

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105  
PHONE: (415) 904-5260  
FAX: (415) 904-5400  
WEB: WWW.COASTAL.CA.GOV



# Th22b

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Staff:	RTA - SF
Staff Report:	7/29/2016
Hearing Date:	8/11/2016

## APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION ONLY

**Appeal Number:** A-2-SMC-16-0066

**Applicant:** Steve Kalpakoff

**Appellant:** Committee for Green Foothills

**Local Government:** San Mateo County

**Local Decision:** Coastal development permit number PLN2015-00243 approved with conditions by the San Mateo County Planning Commission on June 6, 2016.

**Location:** Cypress Avenue and Park Way (APN 037-225-010) in Moss Beach, San Mateo County.

**Project Description:** Construction of a new 1,485-square-foot residence with an attached 388 sq.-ft. garage.

**Staff Recommendation:** No Substantial Issue

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### PROCEDURAL NOTE

This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which it will take public testimony.

## **SUMMARY OF STAFF RECOMMENDATION**

San Mateo County approved a coastal development permit (CDP) to allow for the construction of a new three-story 1,485 square-foot, single-family residence, with a detached 388 square-foot garage, on a vacant parcel at Cypress Avenue and Park Way in Moss Beach, San Mateo County. The parcel is zoned for single family residential use and is surrounded by existing residential development on its north, east and south sides. Fitzgerald Marine Reserve is located across Cypress Avenue to the west of the parcel.

The Appellant contends that the County-approved project is inconsistent with Coastal Act public access and recreation policies and San Mateo County Local Coastal Program (LCP) policies related to geologic hazards, coastal access, visual resources, and non-conforming parcels. Specifically, the Appellant contends that the County-approved project is inconsistent with the Coastal Act and San Mateo LCP because 1) the geotechnical study is inadequate; 2) the project would impact coastal access; 3) the project design is inconsistent with the natural setting and scale of surrounding development; and 4) the project does not meet the use permit findings required for allowance of development on a non-conforming parcel. After reviewing the local record, Commission staff has concluded that the approved project does not raise a substantial issue with respect to the project's conformance with the San Mateo County LCP.

Specifically, the geotechnical study was conducted consistent with LCP requirements and was determined to be adequate by both the County and Coastal Commission staff geologists. Further it is staff's view that the County approved project will not significantly interfere with the public's ability to access Fitzgerald Marine Reserve and utilize existing coastal access available along Cypress Avenue. The proposed residence will have an architectural design that is in keeping with the character of nearby homes, conforms to LCP height requirements, and does not block protected public views from Highway 1 or public access trails. Finally, the County's analysis with regard to the required use permit findings for development on non-conforming parcels is adequate and consistent with the LCP partly because the Applicant investigated opportunities to acquire additional contiguous land in order to achieve conformity with the current zoning regulations.

As a result, staff recommends that the Commission determine that the appeal contentions do not raise a substantial LCP conformance issue, and that the Commission decline to take jurisdiction over the CDP for this project. The single motion necessary to implement this recommendation is found on page 4 below.

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**EXHIBITS**

- Exhibit 1 – Project Location and Vicinity Maps
- Exhibit 2 – Project Site and Area Photos
- Exhibit 3 – Approved Project Renderings
- Exhibit 4 – County’s Final Local Action Notice
- Exhibit 5 – Appeal of County’s CDP Approval
- Exhibit 6 – Access Trails
- Exhibit 7 – Neighborhood
- Exhibit 8 – Applicable LUP Polices and IP Standards
- Exhibit 9 – Geotechnical Study Report

**APPENDIX**

- Appendix A - Substantive File Documents

## I. MOTION AND RESOLUTION

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of no substantial issue would mean that the Commission will not hear the application de novo and that the local action will become final and effective. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in a finding of no substantial issue and the local action will become final and effective. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission determine that Appeal Number A-2-SMC-16-0066 raises **no substantial issue** with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act. I recommend a **yes** vote.*

***Resolution:** The Commission finds that Appeal Number A-2-SMC-16-0066 does not present 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 Program and / or the public access policies of the Coastal Act.*

## II. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

### A. PROJECT LOCATION AND DESCRIPTION

The proposed residential project is located on a vacant parcel (APN 037-225-010) at the intersection of Cypress Avenue and Park Way in the Seal Cove neighborhood of Moss Beach, in unincorporated San Mateo County. The 3916 square foot parcel is considered non-conforming because 5,000 square feet is the minimum parcel size required for residential development in this zoning district. The subject parcel is zoned for residential use (R-1/S-17) and is generally surrounded by existing residential development to the north, east and south. Fitzgerald Marine Reserve is located to the west across Cypress Avenue. The main entrance to the Reserve is at the end of California Avenue at North Lake Street, although public access to the Reserve via existing public trails is available on the western side of Cypress Avenue, north and south of the parcel. The parcel is located within Zone 3 of the Seal Cove area, which is designated in the San Mateo County Local Coastal Program (LCP) as a Geological Hazards (GH) District. The parcel is located between the “first public road,” i.e., Airport Street, and the sea, and is also partially within the Cabrillo Highway Scenic Corridor.

The proposed project is a 1,485 square-foot, three-story, single-family residence, with an attached 388 square-foot garage. The project would meet all required setbacks except the rear setback, which would be reduced from the required 20 feet to 15 feet, 5 inches. The new residence consists of a first floor entryway, garage, master bedroom and bath, a second floor dining room, kitchen, and living room, and a third floor den, bath, and balcony. The proposed project includes a landscape plan and is conditioned by the County to use native and drought

tolerant plant species. Vehicle access to the property is located on the Cypress Avenue side of the parcel. Water and sewer service is available for the proposed residence.

See **Exhibit 1** for a location map; **Exhibit 2** for photographs of the site and surrounding area; and **Exhibit 3** for the approved project plans, including the landscaping plan.

## **B. SAN MATEO COUNTY CDP APPROVAL**

On June 8, 2016, the San Mateo County Planning Commission approved coastal development permit (CDP) PLN 2015-00243 for the above-described project. This project was initially considered by the County Planning Commission on April 27, 2016. The Planning Commission received a letter dated April 25, 2016 from the Appellant raising issues about, inconsistencies between the project description and information in the CEQA document, and potential adverse impacts from the proposed project on public access, visual resources, along with concerns about the proximity of the proposed project to the Seal Cove fault trace and insufficient information concerning the location of the fault trace on the subject property. The Appellant also expressed concerns about the evidence that adjacent parcel owners received “purchase offer” letters from the Applicant and declined to sell. The Planning Commission continued the proposed project to June 8, 2016 to allow County staff to address the issues raised and to revise and re-circulate the California Environmental Quality Act (CEQA) document. The Planning Commission, as mentioned above, then heard and approved the project on June 8, 2016.

The County’s final local action notice (FLAN) was received in the Coastal Commission’s North Central Coast District Office on June 27, 2016 (**Exhibit 4**). The Coastal Commission’s ten-working day appeal period for this action began on June 28, 2016 and concluded at 5 pm on July 12, 2016. One valid appeal, from the Committee for Green Foothills, was timely received (see below and see **Exhibit 5**).

## **C. APPEAL PROCEDURES**

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) otherwise in a sensitive coastal resource area; or for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. The County’s approval is appealable because the approved project is located between the sea and the first public road paralleling the sea.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified LCP or to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo

CDP hearing on an appealed project unless a majority of the Commission finds that “no substantial issue” is raised by such allegations. Under Section 30604(b), if the Commission finds a substantial issue and conducts a de novo CDP hearing, the Commission must find that the proposed development is in conformity with the certified LCP to approve a CDP for the project. If a project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project is located between the nearest public road and the sea, and thus this additional finding would need to be made if the Commission were to approve this project following a de novo hearing.

#### **D. SUMMARY OF APPEAL CONTENTIONS**

The Appellant, Committee for Green Foothills, contends that the County-approved project is inconsistent with Coastal Act public access policies and the County LCP policies related to geologic hazards, coastal access, visual resources, and non-conforming parcels. Specifically, the Appellant contends that the County-approved project is inconsistent because 1) the geotechnical study is inadequate; 2) the project would impact coastal access; 3) the project design is inconsistent with the natural setting and scale of surrounding development; and (4) the project does not meet the County use permit findings required for allowance of development on a non-conforming parcel. Please see **Exhibit 5** for the full appeal document.

#### **E. SUBSTANTIAL ISSUE DETERMINATION**

The term “substantial issue” is not defined in the Coastal Act or its implementing regulations. The Commission's regulations simply indicate that the Commission will hear an appeal unless it “finds that the appeal raises no significant question” (California Code of Regulations, Title 14, Section 13115(b)). In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: (1) the degree of factual and legal support for the local government's decision; (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 as opposed to those of regional or statewide significance. Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of a local government's CDP decision by filing a petition for a writ of mandate pursuant to the Code of Civil Procedure, Section 1094.5.

In this case, and for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the County does not raise a substantial issue with regard to the Appellant's contentions.

#### **Geologic Hazards**

##### ***Applicable Policies***

The LUP includes a series of policies that define hazardous zones and require certain sections of the IP apply to designated geologic hazard areas. Applicable policies include:

*LUP Policy 9.3 Regulation of Geologic Hazard Areas*

*Apply the following regulations of the Resource Management (RM) Zoning Ordinance to designated geologic hazard areas:*

...

*c. Section 6326.3 - Seismic Fault/Fracture Area Criteria. Require geologic reports prepared by a certified engineering geologist consistent with "Guidelines for Geologic/Seismic Reports"... for all proposed development.*

The following IP provisions, specifically cited by the Appellant, define the project's zone as the most stable part of the Seal Cove area, however, that it contains active faults; and sets requirements for the geotechnical report in order to develop:

*IP Sec. 6296.2. DESCRIPTION OF HAZARDOUS ZONES IN SEAL COVE AREA.*

...

