the project's inconsistency with policies of the certified LCP. These contentions allege that the approval of the project by the County raises issues related to LCP provisions regarding the requirements for visual resources, biological resources and adequacy of water supply.

Section 30625(b) of the Coastal Act states that the Commission shall hear an appeal unless it determines

*[w]ith respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.*

The term "substantial issue" is not defined in the Coastal Act. The Commission's regulations simply indicate that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (Cal. Code Regs., title 14, section 13115(b)). In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretation of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even where the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for writ of mandate pursuant to Code of Civil Procedure Section 1094.5.

In this case, for the reasons discussed below, the Commission determines that the development as approved by the County raises a substantial issue with regard to the appellants' contentions regarding visual resources, biological resources and adequacy of water supply.

### **2.7.1 Visual Resources**

**The Commission finds that the appellants' contentions regarding visual resources raise a substantial issue of conformity of the approved development with the certified LCP.**

#### ***Contention***

The appellants contend that the approved development, which is located in a Scenic Corridor and visible from Highway 1 and Bean Hollow State Beach, is inconsistent with the visual resource policies of the County's LCP. The visual resource protection policies of the County's LCP require that new development be sited so as to be least visible from State and County Scenic Roads, be least likely to impact views from public viewpoints, be unobtrusive, and blend with

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and be subordinate to the environment and character of the area. Appellants contend that the project is in close proximity to Highway 1 and nearby Bean Hollow State Beach, and will be visible and negatively impact views from each of these locations. Furthermore, they contend that the size and scale of the project dwarfs that of neighboring homes and, as a result, that the project does not blend with and is not subordinate to the environment and character of the area where it is located, and does not relate in size and scale to adjacent buildings and landforms.

In addition, Appellant Rourke contends that in the County's approval conditions, Conditions 17 (which prohibits removal of any significant vegetation) and 18 (which requires a landscaping plan which will "soften the impact of the building from the street and the sides"), are inadequate to insure conformity with the LCP. Specifically, Rourke contends that Condition 17 is unenforceable since any of the large trees on the property would have to be removed if they became diseased or died. Rourke also contends that Condition 18's requirement that the landscaping plan "soften the impact of the building" is ambiguous.

***Applicable LCP Policies***

Policy 8.5 of the visual resource protection policies of the County's certified Local Coastal Program (LCP) requires that new development be sited to be least visible from State and County Scenic Roads, least likely to impact views from public viewpoints and best preserve the visual and open space qualities of the parcel overall. Public viewpoints include coastal roads, recreation areas, trails, coastal accessways and beaches. LCP Policy 8.5 applies to the enlargement of existing structures where the enlargement exceeds 150% of the pre-existing floor area, or 2,000 square feet, whichever is greater.

LCP Policy 8.15 prohibits development from substantially blocking views to or from coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways and beaches.

LCP Policy 8.18a requires that the development "(1) blend with and be subordinate to the environment and the character of the area where located, and (2) be as **unobtrusive as possible** and not detract from the natural, open space or visual qualities of the area, including but not limited to siting, **design, layout, size**, height, shape, materials, colors, access and landscaping..." [emphasis added].

LCP Policy 8.18b requires "screening [by vegetation or other natural materials] to minimize the visibility of the development from scenic roads and other public view points . . ."

Policy 8.20 requires structures to be related in size and scale to adjacent buildings and landforms.

LCP Policy 8.29 recognizes the officially adopted State Scenic Roads and Corridors, including Highway 1 south of the City of Half Moon Bay.

***Discussion***

The scale and location of the approved development, which is visible from Highway 1 and nearby Bean Hollow State Beach, raise a substantial issue as to the consistency of the project with LCP Policies 8.5, 8.15, 8.18 and 8.20. The location of the approved project at the site of the existing house at the southern boundary of the property is clearly visible to motorists and pedestrians from Highway 1 and the public trail running northward from Bean Hollow State Beach. Photographs of the existing house show that it is clearly visible from these public view points (**Exhibit 5**). The approved project is located immediately adjacent to Highway 1 in a

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designated State and County Scenic Corridor. The property is in a highly scenic rural area affording broad, uncluttered vistas of relatively undeveloped coastline from Highway 1 and public beaches and trails. From Highway 1 near the Lavine/Hammerman residence as well as from the public trail running northward from Bean Hollow State Beach, travelers and hikers have dramatic, expansive views of the coastline and the marine terrace formations stretching to the south. The coastline fronting Highway 1 across from the Lavine/Hammerman property is itself visible and presents a dramatic backdrop for views northward from Highway 1 and beaches and trails to the south. As a result, a project of the size and scale of that approved by the County has the potential to impact or block views from these points. The local government record contains inadequate information to assess whether the approval conditions imposed by the County, including a required landscaping plan, provide adequate screening to mitigate any such impacts.

The scale of the project as approved furthermore raises a substantial question as to the conformity of the project with LCP Policies 8.18 and 8.20. With a footprint including deck addition of greater than 17,700 square feet, the house addition appears to be out of keeping both with the scenic coastal area where it would be located and the scale of development on neighboring parcels. The proposed project would be the largest home in the neighborhood, more than twice the size of its next smallest neighbor.

In addition, the project plans utilized by the County for its approval action do not provide sufficient analysis of the visual impacts of the proposed development to support a finding of consistency with LCP Policies 8.18a and 8.20. In particular, they do not include a visual impact analysis supported by a photomontage of the project site depicting the existing and proposed development from Highway 1 and other appropriate public viewpoints, or a comparison of the scale of the proposed development with that of adjacent buildings and landforms.

***Conclusion***

For all of the above-stated reasons, the Commission finds that the appellants' contentions regarding visual resources raise a substantial issue of conformity of the approved project with the visual resource policies of the certified LCP.

***2.7.2 Biological Resources***

**The Commission finds that the appellants' contentions regarding biological resources raise a substantial issue as to the conformity of the approved project with the policies of the certified LCP.**

***Contention***

The appellants contend that the County's conditions to protect environmentally sensitive habitats on the site are inadequate. Although a wetland has been identified on the site, it has not been delineated. There is a riparian corridor running along the northern property boundary and a series of small ponds in the vicinity of the property which the appellants contend provide critical California red-legged frog and San Francisco garter snake habitat. In addition, the appellants contend that, in the absence of a wetland delineation, it is not possible to determine whether the project conforms to the buffer policies of the LCP.

Finally, appellant Rourke contends that because the "limit of work" fencing required by Condition 22 of the County's approval establishes only a 50-foot setback from the outside edge



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of the wetland and riparian vegetation, this condition is inconsistent with the 100-foot buffer zone generally called for by LCP Policy 7.18.

***Applicable Policies***

LCP Policy 7.3 prohibits any land use or development which would have significant adverse impact on sensitive habitat areas and requires that development in areas adjacent to sensitive habitats be sited and designed to prevent impacts that could significantly degrade the sensitive habitats.

LCP Policy 7.11 requires buffer zones (1) on both sides of riparian corridors of 50 feet for perennial streams and 30 feet for intermittent streams from the "limit of riparian vegetation," (2) in riparian corridors where there is no riparian vegetation, of 50 feet from the predictable high water point for perennial streams and 30 feet from the midpoint of intermittent streams, and (3) of 100 feet from the high water point along lakes, ponds and other wet areas, except manmade ponds and reservoirs used for agricultural purposes.

LCP Policy 7.14 defines wetland as an area where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants which are normally found to grow in water or wet ground.

LCP Policy 7.18 generally establishes a 100-foot buffer for wetland areas from the outermost line of wetland vegetation. This setback may be reduced to 50 feet where no alternative development site or design is possible and adequacy of the alternative setback to protect wetland resources is conclusively demonstrated by a professional biologist.

***Discussion***

The approved project raises a substantial issue as to conformity with the foregoing LCP policies in that it does not include a wetland delineation of the seasonal wetlands identified on the property, and may have a significant adverse impacts on potential habitat for the California red-legged frog, San Francisco garter snake and Monarch butterfly. In the absence of a delineation of wetland areas, the riparian corridor and pond, it is impossible to determine whether the project avoids the buffer zones required by the LCP.

A site investigation on May 30, 2000 by Thomas Reid Associates identified a seasonal wetlands on northeastern corner of property and a small pond near the western property boundary near Highway 1 (**Exhibit 6**). This investigation concluded that the site is not likely to provide breeding habitat for either the California red-legged frog or San Francisco garter snake, but that these areas could be used as non-breeding habitat during the rainy season. According to the investigation, the project area is "a minimum of 50 feet from the outside edge of the wetland areas and riparian corridor[.]" The investigation further concluded based on the greater than 50-foot setback from the riparian corridor that the project is unlikely to impact any potential use by the Monarch butterfly of the Monterey pines along the northern boundary of the property as habitat.

The approved project does not, however, include a wetland delineation for the wetland area in the northeastern corner of the site or the seasonal pond near the western property boundary, and similarly does not delineate the limit of riparian vegetation in the riparian corridor. In the absence of a wetland delineation and riparian corridor, compliance of the project with LCP buffer policies cannot be adequately assessed. Dense vegetation and numerous trees exist along the course of the intermittent stream which follows the topography of the site (**Exhibit 5**).

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Depending on the delineation of the outer limit of riparian vegetation, the project, and in particular the extensive deck on the north side of the house may invade the required 30-foot riparian buffer zone.

Similarly, the project may encroach upon the 100-foot buffer area required by the LCP for wetland areas and ponds. In particular, the septic system proposed as part of the project may infringe upon the wetland area in the northeastern area of the parcel, and the house expansion and deck may fall within the pond buffer zone. It is also important to note that under the recently published federal rule regarding habitat for red-legged frogs, development within 300 feet of habitat may adversely impact the frog (66 CFR 14626-14758, March 31, 2001). As such, there is a significant question as to whether the 50-foot buffer provided as part of the approved project is sufficient to prevent significant adverse impacts to the frog as required by LCP Policy 7.3.

The May 30, 2000 Thomas Reid Associates site investigation also indicates that the project site may provide habitat for the Monarch butterfly, but neither the site investigation nor the County's approval fully assesses potential project impacts to this species. In particular, it does not address whether trees on the site other than the Monterey pines along the northern property boundary may provide habitat for this species, whether removal of the trees proposed as part of the project will impact potential habitat, or whether the project provides an adequate buffer to all potential Monarch habitat.

***Conclusion***

For all the above-stated reasons, the Commission finds that the appellants' contentions raise a substantial issue regarding the conformity of the project with the biological resources policies of the certified LCP.

***2.7.3 Adequacy of Water Supply***

**The Commission finds that the appeals raise a substantial issue with respect to conformance of the approved project with the policies of the San Mateo County certified LCP regarding adequacy of water supply.**

***Contention***

The appellants contend that the source of water on the subject property is inadequate even for the existing house, and that no project can be approved consistent with LCP Policy 5.22 until the existence of an adequate and potable water source has been shown.

***Applicable Policies***

LCP Policy 5.22 requires in relevant part that in order to protect agricultural water supplies the existing availability of an adequate and potable well water source on that parcel must be demonstrated for all non-agricultural uses prior to approval, and that adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed will not be diminished.

***Discussion***

The approved project would result in conversion of more than one acre of prime agricultural land as defined in the LCP. In consequence, this project, which involves a non-agricultural use, must comply with the provisions of LCP 5.22 requiring demonstration of "existing availability of an adequate and potable well water source" on the parcel. The local record for the County's action on the approved development does not contain information which demonstrates that there is

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adequate, potable, existing well water to serve the approved project in conformity with LCP Policy 5.22.

Although the County's revised Notice of Final Local Decision makes general findings with respect to the project's conformity with the policies of the LCP, it makes no express finding and imposes no condition regarding the adequacy of well water to serve the property. The only indication of well water available on the property apparent in the record are statements by the applicants in response to the appeal of the Planning Commission's original approval of the project, indicating that there are two domestic wells on the property behind the house, each producing flows of 2.7 gallons per minute, as well as one agricultural well "with a potential for domestic use." There is no other evidence apparent in the record documenting the wells or substantiating these flow figures. There is also no evidence with respect to the water quality of the water produced from any wells on the property.

In addition, the local record is similarly silent on the volume and flows of water which will be required by the project. The project as approved includes a mechanical pool and irrigated landscaping, which will increase water usage over that required for domestic needs.<sup>1</sup>

Presumably, the two, domestic wells mentioned by the applicants serve the existing house at present. However, the record is ambiguous because the applicants' statements indicate that the applicant may intend to use the agricultural well to supplement water from the other two wells, and imply that the two, existing domestic wells may be inadequate to serve the project. The record indicates that the applicants received a Coastal Development Permit Exemption, County File No. PLN 2000-00629, for an agricultural well on the property on September 6, 2001. Appellant Rourke's appeal contends that the applicants intend to drill a deep well under this agricultural permit with an anticipated water yield of 5 gallons per minute, but further contends that this well has not yet been completed. Setting aside the question of the propriety of using a well drilled under an agricultural permit exemption for domestic purposes, the future possibility of successfully drilling a producing well does not satisfy LCP Policy 5.22. LCP Policy 5.22 requires that applicants demonstrate the "existing availability of an adequate and potable well water source . . . for all non agricultural uses" [emphasis added]. A possible, future well cannot satisfy this requirement.

Appellant Rourke's appeal also cites evidence that a well recently drilled on the property was unsuccessful. Because there is inadequate and conflicting evidence of existing wells and available water sources in the record, the local government approval does not adequately demonstrate the existence of an adequate and potable, onsite well water source as required by LCP Policy 5.22. As a result, a substantial issue exists as to whether the project conforms to LCP Policy 5.22.

***Conclusion***

For all of the above-stated reasons, the Commission finds that the appellants' contentions regarding adequacy of water supply raise a substantial issue of conformity of the approved project with the water supply policies of the certified LCP.

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<sup>1</sup> Although LCP Policy 1.8c(2) assumes a figure of 315 gallons per day during the two months of highest water use per year for new or expanded residential units for purposes of calculating required density credits, this figure is not applicable to the demonstration of an existing, adequate, potable, onsite water source called for by LCP Policy 5.22.

**2.7.4 Conclusion**

The Commission finds that, for the reasons stated above, the appeal raises a substantial issue with respect to conformity of the approved project with the certified LCP.