*C. Zone 3. The most stable part of the Seal Cove area; risk to development in this area is considered to be low to moderate. The major geologic hazard in this zone is the possibility of surface faulting along the main traces and subsidiary cross faults of the Seal Cove Fault system. These faults are considered to be active and capable of producing strong surface rupture and ground failure with associated strong ground shaking. The feasibility of reducing the risks to acceptable levels in this zone is considered generally high.*

*IP Sec. 6296.3. GEOTECHNICAL INVESTIGATIONS AND DEVELOPMENT REQUIREMENTS. The regulations of Table 1 shall be applicable in Zones 1, 2 and 3...*

*Table 1, Zone 3*

*REQUIREMENT OF GEOTECHNICAL INVESTIGATION*

*Prior to any development, there shall be an engineering geologic investigation by a certified engineering geologist and a soil and foundation engineering investigation by a registered civil engineer, or a combined equivalent of the above, unless evidence is available to show that such investigations are not required.*

*Engineering geologic investigation shall address the seismic hazards related to the master and branching traces of the Seal Cove fault. Particular emphasis of the engineering geologic investigations shall be placed on the evaluation of possible surface faulting. Investigative techniques within this area will require the use of subsurface trenching and possible geophysical traverses unless clear evidence is established to show that no active fault crosses the parcel in question.*

*The soil and foundation engineering investigation shall address, but not necessarily be confined to, the following items: site preparation and grading, surface and subsurface, drainage, and design parameters for all proposed development.*

*DEVELOPMENT REQUIREMENTS*

*Development shall be allowed in Zone 3 if suitable mitigation measures including, but not limited to, siting of homes away from active faults, structural and foundation design and adequate surface drainage plans are applied as recommended by any required geotechnical investigation.*

The subject parcel is within a Geological Hazards (GH) District, as designated under the LCP. LUP Policy 9.3 requires application of Resource Management (RM) Zoning Ordinance, Section 6326.3 to sites located in a GH District. LCP Section 6326.3 requires detailed geologic site investigations and adequate engineering designs for single family residences proposed in geologic hazard areas and prohibits placement of structures across any active fault trace.

Additionally, LCP Section 6296.3 contains specific investigation and development requirements for projects located in the Seal Cove area. The project site is located in Zone 3 of the Seal Cove area, described in Section 6296.2 as a more stable area within Seal Cove, with low to moderate development risk. As required by LCP Sections 6326.3 and 6296.3, the Applicant conducted a detailed geologic, site specific investigation by a registered geologist, including subsurface trenching, to identify hazards at the project site. **Exhibit 8**, pp. 1-4 contains the complete text of applicable LCP geologic hazard policies and standards as well as Table 1.

The Appellant contends that the County's approval is inconsistent with LUP Hazards Policies 9.1 [definition of hazard areas], 9.2 [designation of hazard areas] and 9.3.c [describing Zone 3], as well as IP Sections 6296.1 [mapping], 6296.2 [describing Zone 3], and Section 6296.3 and Table 1, discussed further below. There is no dispute that the proposed project would develop in a hazardous zone, that a geotechnical investigation was performed, nor is there a dispute over the qualifications of those preparing the geotechnical report. The Appellant claims, in essence, that there was insufficient information for the County to approve the study and further questioned the methodology regarding the location of the fault line that crosses the property. Figure 2, of the site map contained in the Applicant's geotechnical report (**Exhibit 9**) shows the location of the nine-foot deep trench excavated approximately ten feet from the southeast property line to evaluate fault hazards on the property as required by the County LCP. The Appellant claims that this trench established only one data point that locates the fault trace, which is about located 28 feet from the Park Avenue property line. The Appellant asserts that a second trench running parallel to the one dug by the Applicant's consultant is needed near the northwest property line in order to adequately establish the line of the fault crossing the property.

The Applicant's geotechnical investigation indicates the approximate location of a secondary fault trace on the property, and found that with implementation of the recommended measures, the site was suitable for development. The Applicant's consultants verified in the report that they mapped the fault using two piercing points between the trench wall and the fault trace, extrapolating the trace location to where it would meet Cypress Ave. pavement, then dug a hole which confirmed the location of the trace. (See **page 21 of Exhibit 9**) The consultants' recommended measures include locating the proposed house appropriately on the property with a ten-foot setback from the fault trace and incorporation of earthquake resistant design elements to



meet current standards. Consistent with LCP Policy 9.10, the County geologist reviewed the findings of the geotechnical study and found them adequate for planning permit approval. The County approved project has been sited consistent with the geotechnical setback recommendations, and includes a condition requiring submittal of a more detailed soils report at the building permit stage, as is standard for the County's geotechnical review. Finally, the Applicant is required to record a deed restriction acknowledging the property's location in Zone 3 of the Seal Cove GH District as a County condition of approval.

The Commission's Senior Staff Geologist, Dr. Mark Johnsson, also reviewed the Applicant's geotechnical report, including the methodology and results, and indicated that there is not a substantial deficiency in the fault trenching that was conducted by the Applicant, that no additional trenching is necessary, and the County's conditions of approval with respect to geologic hazards are adequate. Thus, the Commission finds that the County relied on adequate information in the siting of the project and incorporated appropriate conditions to ensure the project's consistency with the LCP hazard policies. The Appellant's contentions, therefore, do not raise a substantial issue with respect to the County-approved project's conformity with LCP geologic hazards policies.

## **Public Access and Recreation**

### ***Applicable Policies***

Chapter 3 policies of the Coastal Act protect public access to the coast and require recreational opportunities, including as follows:

#### *Section 30210*

*In carrying out the requirement of [Section 4 of Article X of the California Constitution](#), maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

#### *Section 30212*

*(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected....*

The San Mateo County LUP sets permit conditions for shoreline access, and siting requirements for the California Coastal Trail. Applicable policies include:

#### *LUP 10.1 Permit Conditions for Shoreline Access*

*Require some provision for shoreline access as a condition of granting development permits for any public or private development permits (except as exempted by Policy 10.2) between the sea and the nearest road. The type of provision, the location of the*

*access and the amount and type of improvements required shall be consistent with the policies of this component.*

*LUP 10.38 California Coastal Trail (CCT)*

...

*(5) CCT Siting and Design Standards:*

...

*(e) The CCT should be designed to avoid being located on roads with motorized vehicle traffic where feasible, except for those specific strands of the trail system that are specifically designed to service commuter needs and safely provide for the shortest distance between destination points. Providing such a commuter-purpose strand of the CCT does not replace the remaining need to provide a recreational strand of the CCT as close to the shoreline as possible. In locations where it is not possible to avoid siting the trail along a roadway, the trail should be located off of the pavement and within the public right-of-way, and separated from traffic by a safe distance or by physical barriers that do not obstruct, or detract from the visual scenic character of their surroundings. In locations where the trail must cross a roadway, safe under- or over-crossings or other alternative at-grade crossings should be considered in connection with appropriate directional and traffic warning signage.*

The Coastal Act public access policies require that maximum access and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. The Coastal Act also requires that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where adequate access exists nearby.

Similarly, LUP Section 10.1 requires a provision of shoreline access for development between the nearest public road and the sea consistent with the LCP Shoreline Access component (LUP Section 10.12), which recommends locating vertical access at the ends of streets perpendicular to the shoreline. LUP Section 10.29 prohibits property owners from closing or encroaching on established trails, and requires setbacks for development adjacent to existing or proposed shoreline access areas to prevent encroachment. With respect to the California Coastal Trail, LUP Policy 10.38 recommends siting the trail off pavement within a public right-of-way, and separated from traffic. **Exhibit 8**, pp. 4-7 contains the complete text of applicable public access and recreation policies.

The Appellant contends the County approved development does not adequately protect and enhance public coastal access, because it would impact coastal access to the nearby Fitzgerald Marine Reserve and the California Coastal Trail segment located along Cypress Avenue. Specifically, Appellant contends that approval violates LUP Policy 10.38, generally requiring the California Coastal Trail to be sited away from traffic as feasible.

There are two access points to trails located within Fitzgerald Marine Reserve from Cypress Avenue: one approximately twenty-five to thirty feet from the northwest corner of the property, and one southwesterly of the property, where Cypress Avenue meets Beach Street. The

California Coastal Trail, described as the “Dardanelle Trail” within the Reserve, is the trail located northwest of the project site that intersects with Cypress Avenue and continues southwesterly, in the direction of the Pacific Ocean within the Reserve. Existing pedestrian access occurs along the northwest side of the existing row of Monterey cypress trees that separate the Dardanelle Trail from Cypress Avenue. Bicycle, pedestrian access, and public parking also occur along the paved and unpaved portion of Cypress Avenue, west of the Reserve property. (See **Exhibits 2 and 6.**)

The County’s approval of the project found that it would not impact the public’s ability to continue accessing the Dardanelle Trail or the Reserve itself. The County found that existing access to the trails would remain open and would not be significantly affected by the construction of a single-family residence in the existing residential neighborhood located to the east of the Reserve. The County also found the project consistent with LUP Policy 10.12 as there is adequate public access nearby including existing vertical access provided by Cypress Avenue to the shoreline area westward.

Cypress Avenue is a narrow (approximately 14-foot wide) public street adjacent to the Reserve, as mentioned above. At the western foot of Cypress Avenue, there is a metal beam guardrail at the western terminus of Cypress Avenue. This guardrail turns Cypress Avenue into a dead-end street as the guardrail prevents vehicular travel from Cypress Avenue to Airport Street. In addition, existing bollards prevent unauthorized vehicles from accessing the Reserve from Cypress Avenue. Finally, “No Parking” signs are posted at this location, which also restrict vehicle parking in this area.<sup>1</sup> The public, however, may park vehicles within the Reserve main designated lot and along public streets, including along Park Way, and then can access the Reserve trails on foot. Commission Staff visited the proposed development site mid-day on July 4, 2016, normally a busy summer holiday for the public, and noted that no vehicles were parked along Cypress Avenue adjacent to the Reserve. Vehicles were legally parked along Park Way and there were a few people using the trails.

Vehicular access to the proposed residence would be via a driveway located off of Cypress Avenue and the project includes the necessary amount of LCP required off-street parking for a single-family residence. (See **Exhibit 3.**) It is possible that a car parked in the driveway could encroach into the public right-of-way (R-O-W) of Cypress Avenue, beyond the private property. However, the garage accommodates two vehicles and there is also room within the rear setback that would allow for additional parking as shown on the project plans (see **page 2 of Exhibit 3**). In addition, the residence, although it would be close to the street, would meet the required site yard setbacks, and will not extend into the public right of way. Therefore, the Commission finds that the County approved project will not conflict with the public’s ability to park on the unrestricted public street or prevent the public from accessing the Reserve or nearby access trails, such as the Coastal Trail.

The Appellant’s contentions, therefore, do not raise a substantial issue with respect to the County-approved project’s conformity with Coastal Act and LCP policies for the protection of public access.

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<sup>1</sup> Commission staff is currently investigating the permit status of these signs.

## Visual Impacts

### *Applicable Policies*

The Land Use Plan preserves and promotes visual resources with design guidelines for Moss Beach, including as follows:

*LUP 8.13 Special Design Guidelines for Coastal Communities....*

*(1) Design structures that fit the topography of the site and do not require extensive cutting, grading, or filling for construction.*

*(2) Employ the use of natural materials and colors that blend with the vegetative cover of the site.*

*(3) Use pitched roofs that are surfaced with non-reflective materials except for the employment of solar energy devices. The limited use of flat roofs may be allowed if necessary to reduce view impacts or to accommodate varying architectural styles that are compatible with the character of the surrounding area.*

*(4) Design structures that are in scale with the character of their setting and blend rather than dominate or distract from the overall view of the urban landscape.*

*(5) To the extent feasible, design development to minimize the blocking of views to or along the ocean shoreline from Highway 1 and other public viewpoints between Highway 1 and the sea. Public viewpoints include coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches....*

The Implementation Plan sets particular design criteria, including as follows:

*IP 6565.20(D). ELEMENTS OF DESIGN..... Every effort should be made, by following these guidelines, to place new structures so that they blend with those existing nearby and to achieve a higher quality of design and construction. Elements of design explored further in this section include: (1) building mass, shape, and scale; (2) architectural styles and facades; (3) roof design; and (4) exterior materials and colors.*

...

*b. Neighborhood Scale*

**Discussion:** *....whether or not a house appears proportional to adjacent homes is determined by the size and height of the house and whether or not the building shapes and facades are simple or broken into more varied forms. For example, large homes generally look less massive if they have more varied, rather than simple building forms. As such, even homes of different sizes can be in scale with one another if they share other architectural characteristics including building shape, simplicity or complexity of building form, and architectural styles and details....*

***Standards:***

...

*(2) On relatively level lots, avoid designs that incorporate more than two useable floors, excluding basements, within the maximum height limit, since this contributes to a massive or boxy appearance for the home and makes it more difficult to be in scale with surrounding one and two story homes. Multiple stories are allowed on sloping lots where it is necessary to ensure that the home steps up or down with the slope.*

The San Mateo County LCP requires protection of the natural and urban landscape of coastal communities. LUP Policy 8.13 outlines special design guidelines for coastal communities, and LCP Policy 8.32 requires that projects be reviewed consistent with the Design Review and community design regulations. IP Section 6565.10 in part recommends that designs on level lots avoid more than two usable floors to minimize a massive or boxy appearance. **Exhibit 8**, pp. 7-9 contains the complete text of the LCP's applicable visual resource policies.

LCP Section 6565.20 requires that every effort should be made, by following its guidelines, to place new structures so that they blend with those existing nearby and that the structure achieve a higher quality of design and construction. Further, LCP Section 6565.20 addresses design elements such as building mass, shape, and scale; architectural styles and facades; roof design; and exterior materials and colors.

The Appellant contends the County's approval of the proposed single-family residence is inconsistent with LCP policies regarding Visual Resources, specifically LUP Policy 8.13 regarding community character. The Appellant contends that the 28-foot high structure is not compatible with the surrounding area due to its mass, bulk, and height and is inconsistent with design review standards for the Midcoast, which requires new development on level lots to avoid designs that incorporate more than two usable floors. The Appellant believes the residence cannot achieve proportionality with both the size of the non-conforming parcel and the scale of other buildings in the neighborhood. Additionally, the Appellant contends that the proposed design is "not in keeping" with the natural setting of the Fitzgerald Marine Reserve.

A portion of the proposed project site (the approved garage and rear setback area) is within a County Scenic Corridor. The construction of the residence at this location would result in infill of a currently vacant lot, which is a permitted use of the site. The County and Coastside Design Review Committee evaluated potential visual resource impacts presented by the project through use of story poles and visual simulations and found that the residence will, to some extent, be visible as one looks southwesterly from Airport Street at Cypress Avenue. However, the viewshed as seen from that location is minimally affected by the proposed residence as it, along with other existing residential structures on Cypress, will be and are screened by the existing row of cypress trees located along Cypress. The residence will be clustered with other development in the neighborhood and the main public view available down Cypress will remain open. (See **Exhibits 3 and 7.**) The existing row of cypress trees located on Cypress Avenue across from the proposed project make the neighborhood less visible from the existing public access trails and the trees create a feeling for the trail users of being enclosed within a natural setting. Therefore, the view from the California Coastal Trail located within the Reserve will not be substantially negatively affected by the proposed residence.

The County approval found the project consistent with LCP visual resources policies because the design of the proposed structure complements the dominant style of the neighborhood, adequately protects neighbors' privacy and views, is well articulated, uses colors and materials that appear natural, and uses downward-directed exterior lighting.

The Commission agrees with the County's findings with regard to protection of visual resources. The proposed structure is at a scale that aligns with the character of the setting and neighborhood. The proposed project includes landscaping that will serve to screen the residence, and help it to blend in rather than dominate or distract from the overall view of the urbanscape, consistent with the LCP requirements. The exterior design of the proposed structure would use earth tone colors and natural appearing materials. The project also meets the LCP height, site coverage, floor area, and articulation development standards and was approved by the Coastsides Design Review Committee consistent with Midcoast design standards as required by LCP Policy 8.12. The Appellant's contentions, based upon the discussion above, therefore do not raise a substantial issue with respect to the County-approved project's conformity with Coastal Act and LCP policies for the protection of visual resources.

## **Use Permit**

### ***Applicable Policies***

The Implementation Plan seeks to reduce nonconforming parcels and their development, with the requirement of a separate use permit, as follows:

#### **IP SECTION 6133. NON-CONFORMING PARCELS.**

...

*3.b...(3) Use Permit Findings. ... a use permit for development of a non-conforming parcel may only be issued upon making the following findings:*

*(a) The proposed development is proportioned to the size of the parcel on which it is being built,*

*(b) All opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven to be infeasible,*

*(c) The proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible,*

*(d) The establishment, maintenance, and/or conducting of the proposed use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in the said neighborhood, and*

*(e) Use permit approval does not constitute a granting of special privileges.*

The project site is a non-conforming parcel. LUP Section 6133, subsection 3.b requires a use permit for development of a non-conforming parcel and dictates that a use permit may not be granted for development that will exceed the maximum floor area, height, and parcel coverage for parcels located in the Midcoast. The LCP also requires that all use permit findings outlined in LCP Section 6133, subsection 3.b.(3) be met for development proposed on unimproved, non-conforming parcels. **Exhibit 8**, pp. 10-11 contains the complete text of the LCP's applicable non-conforming parcel policies.

The Appellant contends that the County approved project does not meet the use permit findings required for allowance of development on a non-conforming parcel. Specifically, Section 6133, subsection 3.b.(3) of the LCP requires the finding that "all opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven to be infeasible." The County considered the Applicant's efforts on this issue and made findings on this issue in approving the project. The Appellant contends that there is insufficient evidence to support these findings.

The County found that the proposed residence is in conformity with LCP Section 6133(b) because it is in proportion to the size of the parcel upon which it is to be constructed, and the lot coverage and development standards are compliant with the existing S-17 Zoning District development standards; with a small exception for the rear setback to accommodate the 10 foot setback from the fault trace as recommended by the geotechnical report. With respect to opportunities to acquire contiguous land, the County Staff Report states "Purchase offer letters were forwarded to two neighbors. The offers were not acknowledged since neither replies nor counter-offers were received from the potential sellers." The Appellant asserts that the Applicant should have sent letters by registered mail with return receipts and provided a return form, so there would be additional proof of both delivery of the initial inquiry letter and a definitive documented response. While the methods outlined by the Appellant would have established clear receipt and response of the Applicant's communications, the LCP does not specify the form or manner in which such efforts must be taken. The County record includes copies of the letters sent to adjacent property owners and furthermore, the adjacent property owners were notified of the proposed project by the Applicant through the County approval process affording them ample opportunity to refute (or acknowledge) the Applicant's statement. No communications from the adjacent property owners have occurred to date and thus, the Commission finds the evidence in the County's approval sufficient to make the required finding under Section 6133 of the LCP.

Further, with respect to the remaining use permit findings, the proposed residence is in proportion to the size of the parcel; it is as nearly in conformance with current zoning as is reasonably possible; it will not result in a significant adverse impact to coastal resources, or be detrimental to public welfare or injurious to property or improvements in the neighborhood; and the County-approved use permit does not constitute a granting of special privileges. Thus, the Commission finds that the County's approval of the use permit is consistent with the LCP. The Appellant's contentions, therefore, do not raise a substantial issue with respect to the County-approved project's conformity with LCP policies for development on non-conforming parcels.

## **F. CONCLUSION**

The Commission, when considering a project that has been brought to it as an appeal, must first determine whether the project raises a substantial issue with respect to the project's conformance with the policies of the LCP such that the Commission should assert jurisdiction over a de novo CDP for such development. The Commission has the discretion at this stage to find that the project does not raise a substantial issue of LCP conformance. As explained above, the Commission is guided in its decision of whether the issues raised in a given case are "substantial" by the following five factors: the degree of factual and legal support for the local government's decision; the extent and scope of the development as acted upon by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. In this case, these five factors, considered together, support a conclusion that this project does not raise a substantial issue of LCP conformance.

First, the County decision relied on factual and legal support of its decision to approve the project. This factual support, consistent with the requirements of the LCP, includes the detailed geotechnical report found adequate by both the Coastal Commission and County staff geologists and used by the County to determine appropriate siting, design and conditions of approval. The County also considered photos of story poles, photos of the neighborhood, project plans, and visual simulations of the project design to evaluate consistency with coastal communities and scenic corridors LCP design standards. Furthermore, there was adequate evidence to support the County's finding that all opportunities to acquire additional contiguous land by the Applicant have been investigated and proven to be infeasible.