**EXHIBITS**

- 1 Regional Location Map
- 2 Project Site Location
- 3 Assessor's Parcel Map
- 4 Project Plans
- 5 Photos of Site and Existing House
- 6 Thomas Reid Site Investigation Report
- 7 San Mateo County Notice of Final Decision
- 8 San Mateo County Second Corrected Notice of Final Decision
- 9 Commission Notification of Rourke Appeal
- 10 Commission Notification of Appeal by Commissioners Wan and Ruddock
- 11 Appeal by Jim Rourke
- 12 Appeal by Commissioners Wan and Ruddock

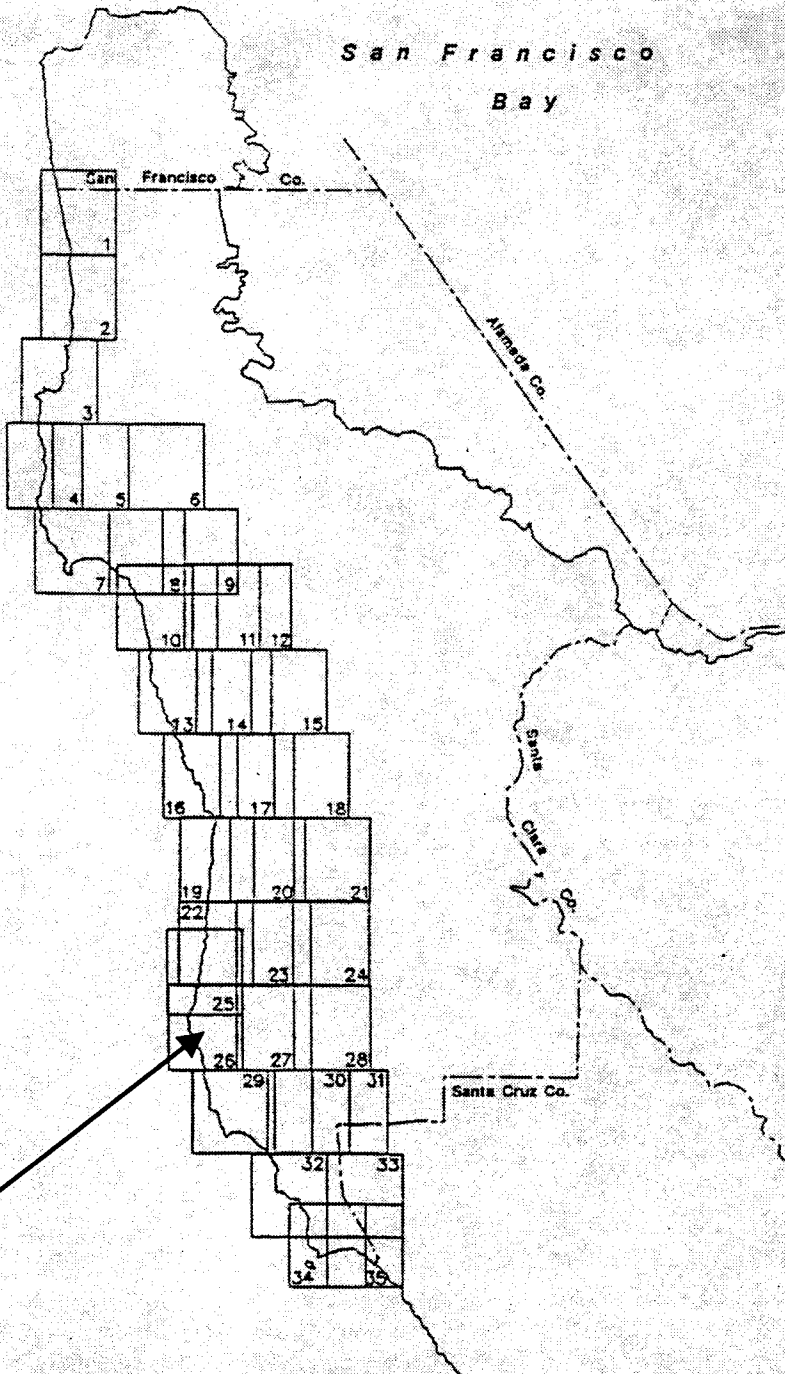
**APPENDICES**

Appendix A: Referenced Policies of the San Mateo County Local Coastal Program

A B C D E F G H I J K L M N O

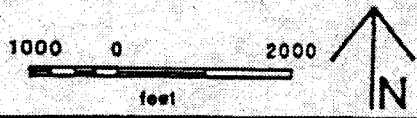
EXHIBIT NO.	1
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Regional Location Map	

PACIFIC OCEAN

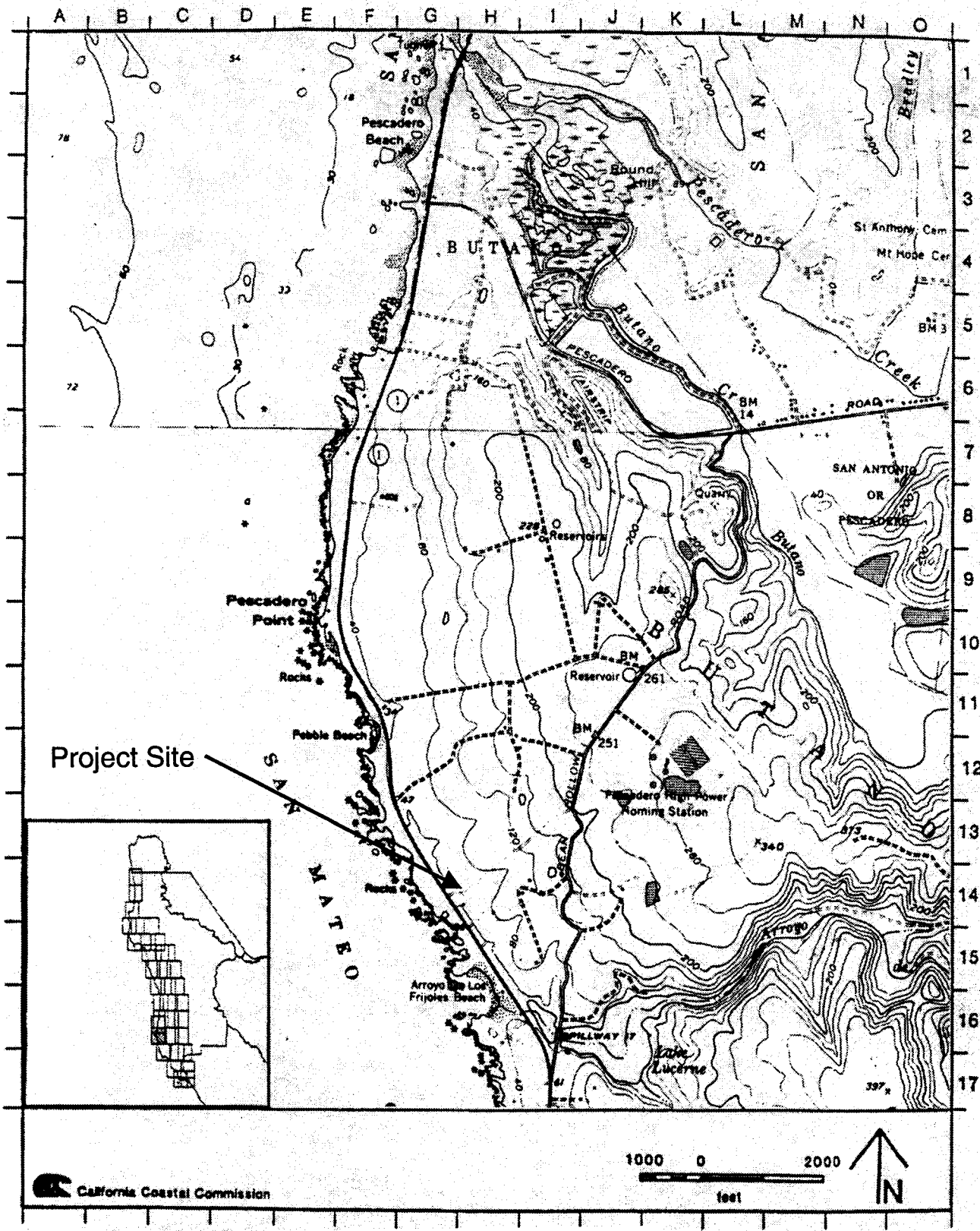


Project Location

Central Coast District Index Map 7



County of San Mateo

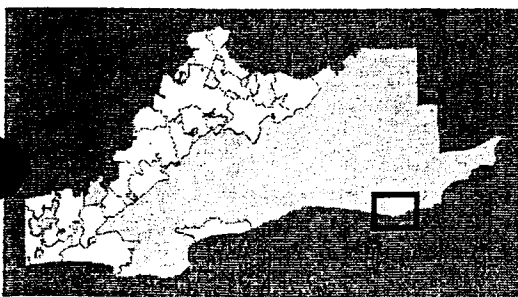
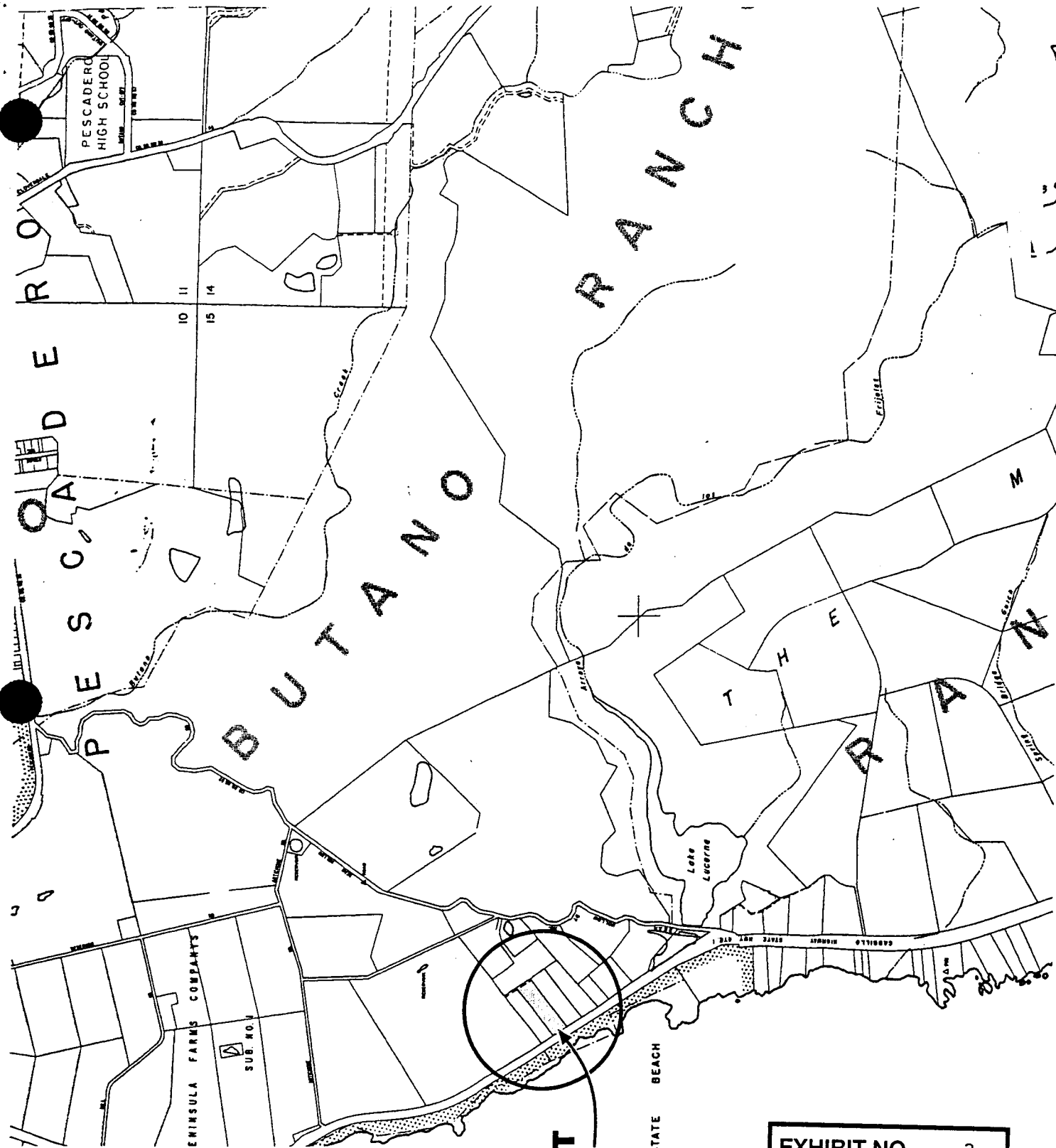


California Coastal Commission

County of San Mateo

Sheet 26 of 35

EXHIBIT NO.	2
APPLICATION NO.	A-2-SMC-02-005
LAVINE/HAMMERMAN	
Project Site	Location