Second, the extent and scope of the County's approval of the proposed project is limited in impact to the Marine View subdivision of the Seal Cove area in Moss Beach; specifically to the portion of Cypress Avenue adjacent to the Fitzgerald Marine Reserve. The appeal raised solely local issues regarding public access (e.g., parking) along Cypress Avenue and the visual compatibility issues of this particular neighborhood in Moss Beach.

Third, the proposed project constitutes infill residential development on a vacant lot. The County-approved project will not result in significant impacts on coastal resources as it is consistent with LCP zoning standards and setback requirements to the extent feasible. Approval of the development of this non-conforming parcel in a residential area will not result in adverse impacts to coastal resources including public access.

Fourth, this locally-approved project will not create an adverse precedent for future interpretations of the County's LCP. The proposed project is consistent with the LCP. Development of non-conforming parcels must be carefully reviewed on a case-by-case basis and found to conform to all required use permit findings as was done for this project. In addition, all development in the Seal Cove hazard areas must conduct the required geotechnical study prior to permit approval to determine hazards and appropriate siting and design.



Finally, the project does not raise issues of regional or statewide significance because it raises issues with policies that are specific to the San Mateo County LCP in this particular Moss Beach neighborhood adjacent to Fitzgerald Marine Reserve.

The Commission, for the above-stated reasons finds that Appeal Number A-2-SMC-16-0066 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act and is consistent with the certified LCP and the public access policies of the Coastal Act.

**Substantive File Documents**

County of San Mateo Building and Permit file



**San Mateo County**

**Project Site: Park Way and Cypress Avenue, Moss Beach**  
**Property Owner: Steve Kalpakoff**

**APN: 037-225-010**



0.14 0 0.07 0.14 Miles

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© Latitude Geographics Group Ltd.

1:4,514



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

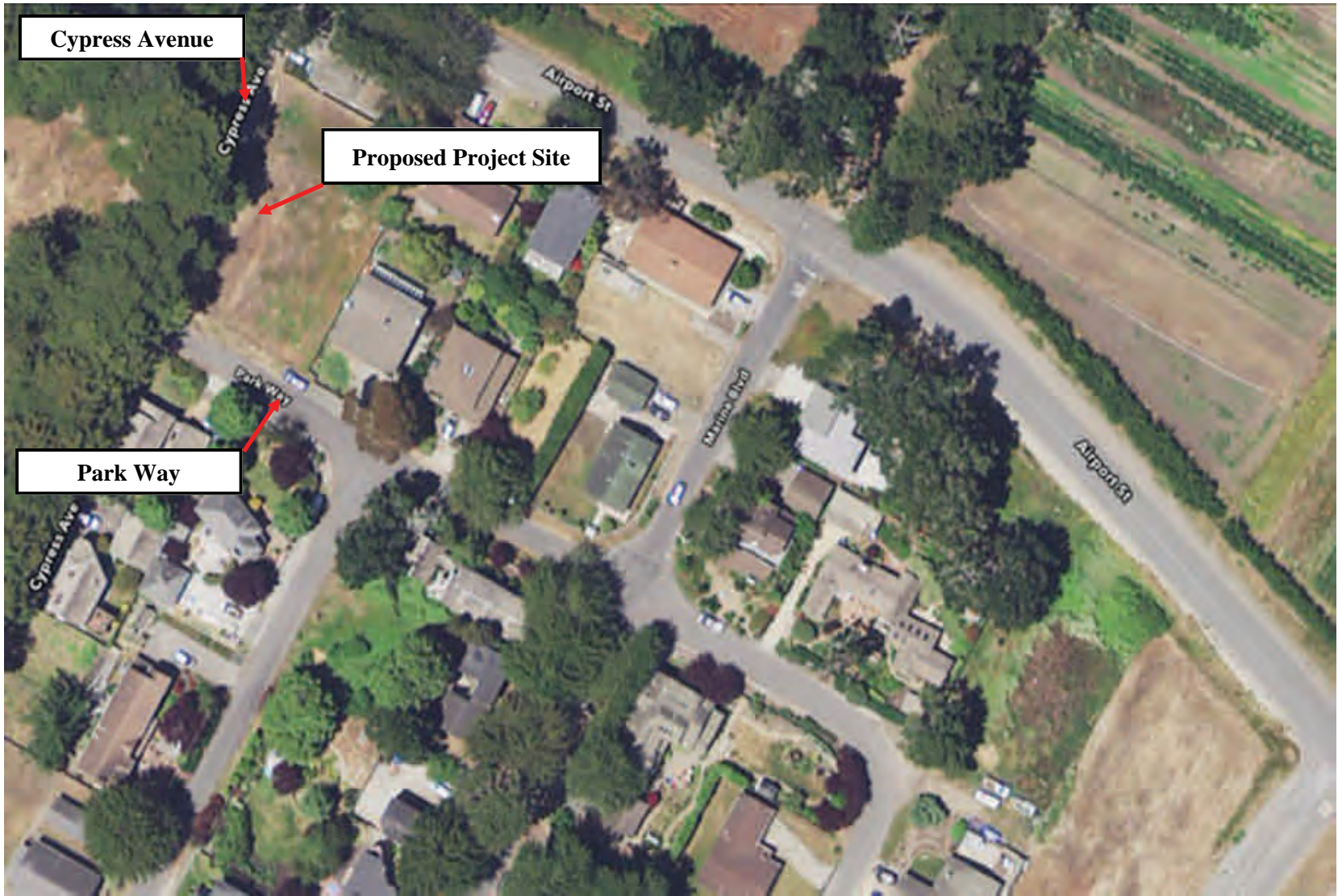
THIS MAP IS NOT TO BE USED FOR AVIATION PURPOSES