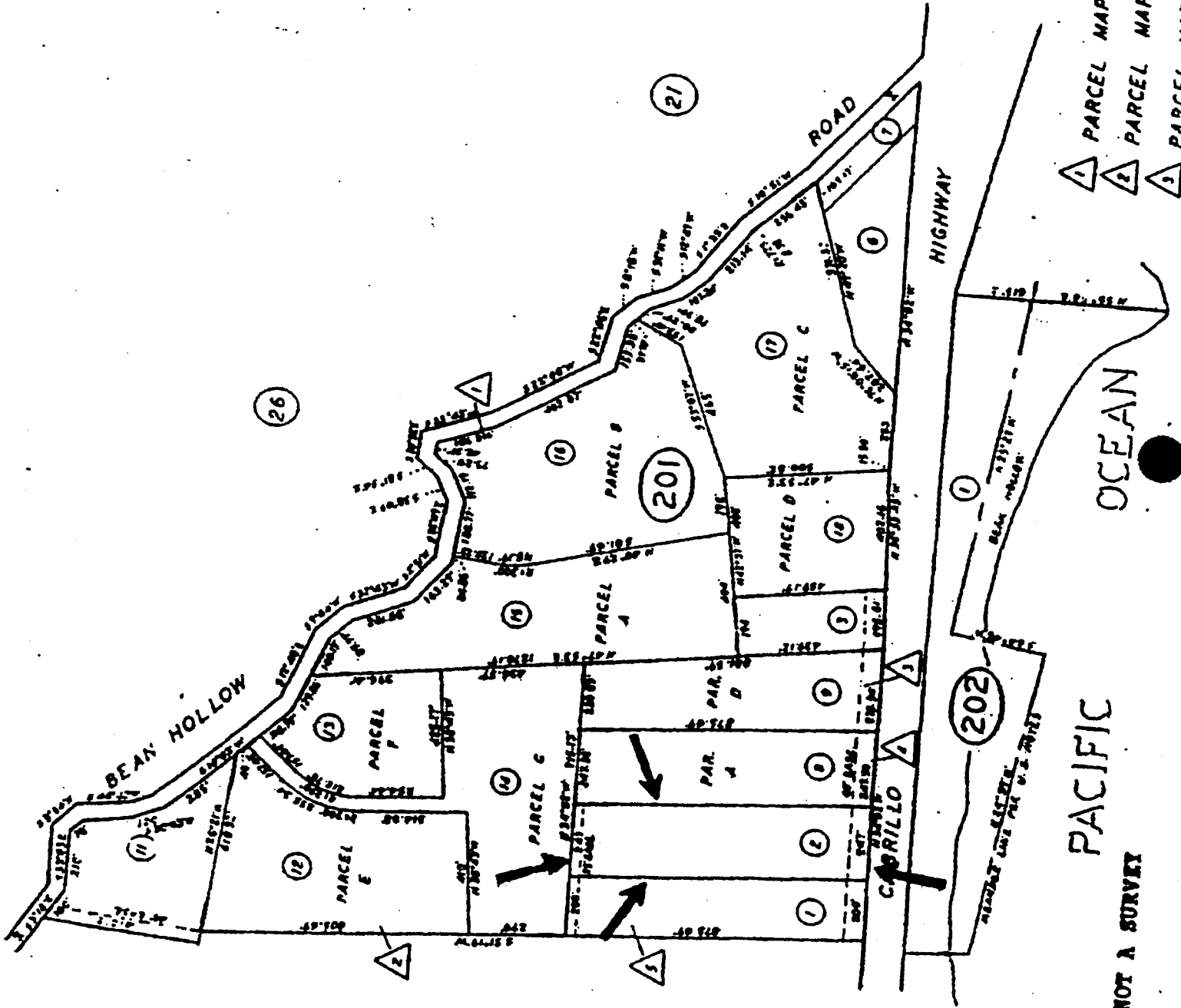


**PROJECT SITE**

BEAN HOLLOW STATE BEACH

EXHIBIT NO.	2
APPLICATION NO.	A-2-SMC-02-005
LAVINE/HAMMERMAN	
Project Site Location	

EXHIBIT NO.	3
APPLICATION NO.	A-2-SMC-02-005
LAVINE/HAMMERMAN	
Assessor's Parcel Map	

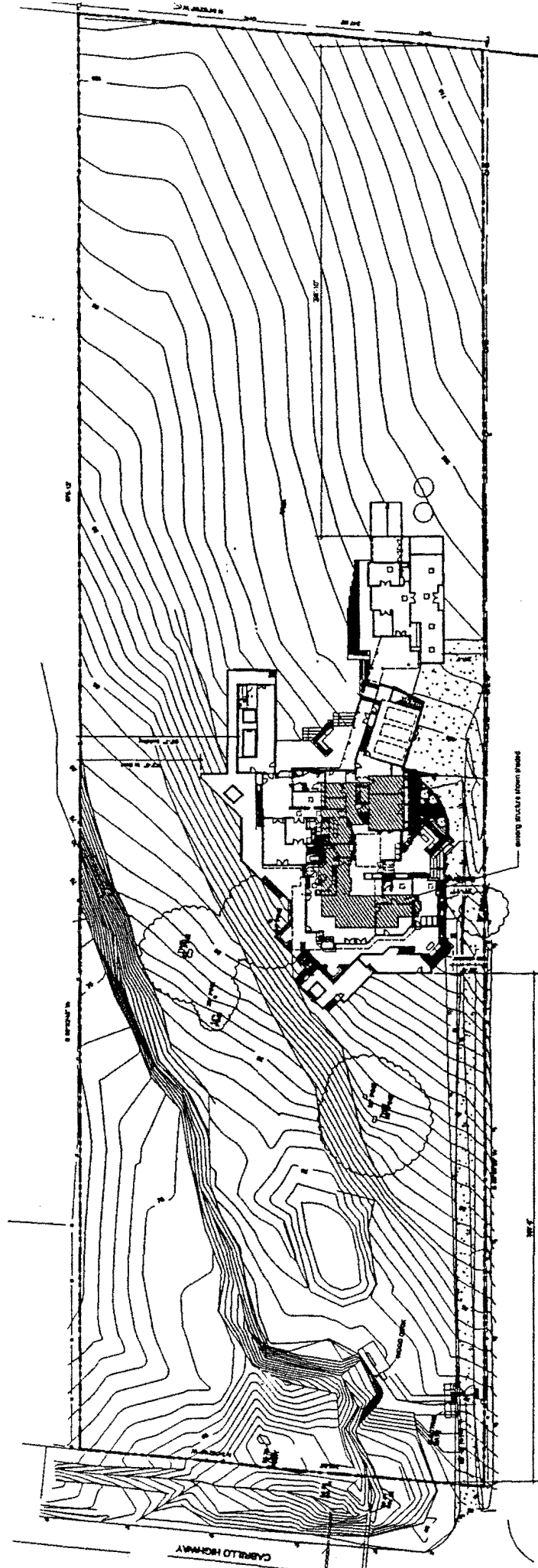


1 PARCEL MAP VOI  
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 3 PARCEL MAP VO

PACIFIC OCEAN

TO SCALE-NOT A SURVEY



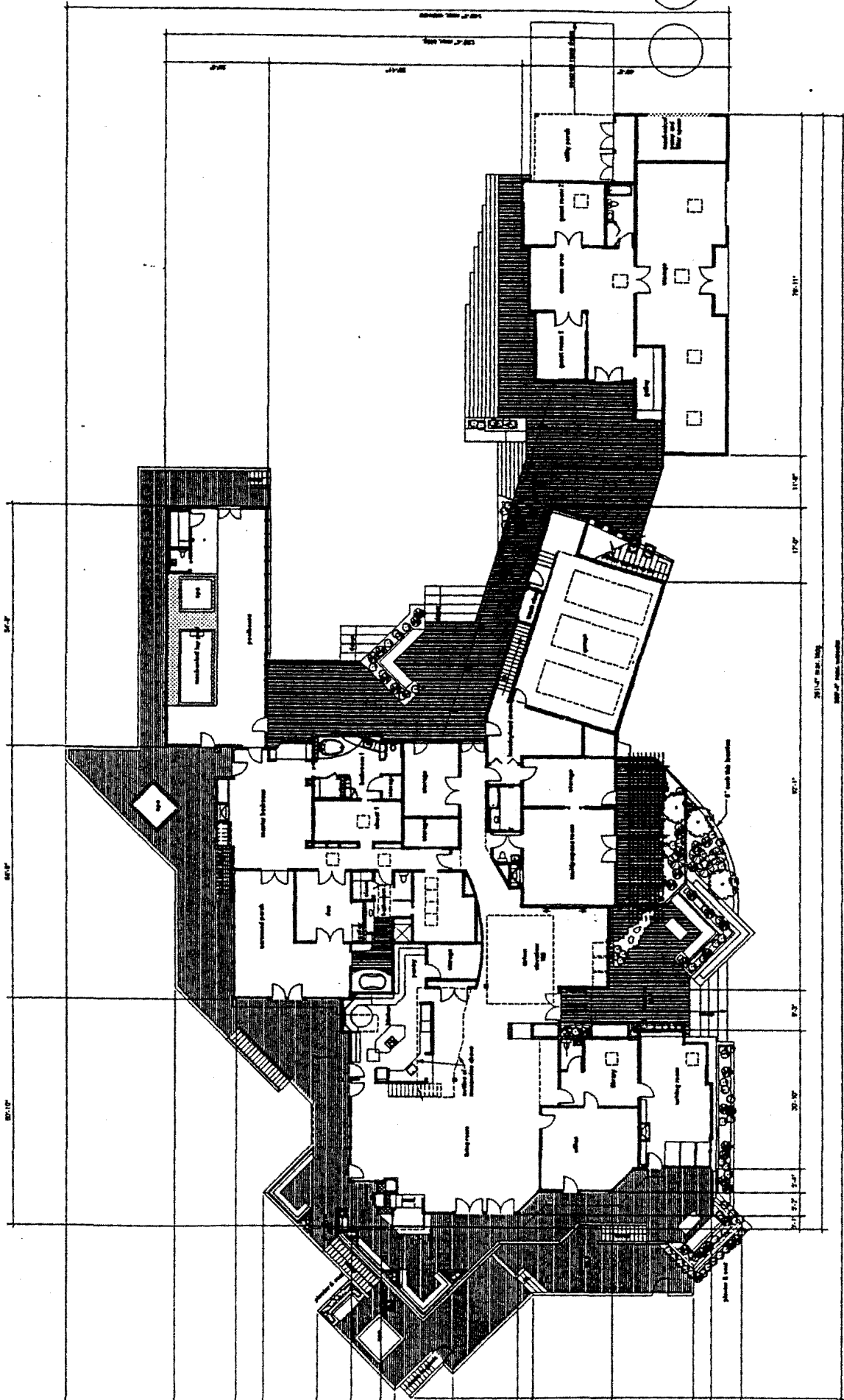


Site Plan  
Scale: 1"=30'

EXHIBIT NO.	4
APPLICATION NO.	A-2-SMC-02-005
LAVINE/HAMMERMAN	
Project Plans (Page 1 of 4)	

# Lavine/Hammerman Residence

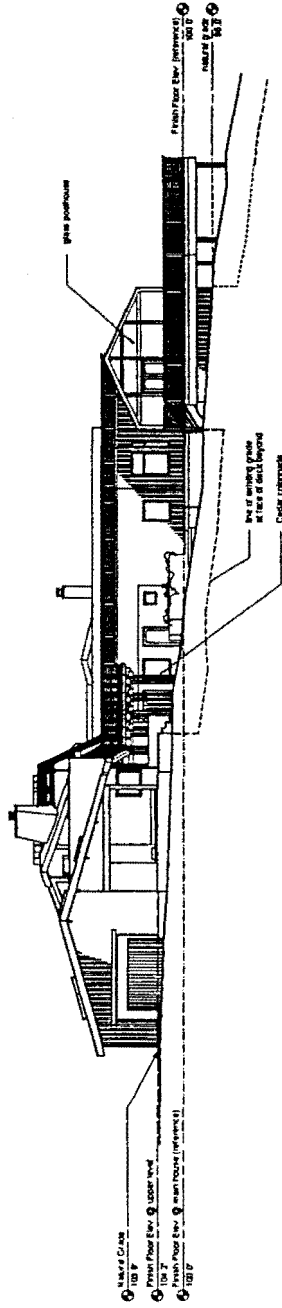
Pasadena, California



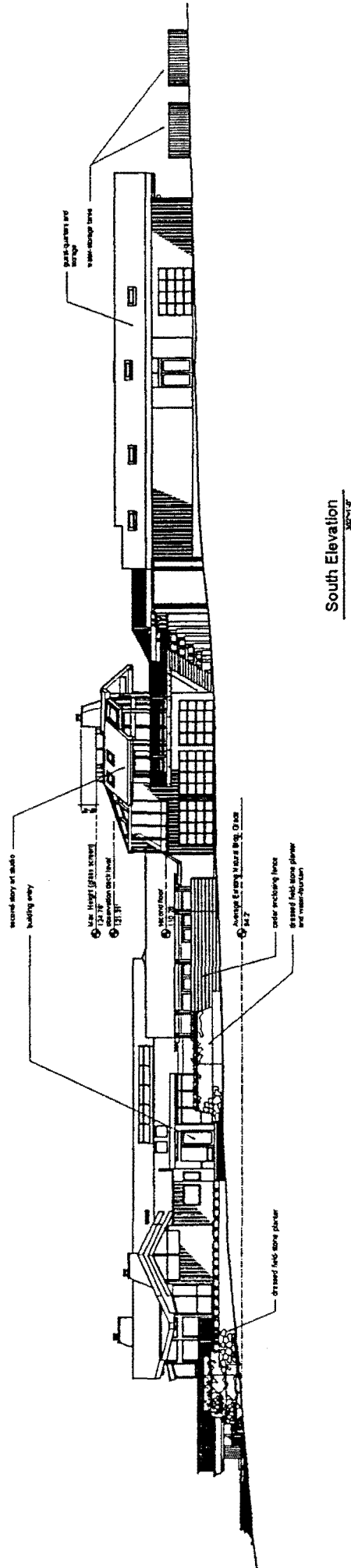
1st Floor Plan  
 1/2" = 1'-0"

# Lavine/Hammerman Residence

Pescadero, California



East Elevation  
3/27/77



South Elevation  
3/27/77

# Lavine/Hammerman Residence

Pescadero, California



EXHIBIT NO. 5

APPLICATION NO.  
A-2-SMC-02-005

LAVINE/HAMMERMAN  
Photos of Site and  
Existing House  
(Page 1 of 2)



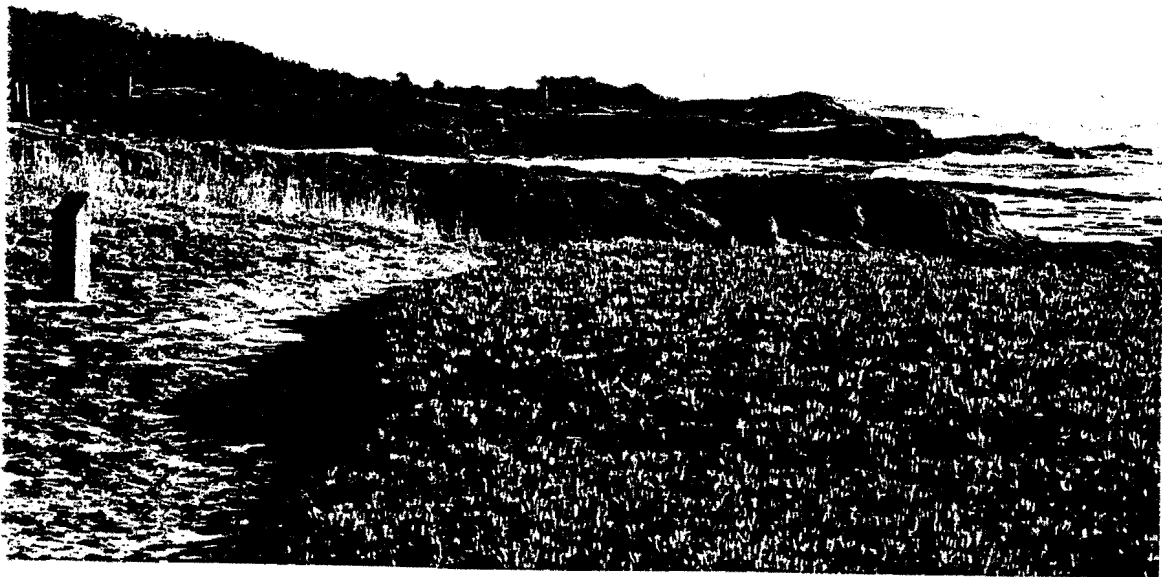
VIEW OF COAST SHOWING PROJECT SITE AND APPROXIMATE  
OUTLINES OF PROJECT PARCEL



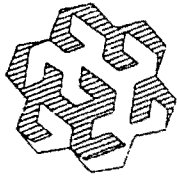
VIEW OF EXISTING HOUSE LOOKING EAST FROM BLUFFTOP TRAIL



VIEW OF EXISTING HOUSE LOOKING EAST FROM BLUFFTOP TRAIL



VIEW OF COAST LOOKING SOUTH FROM BLUFFTOP TRAIL



# THOMAS REID ASSOCIATES

560 WAVERLEY STREET, SUITE 201  
P.O. BOX 880 PALO ALTO, CA 94301

Tel: 650-327-0429  
Fax: 650-327-4024

Environmental Impact Analysis • Ecological Studies • Resource Management

RECEIVED  
NOV 21 2000

August 18, 2000  
Case Code: BBIO

Raymond A. Lavine  
Post Office Box 796  
Pescadero, CA 94606-0796

CALIFORNIA  
COASTAL COMMISSION

EXHIBIT NO.	6
APPLICATION NO.	A-2-SMC-02-005
LAVINE/HAMMERMAN	Thomas Reid Site
Investigation Report (Page 1 of 3)	

Dear Mr. Lavine,

As requested, I inspected your property located at 11300 Cabrillo Highway, Pescadero, California, for the presence of habitat for the following species: tidewater goby, (*Eucyclogobius newberryi*), Federally Endangered, Federally Proposed for De-listing; California red-legged frog (*Rana aurora draytonii*), Federally Threatened; San Francisco garter snake (*Thamnophis sirtalis sirtalis*), Federally Endangered; and monarch butterfly (*Danaus plexippus*), no status. I also assessed the potential impact of your proposed project: the construction of an addition to your home and deck. The area where your project is proposed is within the existing front, side and back yards.

The property is located on the east side of Highway 1, approximately 1000 feet northeast of Bean Hollow State Beach, 0.5 miles north of Lake Lucerne, and 2 miles southwest of the town of Pescadero. The site is bordered by Highway 1 to the west, low density residential parcels immediately on the north, south and east, and agricultural fields in the hills to the east. The property is 5 acres in area and consists primarily of disturbed and developed land (single family residence, driveway, landscaped yard, pasture, and garden).

There is a strip of Monterey pine trees and a seasonal creek that supports a densely vegetated riparian corridor along the northern property boundary. The creek flows westward along the northern boundary, leaves the property through a culvert under Highway 1, and empties into the Pacific Ocean. There is also a shallow, seasonal marsh on the northeastern corner of the property, and a small seasonal pond (approximable 40' by 15') near the western property boundary near Highway 1.

I inspected the property by walking the site for approximately 1.5 hours on May 30, 2000. I inspected all habitats on site, both disturbed and undisturbed areas. I also inspected the adjacent Bean Hollow State Beach park lands for tidewater goby habitat, and drove surrounding areas inspecting for potential habitat for other sensitive species on June 26, 2000.

### Tidewater goby:

Tidewater goby is a small fish found in tidal marshes and tide pool habitat, typically in sandy and mud-bottom lagoon situations (personal communication, John Ambrose, NMFS). This species is known to occur just south of the property at Lake Lucerne (California Natural Diversity Database - CNDDDB).

The property does not have any tidal marsh, lagoon, or estuarine habitat. The site is also separated from tidal influence by a steep drop and a hanging culvert on the west side of Highway 1. For this reason it seems highly unlikely that the property could support tidewater goby.

### California red-legged frog

California red-legged frogs (CRLF) are found in coastal marshes, ponds, and stream habitats typically in areas with dense shoreline vegetation and water depths of >2.3 feet (Jennings, et. al. 1988). This species will utilize riparian and other habitat areas for non-breeding habitat (i.e. dispersal and estivation). According to the CNDDDB, the closest occurrences of California red-legged frogs is at least 1 mile north in Pescadero marsh and within Butano Creek. Lake Lucerne may also contain habitat to support this species.

The small seasonal creek on the northern boundary, the small seasonal pond at the front of the property, and a seasonal marsh on the northeast corner of the property are not likely to provide breeding habitat for CRLF. The seasonal creek was between 6 inches and 1 foot in depth and the seasonal marsh did not have standing water at the time of survey (May 30, 2000). The seasonal pond was dry at the time of survey, and at maximum depth in the winter is probably less than 6 inches. Based on the shallow water depth and seasonality of the creek, marsh, and pond, these wetland features are not likely to provide breeding habitat for CRLF.

There is the potential for these areas to be utilized as non-breeding habitat during the rainy season. However the location of the proposed project within an existing disturbed area that is a minimum of 50 feet from the outside edge of the wetland areas and riparian corridor should be sufficient to protect this habitat and any species that could utilize it (i.e. CRLF, SFGS).

### San Francisco garter snake

San Francisco garter snakes (SFGS) occupy freshwater marshes, ponds, and sloughs, especially where dense shoreline vegetation is present. This species also uses adjacent riparian and upland habitats for non-breeding habitat. According to the CNDDDB, the closest occurrence of San Francisco garter snake is at Pescadero marsh and potentially within Butano Creek. Lake Lucerne may also contain habitat to support this species.

The property does not likely support any breeding habitat for SFGS, due to the shallow water depth and seasonality of the wetland features on the property. There is the potential for this species to use the portions of the property as non-breeding habitat during the rainy season. The location of the proposed project within an existing disturbed area that is a minimum of 50 feet from the outside edge of the wetland areas and riparian corridor should be sufficient to protect this habitat and any species that could utilize it (i.e. CRLF, SFGS). Based on the scope of the project, the USFWS is not concerned that any impacts will occur to CRLF or SFGS (personal communication, Sheila Larson, USFWS).

### Monarch butterfly

Monarch butterflies utilize the San Mateo County coastline from October to March for winter roost habitat. They require specific habitat conditions that include: shelter from all wind directions and rain, insulation from overhead tree canopy, and good sunlight. They typically roost in eucalyptus, Monterey cypress, Monterey Pine, or other large trees.

Since this survey was done in May, it cannot be said definitively that this species would be absent from the Monterey pine grove along the northern boundary of the property. However due to the location of the proposed building area, a minimum of 50 feet from the riparian



corridor and the Monterey pine trees, the project is unlikely to impact any habitat for this species.

If you have any questions regarding this survey, please feel free to contact me.

Sincerely,



Patrick Kobernus  
Associate

### References

California Natural Diversity Database, updated May 8, 2000. California Department of Fish and Game. State of California, The Resources Agency, Sacramento, California.

Jennings, et. al. 1988. Natural History and Decline of Native Ranids in California. Pp. 61-72 In: Proceedings of the conference on California herpetology. Southwestern Herpetologists Society, Special Publication (4) In Endangered and Threatened Wildlife and Plants: Determination of Threatened Status for the California Red-legged Frog. US Fish and Wildlife Service Final Rule 50 CFR Part 17.

Personal Communication: John Ambrose, Fisheries Biologist, National Marine Fisheries Service; July, 2000.

Personal Communication: Sheila Larson, Herpetologist, United States Fish and Wildlife Service; August, 2000.



PROJECT FILE

Please reply to: Farhad Mortazavi  
(650) 363-1831

January 8, 2002

Lennie Roberts  
Committee for Green Foothills  
339 La Cuesta Drive  
Portola Valley, CA 94028

<b>EXHIBIT NO.</b>	7
<b>APPLICATION NO.</b>	A-2-SMC-02-005
LAVINE/HAMMERMAN	
SMC Notice of Final Decision (Page 1 of 4)	

**ENVIRONMENTAL SERVICES AGENCY**

Notice of Final Local Decision

**Subject:** County File Number PLN1999-00792  
**Location:** 11300 Cabrillo Highway, Pescadero

Dear Ms. Roberts:

On January 8, 2002, the San Mateo County Board of Supervisors considered your appeal of the Planning Commission's decision to approve a Coastal Development Permit, Planned Agricultural District Permit, and an Architectural Review Permit, pursuant to Sections 6328.4 and 6353 of the County Zoning Regulations and State Streets and Highways Code, and certification of a Negative Declaration pursuant to the California Environmental Quality Act, to allow the construction of a 10,920 sq. ft. addition to an existing 3,524 sq. ft. single-family dwelling located at 11300 Cabrillo Highway in the unincorporated area, south of Pescadero.

Based on the information provided by staff and evidence presented at the hearing, the Board of Supervisors approved a reduced project by making the findings and adopting revised conditions of approval as attached.

The Board of Supervisors referred the issue of house size in the rural area to the Planning Commission for further review and directed the Commission to work closely with the Pescadero Municipal Advisory Council.

This item is appealable to the California Coastal Commission. The Coastal Commission will begin its appeal period upon receipt of the Notice of Final

Agricultural  
Commissioner/ Sealer of  
Weights & Measures

Animal Control

Cooperative Extension

Fire Protection

LAFCo

Library

Parks & Recreation

Planning & Building

COUNTY OF SAN MATEO  
ENVIRONMENTAL SERVICES AGENCY

CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 1999-00792

Hearing Date: January 8, 2002

Prepared By: Farhad Mortazavi

Adopted By: Board of Supervisors

CONDITIONS OF APPROVAL

Planning Division

1. This approval is for the project as described on the documents submitted to the Planning Division on October 16, 1998, and the revised plans submitted on October 8, 2001, for addition to a single-family dwelling only. No second dwelling units are allowed. Any revisions to the approved plans must be submitted to the Planning Division for review and approval prior to implementation. Minor adjustments to the project may be approved by the Planning Director, if they are consistent with the intent of and are in substantial conformance with this approval. Any other developments on the property will be subject to a separate permitting process.
2. The Coastal Development Permit shall be valid for one year from the date of approval. Any extension of this permit shall require submittal of an application for permit extension and payment of applicable permit extension fees sixty (60) days prior to the expiration date.
3. A revised site plan, showing removal of the sunset deck, shall be submitted to the Planning Division prior to planning approval of the building permit application.
4. Noise levels produced by construction shall not exceed the 80 dBA level at any one moment. Construction activity shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction operation shall be prohibited on Sunday and any national holiday.
5. The applicant shall submit exterior color and material samples (no larger than approximately 4 square inches) for walls and trim to the Planning Counter for review and approval by the Planning Director prior to building permit issuance. The applicant shall include the file/case number with all color samples. Color verification by a Building Inspector shall occur in the field after the applicant has painted the structure an approved color, but before the applicant schedules a final inspection.

13. The applicant shall provide "finished floor elevation verification" to certify that the structure is actually constructed at the height shown on the submitted plans. The applicant shall have a licensed surveyor or engineer establish a baseline elevation datum point in the vicinity of the construction site. The applicant shall maintain the datum point so that it will not be disturbed by the proposed construction activities until final approval of the building permit.
  - a. The datum point and its elevation shall be shown on the submitted site plan. This datum point shall be used during construction to verify the elevation of the finished floors relative to the existing natural or to the grade of the site (finished grade).
  - b. Prior to planning approval of the building permit application, the applicant shall also have the licensed land surveyor or engineer indicate on the construction plans: (1) the natural grade elevations at the significant corners (at least four) of the footprint of the proposed structure on the submitted plan, and (2) the elevations of proposed finished grades.
  - c. In addition, (1) the natural grade elevations at the significant corners of the proposed structure, (2) the finished floor elevations, (3) the topmost elevation of the roof and (4) garage slab elevation must be shown on the plan, elevations, and cross-section (if one is provided).
  - d. Once the building is under construction, prior to the below floor framing inspection or the pouring of the concrete slab (as the case may be) for the lowest floor, the applicant shall provide to the Building Inspection Section a letter from the licensed land surveyor or engineer certifying that the lowest floor height, as constructed, is equal to the elevation specified for that floor in the approved plans. Similarly, certifications on the garage slab and the topmost elevation of the roof are required.
  - e. If the actual floor height, garage slab, or roof height, as constructed, is different from the elevation specified in the plans, then the applicant shall cease all construction and no additional inspections shall be approved until a revised set of plans is submitted to and subsequently approved by both the Building Official and Planning Director.
14. The project's design shall include the use of double pane windows, solid core exterior doors, and weather stripping to lower the interior noise level.
15. The applicant shall obtain a building permit prior to initiating any construction or grading activity on site.
16. The building plans shall meet with the approval of the California Department of Forestry and Fire Protection District.
17. There shall be no removal of any significant vegetation that screens the view of the proposed project.

Department of Public Works

26. Prior to the issuance of the building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the increase in square footage (assessable space) due to the remodel/addition of the existing residence, per Ordinance #3277.
27. No construction work within the state right-of-way of Cabrillo Highway shall begin until CalTrans requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued by CalTrans. The applicant shall provide the County with the copy of the issued permit.

Fire Marshal

28. An automatic fire sprinkler system shall be required.

Building Inspection Section

29. Prior to commencement of any construction or demolition, the applicant shall apply for and be issued building permits, and shall adhere to the scope of work approved in the issued permits.
30. An automatic fire sprinkler system shall be required. This permit must be issued prior to or in conjunction with the building permit.
31. A survey of the property shall be required.

Environmental Health Division

32. At the building permit stage, the applicant shall submit plans to adequately demonstrate how shallow groundwater will be directed away from the septic system without becoming contaminated with sewage, and show engineered plans for the pump system. The applicant shall obtain the required septic permit and meet all requirements of the Environmental Health Division.