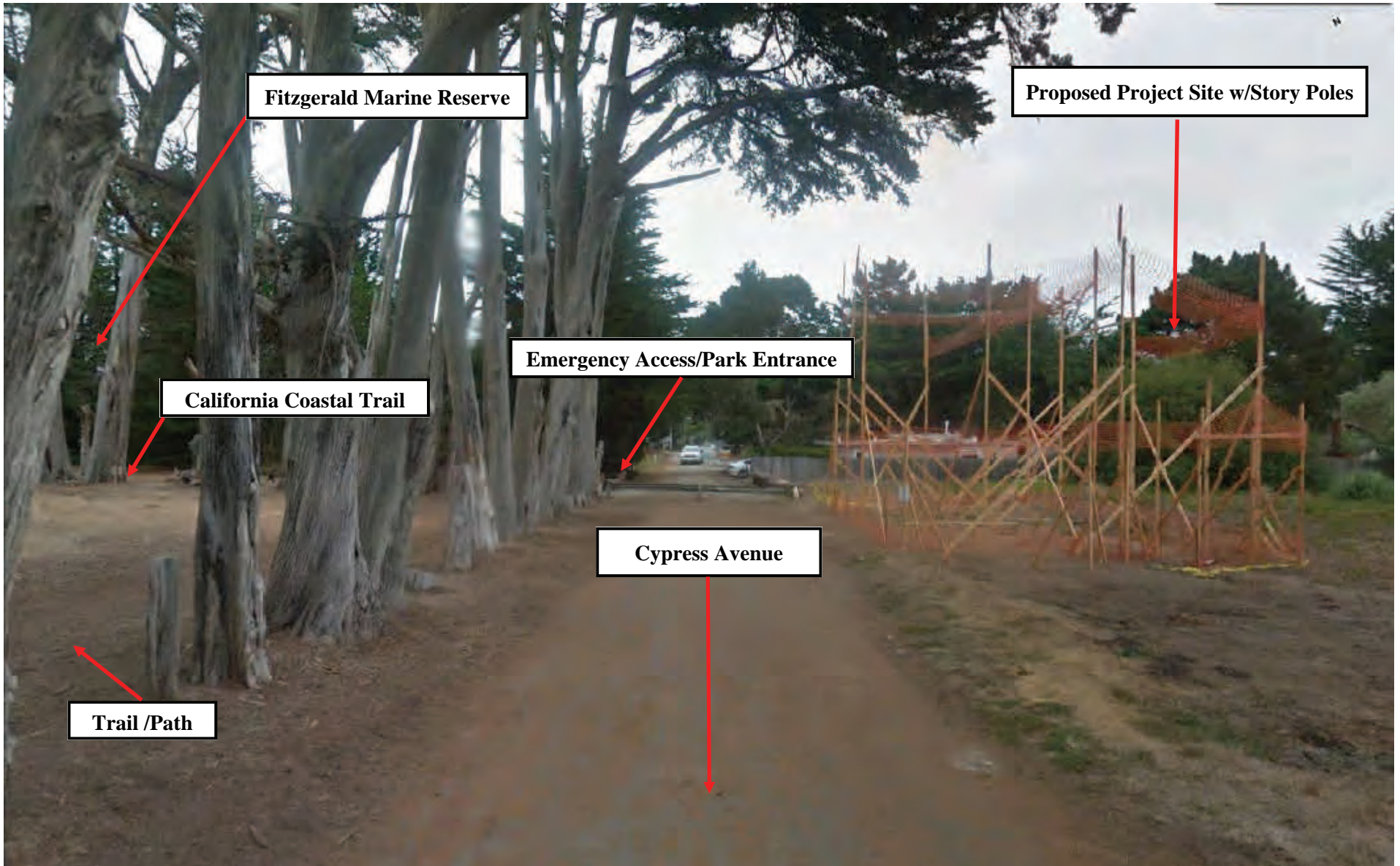
**Exhibit 1**

**A-2-SMC-16-0066**

**Page 1 of 2**







Fitzgerald Marine Reserve

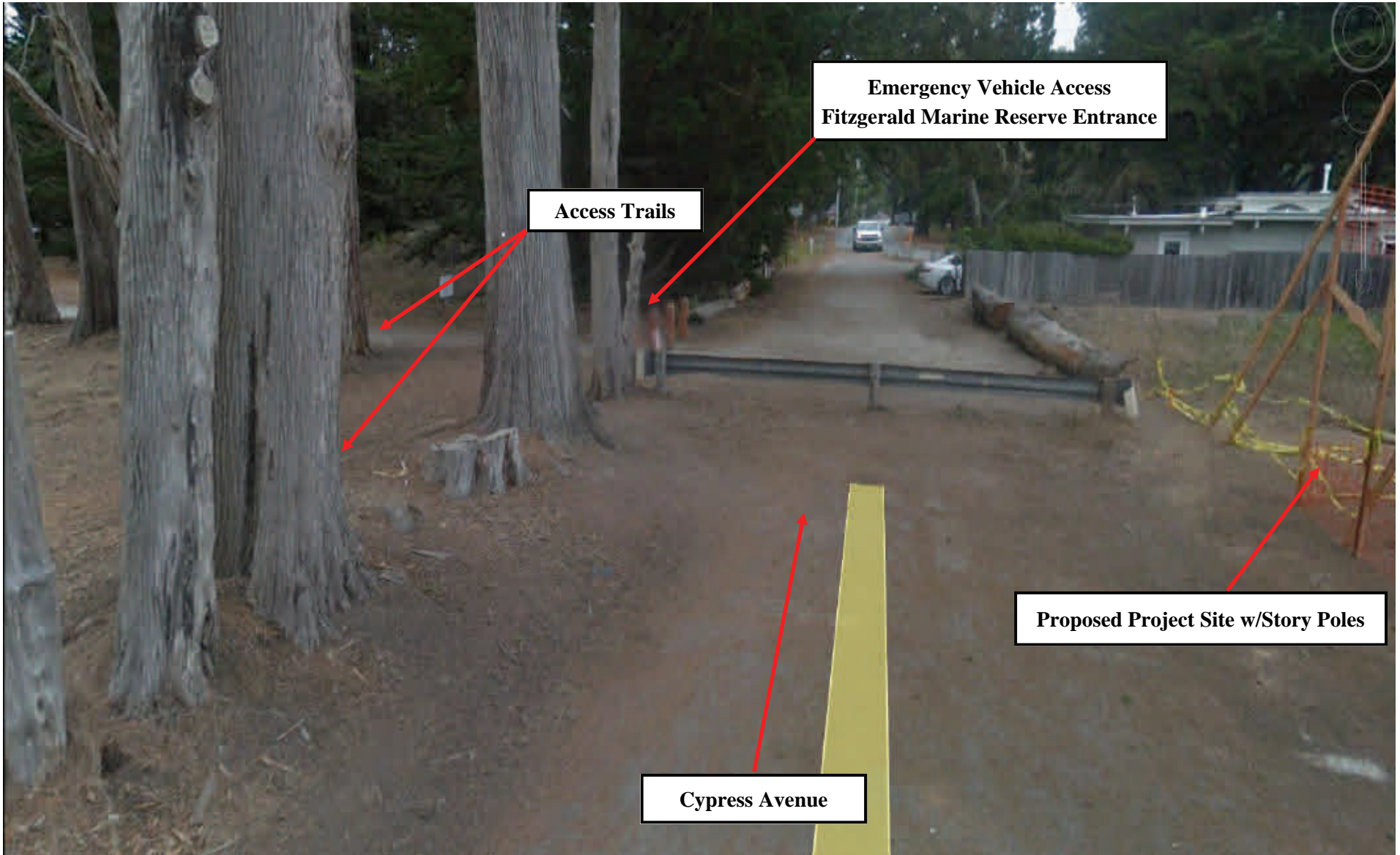
Proposed Project Site w/Story Poles

Emergency Access/Park Entrance

California Coastal Trail

Cypress Avenue

Trail /Path



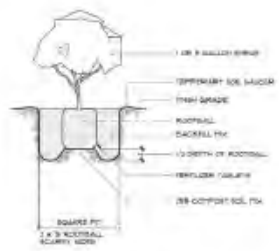
**Emergency Vehicle Access  
Fitzgerald Marine Reserve Entrance**

**Access Trails**

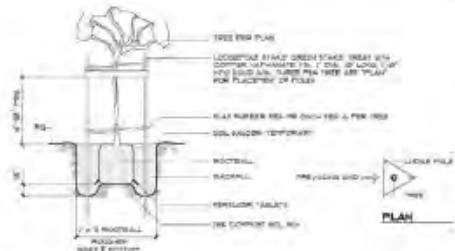
**Cypress Avenue**

**Proposed Project Site w/Story Poles**

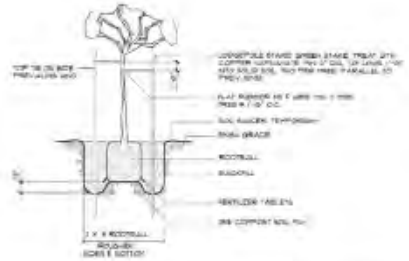




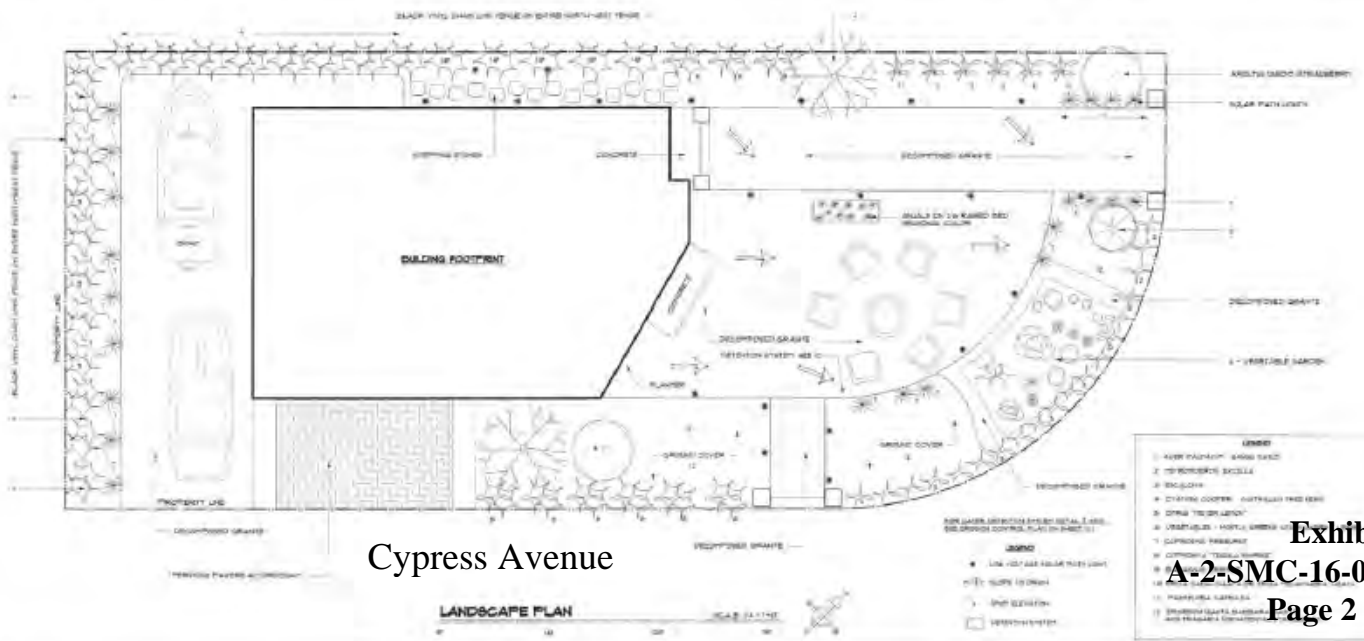
**SHRUB PLANTING DETAIL** NOT TO SCALE



**BOX TREE STAKING DETAIL** NOT TO SCALE



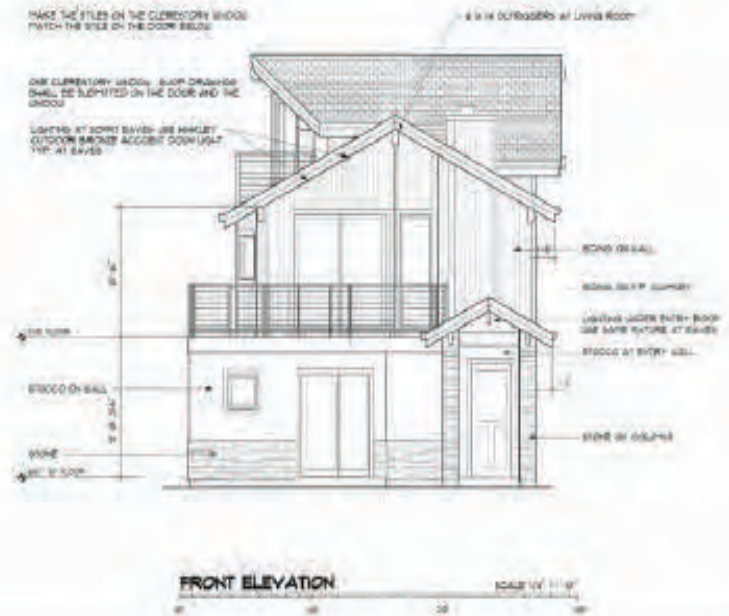
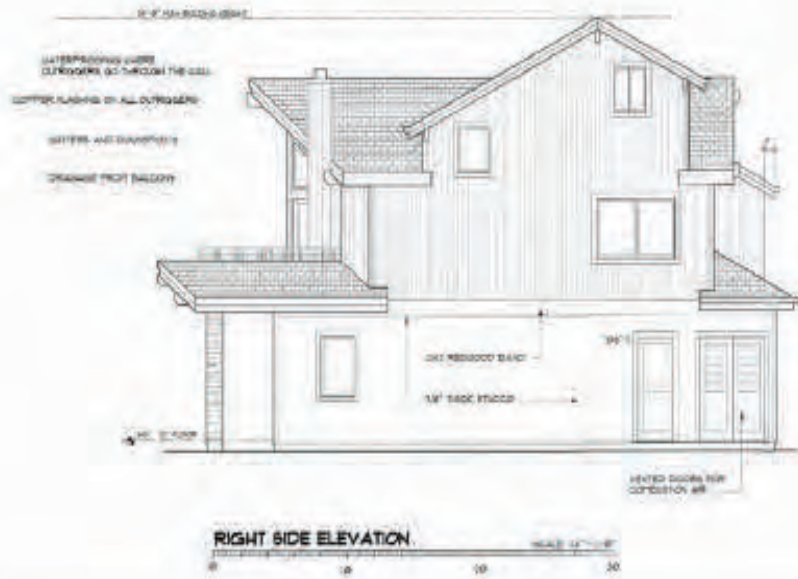
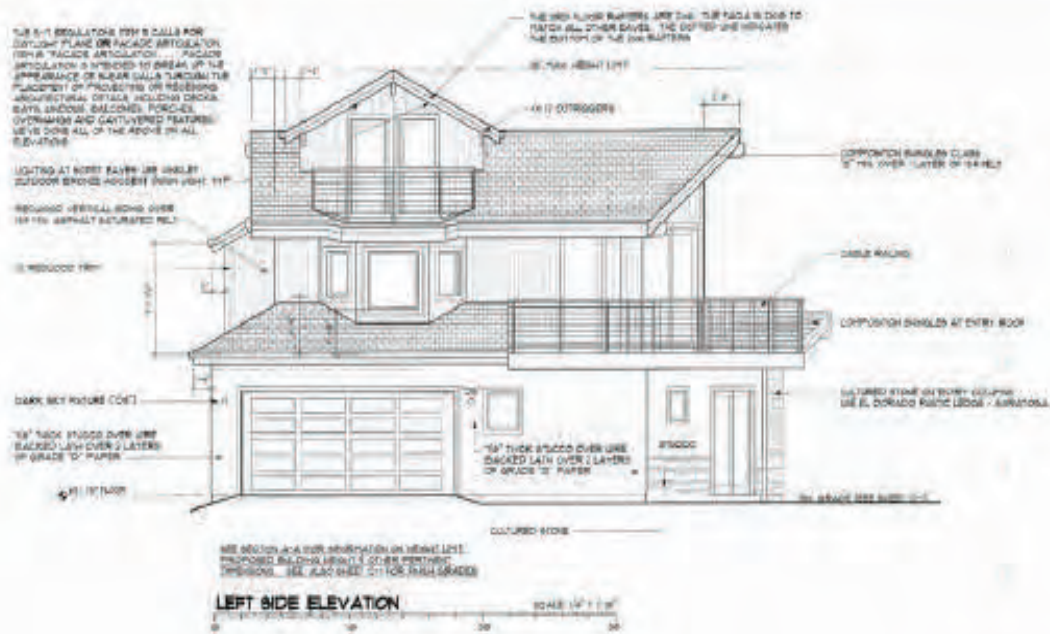
**TREE STAKING DETAIL** NOT TO SCALE