PROJECT FILE

Please reply to: Farhad Mortazavi  
(650) 363-1831

January 24, 2002

EXHIBIT NO.	8
APPLICATION NO.	A-2-SMC-02-005
LAVINE/HAMMERMAN	SMC Second Corrected
Notice of Final Decision	(Page 1 of 8)

**ENVIRONMENTAL SERVICES AGENCY**

Lennie Roberts  
Committee for Green Foothills  
339 La Cuesta Drive  
Portola Valley, CA 94028

**Second Corrected Notice of Final Local Decision**  
Findings Attached

**Subject:** County File Number PLN1999-00792  
**Location:** 11300 Cabrillo Highway, Pescadero

Dear Ms. Roberts:

On January 8, 2002, the San Mateo County Board of Supervisors considered your appeal of the Planning Commission's decision to approve a Coastal Development Permit, Planned Agricultural District Permit, and an Architectural Review Permit, pursuant to Sections 6328.4 and 6353 of the County Zoning Regulations and State Streets and Highways Code, and certification of a Negative Declaration pursuant to the California Environmental Quality Act, to allow the construction of a 7,126 sq. ft. addition to an existing 3,524 sq. ft. single-family dwelling located at 11300 Cabrillo Highway in the unincorporated area, south of Pescadero.

Based on the information provided by staff and evidence presented at the hearing, the Board of Supervisors approved a reduced project by making the findings and adopting revised conditions of approval as attached.

The Board of Supervisors referred the issue of house size in the rural area to the Planning Commission for further review and directed the Commission to work closely with the Pescadero Municipal Advisory Council.

This item is appealable to the California Coastal Commission. The Coastal Commission will begin its appeal period upon receipt of the Notice of Final

Agricultural  
Commissioner/ Sealer of  
Weights & Measures

Animal Control

Cooperative Extension

Fire Protection

LAFCo

Library

Parks & Recreation

Planning & Building

**Commissioners:**

David Bomberger

Carl Goff

Bill Kennedy

Ralph Nobles

Jon Silver

**PLANNING COMMISSION**

Lennie Roberts  
Committee for Green Foothills  
January 24, 2002  
Page 2

Local Decision. For questions or concerns regarding the Coastal Commission's appeal period and its process, please call 415/904-5260.

Sincerely,



Kan Dee Rud  
Executive Secretary  
Bosdec0108m.lavine.kr.doc

cc: Pete Bentley, Public Works  
Jim Eggemeyer, Planning Department  
Bill Cameron, Building Department  
Raymond Lavine and Barbara Hammerman, Owners  
Daniel Jansenson, Applicant  
Mike McCracken

COUNTY OF SAN MATEO  
ENVIRONMENTAL SERVICES AGENCY

**CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 1999-00792

Hearing Date: January 8, 2002

Prepared By: Farhad Mortazavi

Adopted By: Board of Supervisors

**FINDINGS**

**Regarding the Negative Declaration, Found:**

1. That the Negative Declaration is complete, correct and adequate and prepared in accordance with the California Environmental Quality Act and applicable State and County Guidelines.
2. That, on the basis of the Initial Study and comments received thereto, there is no evidence that the project, subject to the mitigation measures contained in the Negative Declaration, will have a significant effect on the environment.
3. That the Negative Declaration reflects the independent judgement of San Mateo County.
4. That the mitigation measures identified in the Negative Declaration, agreed to by the applicant, placed as conditions on the project, and identified as part of this public hearing, have been incorporated into the Mitigation Monitoring and Reporting Plan in conformance with California Public Resources Code Section 21081.6.

**Regarding the Architectural Review, Found:**

5. That this project is in compliance with the standards for architectural review and site control within the Cabrillo Highway State Scenic Corridor.

**Regarding the Coastal Development Permit, Found:**

6. That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County LCP.
7. That the project conforms to specific findings required by policies of the San Mateo County LCP.



### Regarding the Planned Agricultural District Permit, Found:

8. That the encroachment of all development upon land which is suitable for agricultural use is minimized.
9. That all development on the site is clustered.
10. That the project conforms to the Development Review Criteria contained in Chapter 20A.2 of the San Mateo County Ordinance Code.
11. That the proposed project meets the substantive criteria for the issuance of a Planned Agricultural District Permit consistent with following criteria:
  - a. The encroachment of all development upon land which is suitable for agricultural use has been minimized.
  - b. All development permitted on the site has been clustered.
  - c. No alternative site exists on the parcel for the use.
  - d. Clearly defined buffer areas are provided between agricultural and non-agricultural uses.
  - e. The productivity of an adjacent agricultural land will not be diminished.

### CONDITIONS OF APPROVAL

#### Planning Division

1. This approval is for the project as described on the documents submitted to the Planning Division on October 16, 1998, and the revised plans submitted on October 8, 2001, for addition to a single-family dwelling only. No second dwelling units are allowed. Any revisions to the approved plans must be submitted to the Planning Division for review and approval prior to implementation. Minor adjustments to the project may be approved by the Planning Director, if they are consistent with the intent of and are in substantial conformance with this approval. Any other developments on the property will be subject to a separate permitting process.
2. The Coastal Development Permit shall be valid for one year from the date of approval. Any extension of this permit shall require submittal of an application for permit extension and payment of applicable permit extension fees sixty (60) days prior to the expiration date.
3. A revised site plan, showing removal of the sunset deck, shall be submitted to the Planning Division prior to planning approval of the building permit application.
4. Noise levels produced by construction shall not exceed the 80 dBA level at any one

moment. Construction activity shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction operation shall be prohibited on Sunday and any national holiday.

5. The applicant shall submit exterior color and material samples (no larger than approximately 4 square inches) for walls and trim to the Planning Counter for review and approval by the Planning Director prior to building permit issuance. The applicant shall include the file/case number with all color samples. Color verification by a Building Inspector shall occur in the field after the applicant has painted the structure an approved color, but before the applicant schedules a final inspection.
6. The applicant shall submit a material sample of the proposed roof material for review and approval of the color and material prior to building permit issuance. Roof material verification by a Building Inspector shall occur in the field after the applicant has installed the approved material, but before the applicant schedules a final inspection.
7. Exterior lighting shall be limited to the minimum necessary for safety. All lighting, exterior and interior, shall be placed, designed, located and directed so that direct rays and glare are confined to the premises. The applicant shall submit exterior lighting design of the proposed project for the approval by the Planning Director.
8. All new utility lines to the proposed project shall be installed underground.
9. During project construction, the applicant shall, pursuant to Section 5022 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site into storm drain systems and water bodies by:
  - a. Using filtration materials on storm drain covers to remove sediment from dewatering effluent.
  - b. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15.
  - c. Removing spoils promptly, and avoiding stockpiling of fill materials, when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
  - d. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to the storm drain system or water body.
  - e. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
  - f. Limiting and timing applications of pesticides and fertilizer to avoid polluting runoff.
10. The project shall include water runoff prevention measures for the operation and maintenance of the project for the review, as reviewed by the applicant's biologist, and

approval by the Planning Director. The project shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the discharge of pollutants with stormwater runoff and other water runoff produced from the project. Please refer to the attached handout, which details the BMPs.

11. The applicant shall submit an erosion control plan, prior to the issuance of a building permit, to mitigate any erosion resulting from project-related grading activities.
12. No site disturbance shall occur, including any grading or vegetation removal, until a building permit has been issued.
13. The applicant shall provide "finished floor elevation verification" to certify that the structure is actually constructed at the height shown on the submitted plans. The applicant shall have a licensed surveyor or engineer establish a baseline elevation datum point in the vicinity of the construction site. The applicant shall maintain the datum point so that it will not be disturbed by the proposed construction activities until final approval of the building permit.
  - a. The datum point and its elevation shall be shown on the submitted site plan. This datum point shall be used during construction to verify the elevation of the finished floors relative to the existing natural or to the grade of the site (finished grade).
  - b. Prior to planning approval of the building permit application, the applicant shall also have the licensed land surveyor or engineer indicate on the construction plans: (1) the natural grade elevations at the significant corners (at least four) of the footprint of the proposed structure on the submitted plan, and (2) the elevations of proposed finished grades.
  - c. In addition, (1) the natural grade elevations at the significant corners of the proposed structure, (2) the finished floor elevations, (3) the topmost elevation of the roof and (4) garage slab elevation must be shown on the plan, elevations, and cross-section (if one is provided).
  - d. Once the building is under construction, prior to the below floor framing inspection or the pouring of the concrete slab (as the case may be) for the lowest floor, the applicant shall provide to the Building Inspection Section a letter from the licensed land surveyor or engineer certifying that the lowest floor height, as constructed, is equal to the elevation specified for that floor in the approved plans. Similarly, certifications on the garage slab and the topmost elevation of the roof are required.
  - e. If the actual floor height, garage slab, or roof height, as constructed, is different from the elevation specified in the plans, then the applicant shall cease all construction and no additional inspections shall be approved until a revised set of plans is submitted to and subsequently approved by both the Building Official and Planning Director.
14. The project's design shall include the use of double pane windows, solid core exterior doors, and weather stripping to lower the interior noise level.

15. The applicant shall obtain a building permit prior to initiating any construction or grading activity on site.
16. The building plans shall meet with the approval of the California Department of Forestry and Fire Protection District.
17. There shall be no removal of any significant vegetation that screens the view of the proposed project.
18. The applicant shall submit a landscape plan in accordance with the "Landscape Plan Guidelines – Minimum Standards" for review and approval by the Planning Director. The applicant's biologist shall confirm that the plans have been reviewed prior to submittal to the Planning Division. The goal of the required landscape plan is to soften the impact of the building from the street and the sides. The plan shall include a minimum of five (5) trees in the front and three (3) trees on the right side of the property. The trees will be at least 15-gallon size, and they shall be located in such a way as to block the view of the development to the extent possible from the Cabrillo Highway and adjacent southern property. A minimum of forty (40) shrubs shall be included in the design for the front and right side of the residence. Areas in the front of the property that do not contain trees, shrubs, or landscape shall be planted with groundcover. An irrigation plan for the front area shall be submitted with the planting plan. Upon submittal of the landscape plan, the applicant shall pay a review fee based on the fee schedule in effect at that time.
19. The approved landscaping plan shall be implemented before the Planning Division gives a final approval on the building permit and before the applicant schedules a final inspection.
20. The applicant shall record a deed restriction prior to issuance of a building permit, in accordance with LCP Policy 5.15, to mitigate potential land use conflicts with adjacent agricultural operations to the satisfaction of County Counsel and Planning Director.
21. The applicant shall submit a revised site plan, at the time of application for a building permit, indicating the replacement of the existing driveway and the proposed driveway with perforated blocks. The applicant shall submit a color sample to the Planning Division for review and approval. The color shall be compatible to the surrounding area.
22. The applicant, for the protection of the riparian corridor, shall install "limit of work" fencing, at least 50 feet from the outside edge of the wetland areas and riparian vegetation. Fencing to exclude all construction activity (including well and septic system construction) should also be designed as an effective barrier for the San Francisco Garter Snake and California Red-Legged Frog. The maximum areas of potential habitat on-site that are not within the development envelope should also be protected from construction.
23. To reduce dust emissions during project construction, unpaved construction areas shall be sprayed with water as often as needed to keep soil moist. It is anticipated that this mitigation measure could reduce dust emissions by as much as 50%. Air quality standards are regulated by the Bay Area Air Quality Management District and violations can be reported

to the agency.

24. All new construction within this area is required to be designed and constructed to withstand seismic activity pursuant to State and County Building Codes.
25. The applicant shall incorporate into the building plans a filtering mechanism of adequate capacity to filter all chlorine and other chemicals from all water discharged or drained from the pool and two spas. This plan shall be reviewed and approved by Environmental Health Division, and the Planning Division prior to issuance of the building permit.

#### Department of Public Works

26. Prior to the issuance of the building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the increase in square footage (assessable space) due to the remodel/addition of the existing residence, per Ordinance #3277.
27. No construction work within the state right-of-way of Cabrillo Highway shall begin until CalTrans requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued by CalTrans. The applicant shall provide the County with the copy of the issued permit.

#### Fire Marshal

28. An automatic fire sprinkler system shall be required.

#### Building Inspection Section

29. Prior to commencement of any construction or demolition, the applicant shall apply for and be issued building permits, and shall adhere to the scope of work approved in the issued permits.
30. An automatic fire sprinkler system shall be required. This permit must be issued prior to or in conjunction with the building permit.
31. A survey of the property shall be required.

#### Environmental Health Division

32. At the building permit stage, the applicant shall submit plans to adequately demonstrate how shallow groundwater will be directed away from the septic system without becoming contaminated with sewage, and show engineered plans for the pump system. The applicant shall obtain the required septic permit and meet all requirements of the Environmental Health Division.

## CALIFORNIA COASTAL COMMISSION

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



## COMMISSION NOTIFICATION OF APPEAL

DATE: January 29, 2002

TO: Farhad Mortazavi, Project Planner  
 County of San Mateo, Building & Planning  
 455 County Center  
 Redwood City, CA 94063

FROM: Peter T. Imhof, Coastal Planner *PTI*

RE: **Commission Appeal No. A-2-SMC-02-005**

EXHIBIT NO.	9
APPLICATION NO.	A-2-SMC-02-005
LAVINE/HAMMERMAN Commission	
Notification of Rourke Appeal	

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Section 30602 or 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #: PLN1999-00792, CDP 98-0074

Applicant(s): Daniel Jansenson; Raymond Lavine

Description: To allow the construction of a 10,920 sq.ft. addition to an existing 3,524 sq.ft. single family dwelling located in the unincorporated area, south of Pescadero.

Location: 11300 Cabrillo Highway, Pescadero (San Mateo County) (APN(s) 086-201-20)

Local Decision: Approved w/ Conditions

Appellant(s): Jim Rourke

Date Appeal Filed: 1/24/02

The Commission appeal number assigned to this appeal is A-2-SMC-02-005. The Commission hearing date has not yet been established for this appeal. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of San Mateo's consideration of this coastal development permit must be delivered to the North Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Peter T. Imhof at the North Central Coast District office.



## CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE  
 555 FREMONT, SUITE 2000  
 SAN FRANCISCO, CA 94105-2219  
 (415) 774-2660

## COMMISSION NOTIFICATION OF APPEAL

DATE: January 30, 2002

TO: Farhad Mortazavi, Project Planner  
 County of San Mateo, Building & Planning  
 455 County Center  
 Redwood City, CA 94063

FROM: Peter T. Imhof, Coastal Planner *PI*

RE: Commission Appeal No. A-2-SMC-02-005

EXHIBIT NO.	10
APPLICATION NO.	A-2-SMC-02-005
LAVINE/HAMMERMAN Commission Notifica- tion of Appeal by Comm. Wan & Ruddock	

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Section 30602 or 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #: PLN1999-00792, CDP 98-0074

Applicant(s): Raymond Lavine &amp; Barbara Hammerman

Description: To allow the construction of a 10,920 sq.ft. addition to an existing 3,524 sq.ft. single family dwelling located in the unincorporated area, south of Pescadero.

Location: 11300 Cabrillo Highway, Pescadero (San Mateo County) (APN(s) 086-201-20)

Local Decision: Approved w/ Conditions

Appellant(s): Commissioner Deborah Ruddock; Commissioner Sara Wan

Date Appeal Filed: 1/30/02

The Commission appeal number assigned to this appeal is A-2-SMC-02-005. The Commission hearing date has not yet been established for this appeal. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of San Mateo's consideration of this coastal development permit must be delivered to the North Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Peter T. Imhof at the North Central Coast District office.

## CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
 SAN FRANCISCO, CA 94105-2219  
 VOICE AND TDD (415) 904-5200  
 FAX (415) 904-5400



APPEAL FROM COASTAL PERMIT  
 DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

JIM ROURKE  
P.O. Box 222  
PESCADERO, CALIF 94060 (650) 879-0368  
 Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: SAN MATEO COUNTY

2. Brief description of development being appealed: SAN MATEO COUNTY FILE NUMBER PLN 1999-00792  
11300 CABRILLO HIGHWAY, PESCADERO, CALIF 94060

3. Development's location (street address, assessor's parcel no., cross street, etc.): SEE ABOVE  
APN # 086-201-020

4. Description of decision being appealed:

- a. Approval; no special conditions: \_\_\_\_\_
- b. Approval with special conditions: X
- c. Denial: \_\_\_\_\_

EXHIBIT NO.	11
APPLICATION NO.	A-2-SMC-02-005
LAVINE/HAMMERMAN	
Appeal by J. Rourke	
(Page 1 of 6)	

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-2-SMC-02-005

DATE FILED: 1/24/02

DISTRICT: North Central Coast

H5: 4/88

RECEIVED

JAN 24 2002

CALIFORNIA  
 COASTAL COMMISSION



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a.  Planning Director/Zoning Administrator      c.  Planning Commission  
b.  ~~City Council~~/Board of Supervisors      d.  Other \_\_\_\_\_

6. Date of local government's decision: JAN 8, 2002

7. Local government's file number (if any): PLN 1999-00792

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of <sup>OWNER &</sup> ~~permit applicant:~~  
RAYMOND A. LAVINE & BARBARA HAMMELMAN  
PO BOX 796  
PESCADERO, CALIF 94060

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) SEE SAN MATEO'S RECORDS  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(2) \_\_\_\_\_  
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(3) \_\_\_\_\_  
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(4) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

SEE ATTACHED.

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Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

  
Signature of Appellant(s) or  
Authorized Agent

Date JAN 23, 2002

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date \_\_\_\_\_

## Lavine/Hammerman Project Basis for Appeal

### 1. Water Availability:

The conditions of San Mateo County approval failed to require compliance with LCP Policy 5.22, which states (in pertinent part): "Before approving any division or conversion of prime agricultural land or other land suitable for agriculture, require that: a. The existing availability of an adequate and potable well water source be demonstrated for all non-agricultural uses..." (emphasis added)

The source of water even for the existing house is inadequate. The neighbor to the south, who has lived there for 23 years, stated that the previous owner needed to use her water source from time to time because he had run out of water (personal communication, Lorna Lindsay). One interested buyer for the Lavine/Hammerman house, Jo Chamberlain, did not buy this house because of the lack of potable water (personal communication). The Applicants stated in "Lavine/Hammerman Appeal Talking Points" on page 44 of the December 5, 2001 Staff Report regarding inadequate water, that the applicant has engaged a well driller to drill a deep well under an agricultural permit, and that it is anticipated that there will be a water yield of approximately 5 gallons per minute. San Mateo County Environmental Health records show one well was recently drilled under the agricultural well exemption process, and it was unsuccessful. "Anticipation" of success is not a guarantee. There are now apparently five wells (only two of which appear to be in production) in the "back yard". One of these wells is located near the wetland, and could potentially interfere with the proposed new septic system drain field. The project should not be approved until full compliance with Policy 5.22 is achieved.

### 2. Visual Impacts:

The county's analysis of visual impacts of the project is inadequate. LCP Policy 8.18a states in pertinent part: "Require that development (1) blend with and be subordinate to the environment and the character of the area where located, and (2) be as unobtrusive as possible and not detract from the natural, open space or visual qualities of the area, including but not limited to...design, layout, size...(emphasis added) Only one viewing point from Cabrillo Highway (directly in front of the existing house) was analyzed. Photos taken from a variety of viewpoints to the south of the house along Cabrillo Highway and along the bluff top trail at Bean Hollow Beach State Park show much more of the existing house than can be seen from the location directly in front of the existing house. See photos and location map attached.

The county's approval does not adequately address the requirements of the LCP to minimize visibility of projects. LCP Policy 8.18b states in pertinent part: "Require screening to minimize the visibility of development from scenic roads and other public viewpoints..." There are four large Monterey Pine trees in the front of the existing house which partially screen the house from views from the highway and from some locations along the bluffs of Bean Hollow State Beach. Many Monterey Pines in the vicinity are dying. (see photos of several dead pines within a quarter mile of the property).

If these trees in front of the Lavine house die from natural causes, or from construction impacts. (which is likely in the foreseeable future), the requirements of Conditions 17 and 18 are entirely inadequate. Condition 17, which prohibits removal of any significant vegetation that screens the view of the proposed project is not enforceable. If the large mature Monterey Pines die and threaten to fall on the house, the County would certainly grant their removal. Condition 18

states the goal of the landscape plan is to "soften the impact of the building from the street and the sides." What does this mean? Many thousands of people enjoy the beach at Bean Hollow, with its beach, trails, and picnic areas. Many more thousands of people enjoy the natural qualities of the San Mateo coast as they drive along Scenic Highway One. The State taxpayers have paid thousands of dollars to preserve views to and along the shore in this area. The County Planning Commission asked for a more complete investigation of the visual impacts, but the Lavines refused. If the County could not insist on a more extensive analysis of visual impacts, as requested by the Coastal Commission, how will they be able to require adequate screening? (Note: the Coastal Commission comment letter on the Negative Declaration and the County response was not included in the packet that was considered by the Board of Supervisors). Condition 18 requires that the new landscaping be irrigated, yet there is not enough water presently for the domestic needs of the existing house.

The owners recently cut down several Monterey Pines and Cypress trees between their house and the home to the south (Peterson property) causing the neighbor to plant replacement trees to screen their house from hers. Why would they agree to plant new trees to screen the view of their house, when those trees would block their view of the Bean Hollow Bluffs to the south? There is no condition to require bonding and monitoring to ensure the success of the landscaping.

### **3. Environmentally Sensitive Habitat Areas:**

The County's conditions to protect environmentally sensitive habitats on site are inadequate. The Biological Report identified a wetland on the northwest corner of the site, but did not map the extent of the wetland. The wetland is supported by a stream in the winter (see photos and location map attached) that enters the property from the east. Viewing the property from the east and south sides, you can easily see cattails, rushes, water parsley, and other wetland plants. The riparian corridor on the site extends upstream across Peterson's property to the east, and beyond through O'Leary's and Lustig's property. There are a number of small ponds in the vicinity - on O'Leary's property (the mushroom farm), Lustig's, Kramer's, and Peterson's all uphill from and within a short distance of the subject property. This series of ponds and riparian connections qualifies as critical habitat for the California red legged frog (CRLF), as defined in the USFWS Draft Critical Habitat designation. The San Francisco garter snake (SFGS) utilizes similar habitat. The Biological Report admitted there was potential for the wetland and riparian areas to be used by both the CRLF and SFGS during the rainy season, but concluded that the location of the project "within an existing disturbed area that is a minimum of 50 feet from the outside edge of the wetland areas and riparian corridor" should sufficiently protect these species. It has been the experience of residents of the south coast that SFGS and CRLF both seek shelter in places like woodpiles, stacks of lumber, along the edges of roads or cleared areas, and other "disturbed areas," and go well beyond these areas as well. Often they are found in "disturbed areas." There has been a confirmed sighting of a SFGS on Lustig's property, (Dr. Dan Holland, herpetologist, personal communication). Other sites in the vicinity have not been investigated.

There has been inadequate analysis of the project's potential impacts on the SFGS and the CRLF. Condition 22 requires installation of a "limit of work" fencing setback at least 50 feet from the outside edge of the wetland and riparian vegetation. This condition is not based upon any mapping, so it is not possible to determine whether the septic system can be built as designed, and no method is proposed to enforce or monitor it. The condition does not adequately comply with LCP Policy 7.18 addressing buffer zones for wetlands, which requires that: "Buffer zones shall extend a minimum of 100 feet landward from the outermost line of wetland vegetation. This setback may be reduced to no less than 50 feet only where (1) no

alternative development site or design is possible; and (2) adequacy of one alternative setback to protect wetland resources is conclusively demonstrated by a professional biologist to the satisfaction of the County and the State Department of Fish and Game. A larger setback shall be required as necessary to maintain the functional capacity of the wetland ecosystem" (emphasis added). Without knowing exactly where the boundaries of the wetland are, it is not possible to establish the protective buffer zone. There are alternative development designs for this project, so the 100 foot setback should remain or be increased to protect the ecosystem.

#### **4. Project Scale**

The project, as approved by San Mateo County, would involve a total of 10,650 square feet of house, plus 7,777 square feet of deck. The existing house on the site is 3,524 square feet plus 520 square feet of deck. The houses on adjacent properties to the north, south, and east are 1,200 square feet, 4,202 square feet, and 3,000 square feet respectively. This house would be more than twice as large as the largest house in the vicinity, and eight times larger than the modest house (Geraci) to the north. All houses are in relatively close proximity to one another in this area.

The LCP, in Policy 8.20 requires: "Relate structures in size and scale to adjacent buildings and landforms" (emphasis added). How can a house that is more than twice the size of the largest neighbor be "related in size and scale"? Why does anyone need a 10,000 plus square foot house with another 7,777 square feet of deck? The applicants have a perfectly good house that is much larger already than many farm houses and other residences in the rural area of the south coast. The existing Lavine house "fits" with the other residences of the Bean Hollow area; the proposed house does not. Its proposal overwhelms all other structures in the area.

CALIFORNIA COASTAL COMMISSION

5 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
TELEPHONE AND TDD (415) 904-5200  
FAX (415) 904-5400



APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing  
This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

COMMISSIONERS DEBORAH RUDDOCK AND SARAH WAN  
CALIFORNIA COASTAL COMMISSION, 45 FREMONT ST., SUITE 2000  
SAN FRANCISCO, CA 94105 (415) 904-5200  
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: SAN MATEO COUNTY

2. Brief description of development being appealed: MAJOR RENOVATION OF SINGLE FAMILY RESIDENCE INCLUDING A 7,120 SQ. FT. ADDITION AND 7,500 SQ. FT. DECK ADDITION AS APPROVED IN SAN MATEO COUNTY FILE NO. PLAN 1999-00792.

3. Development's location (street address, assessor's parcel no., cross street, etc.): 11300 CABRILLO HIGHWAY, PESCADERO, CA 94060

4. Description of decision being appealed:

- a. Approval; no special conditions: \_\_\_\_\_
- b. Approval with special conditions:  \_\_\_\_\_
- c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-2-SMC-02-005

DATE FILED: 1/30/02

DISTRICT: NORTH CENTRAL

H5: 4/88

EXHIBIT NO.	12
APPLICATION NO.	A-2-SMC-02-005
LAVINE/HAMMERMAN Appeal by Comm.	
Wan and Ruddock (Page 1 of 7)	

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a.  Planning Director/Zoning Administrator      c.  Planning Commission  
b.  City Council/Board of Supervisors      d.  Other \_\_\_\_\_

6. Date of local government's decision: 1/8/02

7. Local government's file number (if any): PLN 1999-00792

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

RAYMOND LAVINE & BARBARA HAMMERMAN  
P.O. BOX 790  
PESCADERO, CA 94060

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) SEE SAN MATEO COUNTY PERMIT RECORD  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(2) \_\_\_\_\_  
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SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

SEE ATTACHED.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: Deborah R. Rindler  
Appellant or Agent

Date: 1/30/02

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_



State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

*SEE ATTACHED .*

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: *Sara J. War*  
Appellant or Agent

Date: \_\_\_\_\_

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**CALIFORNIA COASTAL COMMISSION**

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

**MEMORANDUM**

Re: Appeal by Commissioners Sara Wan and Deborah Ruddock of Application No. PLN 1999-00792, Raymond Lavine, Barbara Hammerman, 11300 Cabrillo Highway, Pescadero, San Mateo County (APN 086-201-20)

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**I. Project Description and Location**

The approved project under Application No. 1-SMC-98-481 consists of a major remodeling and 7,126 square foot addition to an existing 3,524 square foot single-family house on a 4.97 acre parcel zoned Planned Agricultural District/Coastal District (PAD/CD) located at 11300 Cabrillo Highway in San Mateo County. The project also includes construction of a deck addition of 7,257 square feet to an existing deck of 520 square feet, a four car garage, a detached guest cottage, and a 7 by 16 foot mechanical pool, as well as repavement of the existing driveway, installation of a septic system and the removal of three, large trees. The completed project would result in a house in excess of 10,500 square feet surrounded by a deck of some 7,700 square feet.

The project is located east of Highway 1, in an unincorporated area of San Mateo County approximately 5 miles south of Pescadero, across from Bean Hollow State Beach. The property is bounded by Highway 1 on the west, and is surrounded by single-family residential development to the north, south and east.

The western end of the parcel, toward the western frontage with Highway 1, is sloped with narrow terraces, while the eastern two-thirds of the parcel is gently sloping and relatively flat. Access to the existing house is via a driveway running from Highway 1 eastward along the southern boundary of the parcel.