**LANDSCAPE PLAN**

**Exhibit 3**  
**A-2-SMC-16-0066**  
**Page 2 of 4**





# COLOR BOARD STEVE KALPAKOFF



ROOF  
Composition shingles, GAF  
Timberline in "Charcoal"



EAVES & OUTRIGGERS  
Wood painted Benjamin Moore  
"Black Bean Soup" 2130-10



UPSTAIRS WALLS  
Cedar Siding stained to match  
Cabot "Mahogany Flame"



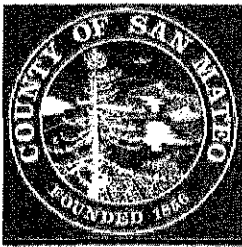
DOWNSTAIRS WALLS  
Stucco Painted: Benjamin Moore  
"Mustang" 2111-30



WINDOWS AND BALCONY  
RAILS  
In white



CULTURED STONE  
Eldorado Stone Rustic Ledge  
In "Saratoga"



County of San Mateo

## Planning & Building Department

455 County Center, 2nd Floor  
Redwood City, California 94063  
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122  
plngbidg@smcgov.org  
www.co.sanmateo.ca.us/planning

June 23, 2016

### NOTICE OF FINAL LOCAL DECISION

Pursuant to Section 6328.11.1(f) of the San Mateo County Zoning Regulations

CERTIFIED MAIL

California Coastal Commission  
North Central Coast District Office  
Attn: Renée Ananda  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

RECEIVED

JUN 27 2016

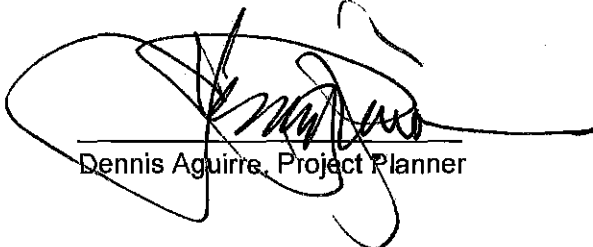
CALIFORNIA  
COASTAL COMMISSION

COUNTY FILE NO.: PLN2015-00243  
OWNER: STEVE KALPAKOFF  
APPLICANT: STEVE KALPAKOFF

The above listed Coastal Development Permit was conditionally approved by the County of San Mateo on 06/08/2016. The County appeal period ended on 06/22/2016. Local review is now complete.

This permit **IS** appealable to the California Coastal Commission.

If you have any questions about this project, please contact Dennis Aguirre at 650 363-1867 or [DAguirre@smcgov.org](mailto:DAguirre@smcgov.org).

  
Dennis Aguirre, Project Planner

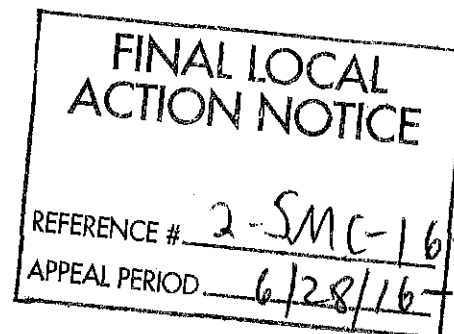


Exhibit 4  
A-2-SMC-16-0066  
Page 1 of 11

**COUNTY OF SAN MATEO  
PLANNING AND BUILDING**

County Government Center  
455 County Center, 2nd Floor  
Redwood City, CA 94063  
650-363-4161 T  
650-363-4849 F  
[www.planning.smcgov.org](http://www.planning.smcgov.org)

June 13, 2016

Steve Kalpakoff  
440 Davis Ct #2017  
San Francisco CA 94111

Dear Mr. Kalpakoff:

Subject: **FINAL LETTER OF DECISION**  
File Number: PLN 2015-00243  
Location: Cypress Avenue and Park Way, Moss Beach  
APN: 037-225-010

Dear Mr. Kalpakoff:

On June 8, 2016, the San Mateo County Planning Commission considered certification of a revised Initial Study/Negative Declaration, re-circulated on May 16, 2016, pursuant to the California Environmental Quality Act (CEQA), a Non-Conforming Use Permit, a Coastal Development Permit, and a Design Review Permit, pursuant to Sections 6133.3.b, 6328.4, and 6565.3 of the San Mateo County Zoning Regulations, respectively, to allow construction of a 1,485 sq. ft. new three-story single-family residence, plus a 388 sq. ft. attached two-car garage on a 3,916 sq. ft. non-conforming legal parcel, where 5,000 sq. ft. is the minimum required. The Non-Conforming Use Permit is required to allow a rear setback of 15 feet, 5 inches, where the standard requirement is 20 feet. No significant trees are proposed for removal and only minimal grading is involved. This project is appealable to the California Coastal Commission

Based on information provided by staff and information presented at the hearing the Planning Commission conditionally approved the project, based on the findings and conditions identified in Attachment B.

Any interested party aggrieved by the Planning Commission's decision has the right to appeal that decision to the Board of Supervisors within ten (10) business days from the date of the Planning Commission's action. The appeal period for this matter will end at **5:00 p.m. on June 22, 2016.**

The approval of this project is appealable to the California Coastal Commission. Any aggrieved person may appeal this decision to the California Coastal Commission within 10 working days following the Coastal Commission's receipt of the notice of Final Local Decision. Please contact the Coastal Commission's North Central Coast District Office at 415/904-5260 for further information concerning the Commission's appeal process. The County and Coastal Commission appeal periods are sequential, not concurrent, and together total approximately one month. A project is considered approved when these appeal periods have expired and no appeals have been filed.

Please direct any questions regarding this matter to Dennis Aguirre, Project Planner, at (650) 363-1867 or [daguirre@smcgov.org](mailto:daguirre@smcgov.org). To provide feedback, please visit the Department's Customer Survey at the following link: <http://planning.smcgov.org/survey>.

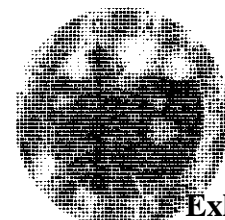
Sincerely,



Janneth Lujan  
Planning Commission Secretary

Cc:

California Coastal Commission  
Midcoast Community Council



**Exhibit 4**  
**A-2-SMC-16-0066**  
**Page 2 of 11**

County of San Mateo  
Planning and Building Department

**FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2015-00243

Hearing Date: June 8, 2016

Prepared By: Dennis P. Aguirre  
Project Planner

Adopted By: Planning Commission

**FINDINGS**

Regarding the Environmental Review, Found:

1. That the revised Initial Study/Negative Declaration (IS/ND) is complete, correct and adequate, and prepared in accordance with the California Environmental Quality Act and applicable State and County Guidelines. The revised IS/ND was released on May 16, 2016 with the comment period ending on June 6, 2016.
2. That, on the basis of the Initial Study/Negative Declaration and comments received hereto, which are addressed in the revised Initial Study/Negative Declaration, there is no evidence that the project will have a significant effect on the environment. The revised Initial Study/Negative Declaration corrected and clarified issues in the areas of biological resources, noise and population and housing. The revised Initial Study/Negative Declaration found no significant impacts associated with the project. Therefore, no mitigation measures are necessary.
3. That the revised Initial Study/Negative Declaration reflects the independent judgment of San Mateo County.

Regarding the Coastal Development Permit, Found:

4. That the project, as described in the application and accompanying materials required by the Zoning Regulations, Section 6328.4, and as conditioned in accordance with Section 6328.14, conforms with the applicable policies and required findings of the San Mateo County Local Coastal Program (LCP). Specifically, the project complies with policies requiring infill development and policies of the Hazard Component.
5. That the number of building permits for the construction of single-family residences issued in the calendar year would not exceed the limits of LCP Policy 1.23.