The predominant vegetation on the site is northern coastal shrub and nine significant trees (six pine, one olive, one magnolia, and one coastal live oak) of greater than 12 inches trunk diameter. There is a row of Monterey pines and westward-flowing seasonal creek along the northern property boundary. A site investigation on May 30, 2000 by Thomas Reid Associates identified a seasonal wetland on northeastern corner of property and a small seasonal pond near the western property boundary near Highway 1.

**II. Procedural History**

On January 8, 2002, the San Mateo County Board of Supervisors approved the project on appeal from the San Mateo County Planning Commission. Notice of Final Local Action by the County was received by the Coastal Commission on January 16, 2002.

### III. Grounds for Appeal

The approved development does not conform to the policies of the certified San Mateo County Local Coastal Program (LCP) concerning visual resources, environmentally sensitive habitat areas, and adequacy of water supply.

#### A. **Visual Impact Analysis**

The proposed development is located in a State Scenic Corridor and is inconsistent with the visual resource policies of the County's LCP. Policy 8.5 of the visual resource protection policies of the County's LCP requires that new development be sited so as to be least visible from State and County Scenic Roads and least likely to impact views from public viewpoints. LCP Policy 8.15 prohibits development from substantially blocking views to or from coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways and beaches.

LCP Policy 8.18a requires that the development "(1) blend with and be subordinate to the environment and the character of the area where located, and (2) be as **unobtrusive as possible** and not detract from the natural, open space or visual qualities of the area, including but not limited to siting, **design, layout, size**, height, shape, materials, colors, access and landscaping..." (emphasis added). Policy 8.20 requires structures to be related in size and scale to adjacent buildings and landforms.

The scale of the proposed development, which is visible from Highway 1 and nearby Bean Hollow State Beach, is inconsistent with these LCP policies. The scale of the project as approved is out of keeping both with the scenic coastal area where it would be located and the scale of development on neighboring parcels. The project plans do not provide sufficient analysis of the visual impacts of the proposed development to support a finding of consistency with LCP Policies 8.18a and 8.20. In particular, they do not include a visual impact analysis supported by a photomontage of the project site depicting the existing and proposed development from Highway 1 and other appropriate public viewpoints, or a comparison of the scale of the proposed development with that of adjacent buildings and landforms.

#### B. **Biological Resources**

LCP Policy 7.3 prohibits any land use or development which would have significant adverse impact on sensitive habitat areas.

LCP Policy 7.11 requires buffer zones (1) in riparian corridors of 50 feet for perennial streams and 30 feet for intermittent streams from the "limit of riparian vegetation," (2) in riparian corridors where there is no riparian vegetation, of 50 feet from the predictable high water point for perennial streams and 30 feet from the midpoint of intermittent streams, and (3) of 100 feet from the high water point along lakes, ponds and other wet areas, except manmade ponds and reservoirs used for agricultural purposes. LCP Policy 7.18 generally establishes a 100-foot buffer for wetland areas from the outermost line of wetland vegetation.

The approved project is inconsistent with these LCP policies in that it does not include a wetland delineation of the seasonal wetlands identified on the property, and may have a significant adverse impacts on potential habitat for the California red-legged frog, San Francisco garter snake and Monarch butterfly. Portions of the project, including the septic system, infringe on the buffer zones required by the LCP.

A site investigation on May 30, 2000 by Thomas Reid Associates identified a seasonal wetlands on northeastern corner of property and a small seasonal pond near the western property boundary near Highway 1. This investigation concluded that the site is not likely to provide breeding habitat for either the California red-legged frog or San Francisco garter snake, but that these areas could be used as non-breeding habitat during the rainy season. According to the investigation, the project area is "a minimum of 50 feet from the outside edge of the wetland areas and riparian corridor[.]" The investigation further concluded based on the greater than 50-foot setback from the riparian corridor that the project is unlikely to impact any potential use by the Monarch butterfly of the Monterey pines along the northern boundary of the property as habitat.

The project proposal does not include a wetland delineation for the wetland area in the northeastern corner of the site or the seasonal pond near the western property boundary. In the absence of a wetland delineation, compliance of the project with LCP buffer policies cannot be adequately assessed. It is also important to note that under the recently published federal rule regarding habitat for red-legged frogs, development within 300 feet of habitat may adversely impact the frog (66 CFR 14626-14758, March 31, 2001). While the house and deck appear to be located more than 100 feet from the riparian corridor on the northern boundary of the site, it is not clear that they are located outside the buffer area required for wetland areas. In addition, the septic system proposed as part of the project may infringe upon required buffer zones.

The May 30, 2000 Thomas Reid Associates site investigation also indicate that the project site may provide habitat for the Monarch butterfly, but does not fully assess potential project impacts to this species. In particular, it does not address whether trees on the site other than the Monterey pines along the northern property boundary may provide habitat for this species, whether removal of the trees proposed as part of the project will impact potential habitat, or whether the project provides an adequate buffer to all potential Monarch habitat.

### **C. Adequacy of Water Supply**

The proposed project would result in conversion of more than one acre of prime agricultural land as defined in the LCP. LCP Policy 5.22 requires that in order to protect agricultural water supplies the existing availability of an adequate and potable well water source must be demonstrated for all non-agricultural uses prior to approval. The project application does not contain information showing that there is adequate, existing well water to serve the proposed project in conformity with LCP Policy 5.22.

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# Appendix A

Referenced Policies of the  
San Mateo County  
Local Coastal Program



# **AGRICULTURE COMPONENT**

The County will:

## **OPEN FIELD AGRICULTURE**

### **\*5.1 Definition of Prime Agricultural Lands**

Define prime agricultural lands as:

- a. All land which qualifies for rating as Class I or Class II in the U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification, as well as all Class III lands capable of growing artichokes or Brussels sprouts.
- b. All land which qualifies for rating 80-100 in the Storie Index Rating.
- c. Land which supports livestock for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the U.S. Department of Agriculture.
- d. Land planted with fruit or nut bearing trees, vines, bushes, or crops which have a non-bearing period of less than five years and which normally return during the commercial bearing period, on an annual basis, from the production of unprocessed agricultural plant production not less than \$200 per acre.
- e. Land which has returned from the production of an unprocessed agricultural plant product an annual value that is not less than \$200 per acre within three of the five previous years.

The \$200 per acre amount in subsections d. and e. shall be adjusted regularly for inflation, using 1965 as the base year, according to a recognized consumer price index.

### **\*5.2 Designation of Prime Agricultural Lands**

Designate any parcel which contains prime agricultural lands as Agriculture on the Local Coastal Program Land Use Plan Map, subject to the following exceptions: State Park lands existing as of the date of Local Coastal Program certification, urban areas, rural service centers, and solid waste disposal sites necessary for the health, safety, and welfare of the County.

## AGRICULTURAL WATER SUPPLIES

### 5.21 Water Supply

Establish strategies for increasing agricultural water supplies without endangering sensitive habitats.

### \*5.22 Protection of Agricultural Water Supplies

Before approving any division or conversion of prime agricultural land or other land suitable for agriculture, require that:

- a. The existing availability of an adequate and potable well water source be demonstrated for all non-agricultural uses according to the following criteria: (1) each existing parcel developed with non-agricultural uses, or parcel legalized in accordance with LCP Policy 1.29, shall demonstrate a safe and adequate well water source located on that parcel, and (2) each new parcel created by a land division shall demonstrate a safe and adequate well water source located either (a) on that parcel, or (b) on the larger property that was subdivided to create the new parcel, providing that a single well source may not serve more than four (4) new parcels.
- b. Adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed are not diminished.
- c. All new non-agricultural parcels are severed from land bordering a stream and their deeds prohibit the transfer of riparian rights.

### 5.23 Priorities for Use of Agricultural Water Supplies

Recommend to the California State Water Resources Control Board that when issuing permits for appropriate water rights they establish the following priorities:

- a. The protection of minimum stream flows as determined by the State Department of Fish and Game;
- b. New and existing agricultural operations;
- c. New and existing farm family and farm labor housing;
- d. Coastal-dependent uses;
- e. Public recreation and visitor-serving facilities;
- f. Other.



# ***SENSITIVE HABITATS COMPONENT***

## **GENERAL POLICIES**

The County will:

### **\*7.1 Definition of Sensitive Habitats**

Define sensitive habitats as any area in which plant or animal life or their habitats are either rare or especially valuable and any area which meets one of the following criteria: (1) habitats containing or supporting "rare and endangered" species as defined by the State Fish and Game Commission, (2) all perennial and intermittent streams and their tributaries, (3) coastal tide lands and marshes, (4) coastal and offshore areas containing breeding or nesting sites and coastal areas used by migratory and resident water-associated birds for resting areas and feeding, (5) areas used for scientific study and research concerning fish and wildlife, (6) lakes and ponds and adjacent shore habitat, (7) existing game and wildlife refuges and reserves, and (8) sand dunes.

Sensitive habitat areas include, but are not limited to, riparian corridors, wetlands, marine habitats, sand dunes, sea cliffs, and habitats supporting rare, endangered, and unique species.

### **7.2 Designation of Sensitive Habitats**

Designate sensitive habitats as including, but not limited to, those shown on the Sensitive Habitats Map for the Coastal Zone.

### **\*7.3 Protection of Sensitive Habitats**

- a. Prohibit any land use or development which would have significant adverse impact on sensitive habitat areas.
- b. Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of the habitats.

### **\*7.4 Permitted Uses in Sensitive Habitats**

- a. Permit only resource dependent uses in sensitive habitats. Resource dependent uses for riparian corridors, wetlands, marine habitats, sand dunes, sea cliffs and habitats supporting rare, endangered, and unique species shall be the uses permitted in Policies 7.9, 7.16, 7.23, 7.26, 7.30,

7.33, and 7.44, respectively, of the County Local Coastal Program on March 25, 1986.

- b. In sensitive habitats, require that all permitted uses comply with U.S. Fish and Wildlife and State Department of Fish and Game regulations.

#### 7.5 Permit Conditions

- a. As part of the development review process, require the applicant to demonstrate that there will be no significant impact on sensitive habitats. When it is determined that significant impacts may occur, require the applicant to provide a report prepared by a qualified professional which provides: (1) mitigation measures which protect resources and comply with the policies of the Shoreline Access, Recreation/Visitor-Serving Facilities and Sensitive Habitats Components, and (2) a program for monitoring and evaluating the effectiveness of mitigation measures. Develop an appropriate program to inspect the adequacy of the applicant's mitigation measures.
- b. When applicable, require as a condition of permit approval the restoration of damaged habitat(s) when in the judgment of the Planning Director restoration is partially or wholly feasible.

#### 7.6 Allocation of Public Funds

In setting priorities for allocating limited local, State, or federal public funds for preservation or restoration, use the following criteria: (1) biological and scientific significance of the habitat, (2) degree of endangerment from development or other activities, and (3) accessibility for educational and scientific uses and vulnerability to overuse.

### **RIPARIAN CORRIDORS**

The County will:

#### 7.7 Definition of Riparian Corridors

Define riparian corridors by the "limit of riparian vegetation" (i.e., a line determined by the association of plant and animal species normally found near streams, lakes and other bodies of freshwater: red alder, jaumea, pickleweed, big leaf maple, narrow-leaf cattail, arroyo willow, broadleaf cattail, horsetail, creek dogwood, black cottonwood, and box elder). Such a corridor must contain at least a 50% cover of some combination of the plants listed.

## 7.8 Designation of Riparian Corridors

Establish riparian corridors for all perennial and intermittent streams and lakes and other bodies of freshwater in the Coastal Zone. Designate those corridors shown on the Sensitive Habitats Map and any other riparian area meeting the definition of Policy 7.7 as sensitive habitats requiring protection, except for manmade irrigation ponds over 2,500 sq. ft. surface area.

## 7.9 Permitted Uses in Riparian Corridors

- a. Within corridors, permit only the following uses: (1) education and research, (2) consumptive uses as provided for in the Fish and Game Code and Title 14 of the California Administrative Code, (3) fish and wildlife management activities, (4) trails and scenic overlooks on public land(s), and (5) necessary water supply projects.
- b. When no feasible or practicable alternative exists, permit the following uses: (1) stream dependent aquaculture, provided that non-stream dependent facilities locate outside of corridor, (2) flood control projects, including selective removal of riparian vegetation, where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, (3) bridges when supports are not in significant conflict with corridor resources, (4) pipelines, (5) repair or maintenance of roadways or road crossings, (6) logging operations which are limited to temporary skid trails, stream crossings, roads and landings in accordance with State and County timber harvesting regulations, and (7) agricultural uses, provided no existing riparian vegetation is removed, and no soil is allowed to enter stream channels.

## 7.10 Performance Standards in Riparian Corridors

Require development permitted in corridors to: (1) minimize removal of vegetation, (2) minimize land exposure during construction and use temporary vegetation or mulching to protect critical areas, (3) minimize erosion, sedimentation, and runoff by appropriately grading and replanting modified areas, (4) use only adapted native or non-invasive exotic plant species when replanting, (5) provide sufficient passage for native and anadromous fish as specified by the State Department of Fish and Game, (6) minimize adverse effects of waste water discharges and entrainment, (7) prevent depletion of groundwater supplies and substantial interference with surface and subsurface waterflows, (8) encourage waste water reclamation, (9) maintain natural vegetation buffer areas that protect riparian habitats, and (10) minimize alteration of natural streams.

### 7.11 Establishment of Buffer Zones

- a. On both sides of riparian corridors, from the "limit of riparian vegetation" extend buffer zones 50 feet outward for perennial streams and 30 feet outward for intermittent streams.
- b. Where no riparian vegetation exists along both sides of riparian corridors, extend buffer zones 50 feet from the predictable high water point for perennial streams and 30 feet from the midpoint of intermittent streams.
- c. Along lakes, ponds, and other wet areas, extend buffer zones 100 feet from the high water point except for manmade ponds and reservoirs used for agricultural purposes for which no buffer zone is designated.

### 7.12 Permitted Uses in Buffer Zones

Within buffer zones, permit only the following uses: (1) uses permitted in riparian corridors, (2) residential uses on existing legal building sites, set back 20 feet from the limit of riparian vegetation, only if no feasible alternative exists, and only if no other building site on the parcel exists, (3) in Planned Agricultural, Resource Management and Timber Preserve Districts, residential structures or impervious surfaces only if no feasible alternative exists, (4) crop growing and grazing consistent with Policy 7.9, (5) timbering in "streamside corridors" as defined and controlled by State and County regulations for timber harvesting, and (6) no new residential parcels shall be created whose only building site is in the buffer area.

### 7.13 Performance Standards in Buffer Zones

Require uses permitted in buffer zones to: (1) minimize removal of vegetation, (2) conform to natural topography to minimize erosion potential, (3) make provisions (i.e., catch basins) to keep runoff and sedimentation from exceeding pre-development levels, (4) replant where appropriate with native and non-invasive exotics, (5) prevent discharge of toxic substances, such as fertilizers and pesticides, into the riparian corridor, (6) remove vegetation in or adjacent to manmade agricultural ponds if the life of the pond is endangered, (7) allow dredging in or adjacent to manmade ponds if the San Mateo County Resource Conservation District certified that siltation imperils continued use of the pond for agricultural water storage and supply, and (8) require motorized machinery to be kept to less than 45 dBA at any wetland boundary except for farm machinery and motorboats.

## WETLANDS

The County will:

### 7.14 Definition of Wetland

Define wetland as an area where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants which normally are found to grow in water or wet ground. Such wetlands can include mudflats (barren of vegetation), marshes, and swamps. Such wetlands can be either fresh or saltwater, along streams (riparian), in tidally influenced areas (near the ocean and usually below extreme high water of spring tides), marginal to lakes, ponds, and manmade impoundments. Wetlands do not include areas which in normal rainfall years are permanently submerged (streams, lakes, ponds and impoundments), nor marine or estuarine areas below extreme low water of spring tides, nor vernal wet areas where the soils are not hydric.

In San Mateo County, wetlands typically contain the following plants: cordgrass, pickleweed, jaumea, frankenia, marsh mint, tule, bullrush, narrow-leaf cattail, broadleaf cattail, pacific silverweed, salt rush, and bog rush. To qualify, a wetland must contain at least a 50% cover of some combination of these plants, unless it is a mudflat.

### 7.15 Designation of Wetlands

- a. Designate the following as wetlands requiring protection: Pescadero Marsh, Pillar Point Marsh (as delineated on Map 7.1), marshy areas at Tunitas Creek, San Gregorio Creek, Pomponio Creek and Gazos Creek, and any other wetland meeting the definition in Policy 7.14.
- b. At the time a development application is submitted, consider modifying the boundary of Pillar Point Marsh (as delineated on Map 7.1) if a report by a qualified professional, selected jointly by the County and the applicant, can demonstrate that land within the boundary does not meet the definition of a wetland.

### 7.16 Permitted Uses in Wetlands

Within wetlands, permit only the following uses: (1) nature education and research, (2) hunting, (3) fishing, (4) fish and wildlife management, (5) mosquito abatement through water management and biological controls; however, when determined to be ineffective, allow chemical controls which will not have a significant impact, (6) diking, dredging, and filling only as it serves to maintain existing dikes and an open channel at Pescadero Marsh, where such activity is necessary for the protection of pre-existing dwellings from flooding, or where

such activity will enhance or restore the biological productivity of the marsh, (7) diking, dredging, and filling in any other wetland only if such activity serves to restore or enhance the biological productivity of the wetland, (8) dredging manmade reservoirs for agricultural water supply where wetlands may have formed, providing spoil disposal is planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation, and (9) incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

#### 7.17 Performance Standards in Wetlands

Require that development permitted in wetlands minimize adverse impacts during and after construction. Specifically, require that: (1) all paths be elevated (catwalks) so as not to impede movement of water, (2) all construction takes place during daylight hours, (3) all outdoor lighting be kept at a distance away from the wetland sufficient not to affect the wildlife, (4) motorized machinery be kept to less than 45 dBA at the wetland boundary, except for farm machinery, (5) all construction which alters wetland vegetation be required to replace the vegetation to the satisfaction of the Planning Director including "no action" in order to allow for natural reestablishment, (6) no herbicides be used in wetlands unless specifically approved by the County Agricultural Commissioner and State Department of Fish and Game, and (7) all projects be reviewed by the State Department of Fish and Game and State Water Quality Board to determine appropriate mitigation measures.

#### 7.18 Establishment of Buffer Zones

Buffer zones shall extend a minimum of 100 feet landward from the outermost line of wetland vegetation. This setback may be reduced to no less than 50 feet only where (1) no alternative development site or design is possible; and (2) adequacy of the alternative setback to protect wetland resources is conclusively demonstrated by a professional biologist to the satisfaction of the County and the State Department of Fish and Game. A larger setback shall be required as necessary to maintain the functional capacity of the wetland ecosystem.

#### 7.19 Permitted Uses in Buffer Zones

Within buffer zones, permit the following uses only: (1) uses allowed within wetlands (Policy 7.16) and (2) public trails, scenic overlooks, and agricultural uses that produce no impact on the adjacent wetlands.

#### 7.20 Management of Pillar Point Marsh

- a. Define safe yield from the aquifer feeding the marsh as the amount of water that can be removed without adverse impacts on marsh health.

# ***VISUAL RESOURCES COMPONENT***

## **NATURAL FEATURES--LANDFORMS**

### 8.1 Definition of Landforms

Define landforms as natural topographic and landscape features which include, but are not restricted to, ridgelines, hillsides, canyons, coastal terraces, headlands, mountains, rock outcroppings, hills, cliffs and bluffs, sand dunes, beaches, wetlands, estuaries, streams, and arroyos.

### 8.2 Beaches

Prohibit permanent structures on open sandy beaches except facilities required for public health and safety (i.e., beach erosion control structures).

### 8.3 Sand Dunes

Prohibit development or uses that would alter the natural appearance of dunes, significantly hamper natural dune movement, conflict with the visual form of the dune ridgelines, destroy dune-stability vegetation, or require sand removal.

### 8.4 Cliffs and Bluffs

- a. Prohibit development on bluff faces except public access stairways where deemed necessary and erosion control structures which are in conformity with coastal policies on access and erosion.
- b. Set back bluff top development and landscaping from the bluff edge (i.e., decks, patios, structures, trees, shrubs, etc.) sufficiently far to ensure it is not visually obtrusive when viewed from the shoreline except in highly developed areas where adjoining development is nearer the bluff edge, or in special cases where a public facility is required to serve the public safety, health, and welfare.

### 8.5 Location of Development

- a. Require that new development be located on a portion of a parcel where the development (1) is least visible from State and County Scenic Roads, (2) is least likely to significantly impact views from public viewpoints, and (3) is consistent with all other LCP requirements, best preserves the visual and open space qualities of the parcel overall. Where conflicts in complying with this requirement occur, resolve them in a manner which on

balance most protects significant coastal resources on the parcel, consistent with Coastal Act Section 30007.5.

Public viewpoints include, but are not limited to, coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches.

This provision does not apply to enlargement of existing structures, provided that the size of the structure after enlargement does not exceed 150% of the pre-existing floor area, or 2,000 sq. ft., whichever is greater.

This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation on the parcel. In such cases, agricultural development shall use appropriate building materials, colors, landscaping and screening to eliminate or minimize the visual impact of the development.

- b. Require, including by clustering if necessary, that new parcels have building sites that are not visible from State and County Scenic Roads and will not significantly impact views from other public viewpoints. If the entire property being subdivided is visible from State and County Scenic Roads or other public viewpoints, then require that new parcels have building sites that minimize visibility from those roads and other public viewpoints.

#### 8.6 Streams, Wetlands, and Estuaries

- a. Set back development from the edge of streams and other natural waterways a sufficient distance to preserve the visual character of the waterway.
- b. Prohibit structural development which will adversely affect the visual quality of perennial streams and associated riparian habitat, except for those permitted by Sensitive Habitats Component Policies.
- c. Retain the open natural visual appearance of estuaries and their surrounding beaches.
- d. Retain wetlands intact except for public accessways designed to respect the visual and ecological fragility of the area and adjacent land.

#### \*8.7 Development on Skylines and Ridgelines

- a. Prohibit the location of development, in whole or in part, on a skyline or ridgeline, or where it will project above a skyline or ridgeline, unless there is no other developable building site on the parcel.



d. Pescadero

Encourage new buildings to incorporate architectural design features found in the historic buildings of the community (see inventory listing), i.e., clean and simple lines, precise detailing, steep roof slopes, symmetrical relationship of windows and doors, wood construction, white paint, etc. Require remodeling of existing buildings to retain and respect their traditional architectural features, if any.

## **STRUCTURAL AND COMMUNITY FEATURES--RURAL**

8.14 Definition of Rural

Define rural as lands indicated on the LCP Land Use Map for rural use.

\*8.15 Coastal Views

Prevent development (including buildings, structures, fences, unnatural obstructions, signs, and landscaping) from substantially blocking views to or along the shoreline from coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches.

8.16 Landscaping

- a. Use plant materials to integrate the manmade and natural environments and to soften the visual impact of new development.
- b. Protect existing desirable vegetation. Encourage, where feasible, that new planting be common to the area.

\*8.17 Alteration of Landforms; Roads and Grading

- a. Require that development be located and designed to conform with, rather than change landforms. Minimize the alteration of landforms as a consequence of grading, cutting, excavating, filling or other development.
- b. To the degree possible, ensure restoration of pre-existing topographic contours after any alteration by development, except to the extent necessary to comply with the requirements of Policy 8.18.
- c. Control development to avoid the need to construct access roads visible from State and County Scenic Roads. Existing private roads shall be shared wherever possible. New access roads may be permitted only where it is demonstrated that use of existing roads is physically or legally impossible or unsafe. New roads shall be (1) located and designed to minimize visibility from State and County Scenic Roads and (2) built to fit

the natural topography and to minimize alteration of existing landforms and natural characteristics.

This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation, or convert agricultural soils. In such cases, build new access roads to minimize alteration of existing landforms and natural characteristics.

#### 8.18 Development Design

- a. Require that development (1) blend with and be subordinate to the environment and the character of the area where located, and (2) be as unobtrusive as possible and not detract from the natural, open space or visual qualities of the area, including but not limited to siting, design, layout, size, height, shape, materials, colors, access and landscaping.

The colors of exterior materials shall harmonize with the predominant earth and vegetative colors of the site. Materials and colors shall absorb light and minimize reflection. Exterior lighting shall be limited to the minimum necessary for safety. All lighting, exterior and interior, must be placed, designed and shielded so as to confine direct rays to the parcel where the lighting is located.

Except for the requirement to minimize reflection, agricultural development shall be exempt from this provision. Greenhouse development shall be designed to minimize visual obtrusiveness and avoid detracting from the natural characteristics of the site.

- b. Require screening to minimize the visibility of development from scenic roads and other public viewpoints. Screening shall be by vegetation or other materials which are native to the area or blend with the natural environment and character of the site.
- c. Require that all non-agricultural development minimize noise, light, dust, odors and other interference with persons and property off the development site.

#### 8.19 Colors and Materials

- a. Employ colors and materials in new development which blend, rather than contrast, with the surrounding physical conditions of the site.
- b. Prohibit highly reflective surfaces and colors except those of solar energy devices.

8.20 Scale

Relate structures in size and scale to adjacent buildings and landforms.

\*8.21 Commercial Signs

- a. Prohibit off-premise commercial signs except for seasonal temporary agricultural signs.
- b. Design on-premise commercial signs as an integral part of structure they identify and which do not extend above the roof line.
- c. Prohibit brightly illuminated colored, rotating, reflective, blinking, flashing or moving signs, pennants, or streamers.
- d. Design and minimize information and direction signs to be simple, easy-to-read, and harmonize with surrounding elements.

8.22 Utilities in State Scenic Corridors

- a. Install new distribution lines underground.
- b. Install existing overhead distribution lines underground where they are required to be relocated in conjunction with street improvements, new utility construction, etc.
- c. Exceptions to a. and b. may be approved by the Planning Commission where it is not physically practicable due to topographic features; however, utilities shall not be substantially visible from any public road or developed public trails.

8.23 Utilities in County Scenic Corridors

- a. Install new distribution lines underground, except as provided in b.
- b. For all development, exceptions may be approved by the Planning Commission when: (1) it is not physically practicable due to topographic features, (2) there are agricultural land use conflicts or (3) development is for farm labor housing. In addition, for building permits, exceptions may be approved by the Planning Commission for financial hardships. In each case, however, utilities shall not be substantially visible from any public road or developed public trail.

8.29 Designation of Officially Adopted State Scenic Roads and Corridors

Recognize officially adopted State Scenic Roads and Corridors as shown on the Scenic Roads and Corridors Map for the Coastal Zone. These are: Coast Highway south of Half Moon Bay city limits (State Route 1) and Skyline Boulevard (State Route 35).

8.30 Designation of County Scenic Roads and Corridors

- a. Expand existing County Scenic Corridors to include the visual limits of the landscape abutting the scenic road.
- b. Designate County Scenic Roads and Corridors as shown on the Scenic Roads and Corridors Map for the Coastal Zone. These are: Coast Highway north of Half Moon Bay city limits (State Route 1), Half Moon Bay Road (State Route 92), La Honda Road (State Route 84), Higgins-Purissima Road, Tunitas Creek Road, Pescadero Road, Stage Road, Cloverdale Road, and Gazos Creek Road (Coast Highway to Cloverdale Road).

8.31 Regulation of Scenic Corridors in Rural Areas

- a. Apply the policies of the Scenic Road Element of the County General Plan.
- b. Apply Section 6325.1 (Primary Scenic Resources Areas Criteria) of the Resource Management (RM) Zoning District as specific regulations protecting scenic corridors in the Coastal Zone.
- c. Apply the Rural Design Policies of the LCP.
- d. Apply the Policies for Landforms and Vegetative Forms of the LCP.
- e. Require a minimum setback of 100 feet from the right-of-way line, and greater where possible; however, permit a 50-foot setback when sufficient screening is provided to shield the structure from public view.
- f. Continue applying special regulations for the Skyline Boulevard and Cabrillo Highway State Scenic Corridors.
- g. Enforce specific regulations of the Timber Harvest Ordinance which prohibits the removal of more than 50% of timber volume in scenic corridors.

8.32 Regulation of Scenic Corridors in Urban Areas

- a. Apply the regulations of the Design Review (DR) Zoning Ordinance.