Regarding the Design Review, Found:

6. That, with the conditions of approval recommended by the Coastside Design Review Committee at its meetings of September 10 and November 12, 2015, the project is in compliance with the Design Review Standards for the Midcoast. The project, as designed and conditioned, complements the dominant style of the neighborhood residences. The project adequately protects neighbors' privacy and views; is well articulated; uses colors and materials that appear natural; incorporates drought tolerant, native and non-invasive plant species; and uses downward-directed exterior lighting fixtures.

Regarding the Use Permit, Found:

7. Pursuant to Section 6133.3.b(3) of the San Mateo County Zoning Regulations:
  - a. That the proposed development is proportioned to the size of the parcel on which it is being built. The lot coverage and floor areas remain compliant with the S-17 Zoning District development standards. The total lot coverage of 27% (1,077 sq. ft.) is less than the maximum allowed of 35% (1,370 sq. ft.), while the total floor area proposed of 48% (1,870 sq. ft.) is at the maximum allowed of 48% (1,880 sq. ft.). ~~The project is adequately proportioned to the parcel size based on the proposal to locate the structure beyond the setbacks of the fault trace.~~
  - b. That all opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven to be infeasible. An effort was undertaken by the applicant to explore the possibility of purchasing adjacent properties. Purchase offer letters were forwarded to two neighbors (see Attachment H). The offers were not acknowledged since neither replies nor counter-offers were received from the potential sellers. Based on this outcome, mitigation of the parcel size non-conformity via parcel mergers has been proven infeasible.
  - c. That the proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible. The proposed development conforms with the development rear setback of the zoning district to the furthest extent feasible given the location of the fault trace on the property. The proposed residence provides a 15'-5" rear setback where a minimum of 20' is required, encroaching 4'-7" in to the setback. The 4'-7" encroachment is reasonable to allow a 10' setback of development from the fault trace, as recommended by the project geotechnical consultant and supported by the County Geologist.
  - d. That the establishment, maintenance, and/or conducting of the proposed use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in said neighborhood. The proposed height of ~~27~~ 28 feet for the new residence, the well-articulated facades, and the adequate setbacks bring the structure into scale with the established neighborhood context.
  - e. That the use permit approval does not constitute a granting of special privileges. The use permit would allow the use of this parcel for residential development in keeping with the rest of the parcels in this residential neighborhood that include at least two other non-conforming parcels.

CONDITIONS OF APPROVAL

Current Planning Section

1. The project shall be constructed in compliance with the plans approved by the Planning Commission on June 8, 2016. Any changes or revisions to the approved plans shall be submitted to the Design Review Officer for review and approval prior to implementation. Minor adjustments to the project may be approved by the Design Review Officer if they are consistent with the intent of and are in substantial conformance with this approval. Alternatively, the Design Review Officer may refer consideration of the revisions to the Coastside Design Review Committee, with applicable fees to be paid by the applicant.

2. The Coast Development Permit, Non-Conforming Use Permit and Design Review approvals shall be valid for five (5) years from the date of final approval in which time a building permit shall be issued and a completed inspection (to the satisfaction of the building Inspector) shall have occurred within 180 days of its issuance. One (1) one-year extension of these permits will be considered upon written request and payment of the applicable fees sixty (60) days prior to the permits' expiration.
3. The applicant shall submit the following items and/or indicate the following on the plans submitted for a building permit, as stipulated by the Coastside Design Review Committee:
  - a. Replace the existing chain link fence for more compatibility with the proposed architectural style of the residence.
  - b. Remove the exterior landscape lighting fixtures from the plans.
4. 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 land surveyor or engineer establish a baseline elevation datum point in the vicinity of the construction site.
  - a. 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.
  - b. This 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).
  - c. 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 site plan, and (2) the elevations of proposed finished grades.
  - d. 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) the garage slab elevation must be shown on the plan, elevations, and cross-section (if one is provided).
  - e. 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(s), 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.
  - f. If the actual floor height, garage slab, or roof height, as constructed, is different than 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 the Community Development Director.
5. During project construction, the applicant shall, pursuant to Chapter 4.100 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 1 and April 30.
  - 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 application of pesticides and fertilizers to avoid polluting runoff.
6. The applicant shall include an erosion and sediment control plan meeting County guidelines on the plans submitted for the building permit. This plan shall identify the type and location of erosion control measures to be installed upon the commencement of construction in order to maintain the stability of the site and to prevent erosion and sedimentation off-site.
  7. The applicant shall apply for a building permit and shall adhere to all requirements of the Building Inspection Section, the Department of Public Works, and the Coastside Fire Protection District.
  8. No site disturbances shall occur, including any grading or vegetation removal, until a building permit has been issued.
  9. To reduce the impact of construction activities on neighboring properties, comply with the following:
    - a. All debris shall be contained on-site; a dumpster or trash bin shall be provided on-site during construction to prevent debris from blowing onto adjacent properties. The applicant shall monitor the site to ensure that trash is picked up and appropriately disposed of daily.
    - b. The applicant shall remove all construction equipment from the site upon completion of the use and/or need of each piece of equipment which shall include but not be limited to tractors, back hoes, cement mixers, etc.
    - c. The applicant shall ensure that no construction-related vehicles shall impede through traffic along the right-of-way on Cypress Avenue and Park Way. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on Cypress Avenue and Park Way. There shall be no storage of construction vehicles in the public right-of-way.
  10. The exterior color samples submitted to the Coastside Design Review Committee are approved. Color verification shall occur in the field after the applicant has applied the approved materials and colors but before a final inspection has been scheduled.
  11. Installation of the approved landscape plan is required prior to formal inspection.



12. Noise sources associated with demolition, construction, repair, remodeling, or grading of any real property shall be limited to the hours from 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 5:00 p.m. Saturdays. Said activities are prohibited on Sundays, Thanksgiving, and Christmas (San Mateo Ordinance Code Section 4.88.360).
13. The project site is located within the Fitzgerald Area of Special Biological Significance (ASBS) Watershed. Runoff and other polluted discharges from the site are prohibited. Development shall minimize erosion, treat stormwater from new/replaced impervious surfaces, and prevent polluted discharges into the ASBS or a County storm drain (e.g., car washing in a driveway or street, pesticide application on lawn).
14. The project site is located within the Fitzgerald Area of Special Biological Significance (ASBS) Watershed and is considered a Construction Stormwater Regulated Site. Weekly construction inspections are required throughout the duration of land disturbance during the rainy season (October 1 to through April 30) for sites within the ASBS Watershed, as required by the State Water Resources Control Board General Exceptions to the California Ocean Plan with Special Protections adopted on March 20, 2012.
15. In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and the County coroner shall be notified immediately. If the coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within 24 hours. A qualified archaeologist, in consultation with the Native American Heritage Commission, shall recommend subsequent measures for disposition of the remains.
16. If archaeological and/or cultural resources are encountered during grading or construction activities, work shall be temporarily halted in the vicinity within 30 feet of the discovered materials and workers shall avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. The project applicant or archaeologist shall immediately notify the Current Planning Section of any discoveries made and shall provide the Current Planning Section with a copy of the archaeologist's report and recommendations for the Community Development Director's review and approval, prior to any further grading or construction activity in the vicinity.
17. A discovery of a paleontological specimen during any phase of the project shall result in a work stoppage in the vicinity of the find until it can be evaluated by a professional paleontologist. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal), as determined by a professional paleontologist and as reviewed and approved by the Community Development Director, shall be implemented to mitigate the impact.

#### Building Inspection Section

18. The applicant shall apply for a building permit.

#### Montara Water and Sanitary District

19. Prior to the issuance of a building permit, the applicant shall obtain Domestic Water/Fire Protection Connection and Sewer Permits, including the submittal of adequate fire flow calculations from a Certified Fire Protection Contractor.

#### Department of Public Works

20. Prior to the issuance of the building permit, the applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed project and submit it to the Department of Public Works for review and approval. The drainage analysis shall consist of a written narrative and a plan. The flow of the stormwater onto, over, and off of the property shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage. Post-development flows and velocities shall not exceed those that existed in the pre-developed state. Recommended measures shall be designed and included in the improvement plans and submitted to the Department of Public Works for review and approval. ~~In addition, since this project has the potential to discharge to the Area of Special Biological Significance (ASBS), all stormwater shall be treated prior to disposal.~~
21. Prior to the issuance of the building permit, the applicant shall submit a driveway "Plan and Profile," to the Department of Public Works, showing the driveway access to the parcel (garage slab) complying with County Standards for driveway slopes (not to exceed 20%) and to County Standards for driveways (at the property line) being the same elevation as the center of the access roadway. When appropriate, as determined by the Department of Public Works, this plan and profile shall be prepared from elevations and alignment shown on the roadway improvement plans. The driveway plan shall also include and show specific provisions and details for both the existing and the proposed drainage patterns and drainage facilities.
22. No proposed construction work within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued. The applicant shall contact a Department of Public Works Inspector 48 hours prior to commencing work in the right-of-way.
23. Prior to the issuance of the building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance No. 3277.

Coastside Fire Protection District

24. Smoke detectors which are hardwired: As per the California Building Code, State Fire Marshal Regulations, and Coastside Fire Protection District Ordinance No. 2013-03, the applicant is required to install State Fire Marshal approved and listed smoke detectors which are hardwired, interconnected, and have battery backup. These detectors are required to be placed in each new and reconditioned sleeping room and at a point centrally located in the corridor or area giving access to each separate sleeping area. In existing sleeping rooms, areas may have battery powered smoke alarms. A minimum of one detector shall be placed on each floor. Smoke detectors shall be tested and approved prior to the building final.
25. Escape or rescue windows shall have a minimum net clear openable area of 5.7 sq. ft. Five (5) sq. ft. allowed at grade. The minimum net clear openable height dimension shall be 24 inches. The net clear openable width dimension shall be 20 inches. Finished sill height shall be not more than 44 inches above the finished floor.
26. Identify rescue windows in each bedroom and verify that they meet all requirements. Add this to plans.
27. Occupancy Separation: As per the 2010 CBC, Section 406.1.4, a 1-hour occupancy separation wall shall be installed with a solid core, 20-minute fire rated, self-closing door assembly with a smoke gasket between the garage and the residence. All electrical boxes installed in rated walls shall be metal or protected.

28. Address Numbers: As per Coastside Fire Protection District Ordinance No. 2013-03, building identification shall be conspicuously posted and visible from the street. (TEMPORARY ADDRESS NUMBERS SHALL BE POSTED PRIOR TO COMBUSTIBLES BEING PLACED ON-SITE.) The letters/numerals for permanent address signs shall be 4 inches in height with a minimum 3/4-inch stroke. Such letters/numerals shall be internally illuminated and facing the direction of access. Finished height of bottom of address light unit shall be greater than or equal to 6 feet from the finished grade. When the building is served by a long driveway or is otherwise obscured, a 6-inch by 18-inch green reflective metal sign with 3-inch reflective numbers/letters similar to Hy-Ko 911 or equivalent shall be placed at the entrance from the nearest public roadway. See Fire Ordinance for standard sign.
29. Add the following note to the plans: New residential buildings shall have internally illuminated address numbers contrasting with the background so as to be seen from the public way fronting the building. Residential address numbers shall be at least 6 feet above the finished surface of the driveway. Where buildings are located remotely to the public roadway, additional signage at the driveway/roadway entrance leading to the building and/or on each individual building shall be required by the Coastside Fire Protection District. This remote signage shall consist of a 6-inch by 18-inch green reflective metal sign with 3-inch reflective numbers/letters similar to Hy-Ko 911 or equivalent.
30. Roof Covering: As per Coastside Fire Protection District Ordinance No. 2013-03, the roof covering of every new building or structure, and materials applied as part of a roof covering assembly, shall have a minimum fire rating of Class "B" or higher as defined in the current edition of the California Building Code.
31. Vegetation Management: As per the Coastside Fire Protection District Ordinance No. 2013-03, the 2013 California Fire Code, and the Public Resources Code 4291, a fuel break of defensible space is required around the perimeter of all structures to a distance of not less than 30 feet and may be required to a distance of 100 feet or to the property line. In SRA (State Responsible Area), the fuel break is 100 feet or to the property line.
32. Trees located within the defensible space shall be pruned to remove dead and dying portions, and limbed up 6 to 10 feet above the ground. New trees planted in the defensible space shall be located no closer than 10 feet to adjacent trees when fully grown or at maturity.
33. Remove that portion of any existing tree, which extends within 10 feet of the outlet of a chimney or stovepipe or is within 5 feet of any structure.
34. Add the following note to plans: The installation of an approved spark arrester is required on all chimneys, existing and new. Spark arresters shall be constructed of woven or welded wire screening of 12-gauge USA standard wire having openings not exceeding 1/2 inch.
35. Fire Access Roads: The applicant must have a maintained asphalt surface road for ingress and egress of fire apparatus. The San Mateo County Department of Public Works, the Coastside Fire Protection District Ordinance No. 2013-03, and the California Fire Code shall set road standards. As per the 2013 CFC, dead-end roads exceeding 150 feet shall be provided with a turnaround in accordance with Half Moon Bay Fire District specifications. As per the 2007 CFC, road width shall not be less than 20 feet. Fire access roads shall be installed and made serviceable prior to combustibles being placed on the project site and maintained during construction. Approved signs and painted curbs or lines shall be provided and maintained to identify fire access roads and state the prohibition of their obstruction. If the road width does not allow parking on the street (20 foot road) and on-street parking is desired, an additional improved area shall be developed for that use.

36. Fire apparatus roads to be a minimum of 20 ft. wide with minimum of 35 ft. centerline radius and a vertical clearance of 15 feet.
37. "No Parking - Fire Lane" signs shall be provided on both sides of roads 20 to 26 feet wide and on one side of roads 26 to 32 feet wide.
38. Show location of fire hydrant on a site plan. A fire hydrant is required within 250 feet of the building and flow a minimum of 1,000 gallons per minute (gpm) at 20 pounds per square inch (psi). This information is to be verified by the water purveyor in a letter initiated by the applicant and sent to the Coastside Fire Protection District. If there is not a hydrant within 250 feet with the required flow, one will have to be installed at the applicant's expense.
39. Automatic Fire Sprinkler System: As per San Mateo County Building Standards and Coastside Fire Protection District Ordinance No. 2013-03, the applicant is required to install an automatic fire sprinkler system throughout the proposed or improved dwelling and garage. All attic access locations will be provided with a pilot head on a metal upright. All areas that are accessible for storage purposes shall be equipped with fire sprinklers including closets and bathrooms. The only exception are small linen closets less than 24 sq. ft. with full depth shelving. The plans for this system must be submitted to the San Mateo County Planning and Building Department or the City of Half Moon Bay. A building permit will not be issued until plans are received, reviewed, and approved. Upon submission of plans, the County or City will forward a complete set to the Coastside Fire Protection District for review. The fee schedule for automatic fire sprinkler systems shall be in accordance with Half Moon Bay Ordinance No. 2006-01. Fees shall be paid prior to plan review.
40. Installation of underground sprinkler pipes shall be flushed and visually inspected by the Fire District prior to hookup to riser. Any soldered fittings must be pressure tested with trench open.
41. Exterior bell and interior horn/strobe are required to be wired into the required flow switch on your fire sprinkler system. The bell, horn/strobe and flow switch, along with the garage door opener, are to be wired into a separate circuit breaker at the main electrical panel and labeled.
42. All fire conditions and requirements must be incorporated into your building plans prior to building permit issuance. It is your responsibility to notify your contractor, architect, and engineer of these requirements.

#### Geotechnical Section

43. The applicant shall submit an updated geotechnical report at the building application stage.
44. The applicant shall record the following deed restriction with the San Mateo County Recorder's Office stated as follows, prior to the issuance of the building permit: "This property is located in Zone 3 of the Seal Cove Geologic Hazards District established by Section 6296 of the San Mateo County Ordinance Code, Zoning Annex. Maps of this district are on file with the San Mateo County Planning and Building Department."

#### Half Moon Bay Airport Influence Area

45. Compliance with the real estate disclosure specified in Chapter 496, California Statutes of 2002, shall be required upon transfer of this real property.

#### California Department of Fish and Wildlife

46. The applicant shall submit the following to the Current Planning Section: **Within four (4) working days of the final approval date for this project**, the applicant shall pay an environmental filing fee of \$2,210.25, as required under the Department of Fish and Wildlife Code Section 711.4, plus a \$50.00 recording fee. Thus, the applicant shall submit a check in the total amount of \$2,260.25, made payable to San Mateo County, to the project planner to file with the Notice of Determination. Please be aware that the Department of Fish and Game environmental filing fee will increase on January 1, 2017.

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## CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE  
46 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904-5260  
FAX (415) 904-5400  
TDD (415) 697-5885

JUL 11 2016

CALIFORNIA  
COASTAL COMMISSION



### APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

#### SECTION I. Appellant(s)

Name: Lennie Roberts, Legislative Advocate,  
Committee for Green Foothills  
Mailing Address: 339 La Cuesta  
City: Portola Valley, CA Zip Code: 94028 Phone: 650-854-0999

#### SECTION II. Decision Being Appealed

- Name of local/port government: San Mateo County
- Brief description of development being appealed: Construction of new, 3-story,  
28-foot high, 1,985 sq. ft. single family residence with  
388 sq. ft. garage, on a substandard 3,916 sq. ft.,  
parcel where 5100 sq. ft. is minimum required parcel size
- Development's location (street address, assessor's parcel no., cross street, etc.):  
Cypress Avenue and Park Way, Moss Beach  
APN 037-225-010
- Description of decision being appealed (check one.):  
 Approval; no special conditions  
 Approval with special conditions:  
 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-16-0066  
DATE FILED: 7/11/16  
DISTRICT: North Central Coast

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

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

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision:

June 6, 2016

7. Local government's file number (if any):

PLN 2015-00293

**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:

Steve Kalpakoff  
440 Davis Court # 2017  
San Francisco, CA 94111

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) please see County Files

(2)

(3)

(4)

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

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE 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.
- 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.)
- This 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.

*please see Attached*



**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**

**SECTION V. Certification**

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

*Lennis Roberts*

\_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent

Date: July 8, 2016

**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: \_\_\_\_\_

**Reasons for Appeal: PLN 2015-00243 (Kalpakoff)**

**The County's approval of a 1,873 sq. ft. single family residence on a seriously substandard lot (3,916 sq. ft.) in the Seal Cove area of Moss Beach is inconsistent with the Hazards, Visual Resources, and Shoreline Access (California Coastal Trail) Components of the LCP, as well as the Public Access policies of the Coastal Act.**

**Geologic Hazards:** The proposed project is located in Zone 3 of the Seal Cove area, an area designated in the San Mateo County Local Coastal Program as a Geological Hazards District. There is insufficient information to support the County's approval of a single family residence on this seriously substandard lot without first determining the exact angle of the Seal Cove Fault trace as it crosses the property. Although a single trench was dug for the geotechnical study adjacent to the south-eastern property line, the two data points within the trench (less than 3 feet apart) are too close together to accurately project the line of the fault trace across the property. A single pot hole, subsequently dug next to the northwest property line, is not the proper way to establish the second data point to accurately draw the fault line. Trenching, not pot holing, is the proper way to establish the second data point. Therefore, the County's approval is inconsistent with the San Mateo County certified Land Use Plan Hazards Policies 9.1, 9.2, and 9.3.c, and Sections 6396.1, 6296.2, 6296.3 and Table 1 of the San Mateo County Zoning Regulations, copied below.

LCP Hazards Component Policy 9.1 **Definition of Hazard Areas** states: "Define hazardous areas as fault zones and land subject to dangers from liquefaction and other severe seismic impacts, unstable slopes, landslides, coastal cliff instability, flooding, tsunamis, fire and steep slopes (over 30%)."

LCP Hazards Component Policy 9.2 **Designation of Hazard Areas** states: "Designate hazardous areas in the Coastal Zone as those delineated on the Geotechnical Hazards Synthesis Map, the Floodway Boundary and Floodway Maps and Flood Insurance Rate Maps adopted under Chapter 35.5 of the San Mateo County Zoning regulations, and the Natural hazards Map in the Natural Hazards Chapter of the General Plan."

LCP Hazards Component Policy 9.3 **Regulation of Geologic Hazard Areas** states (in relevant part): "Apply the following regulations of the Resource Management (RM) Zoning Ordinance to designated geologic hazard areas:

...c. Section 6326.3 – Seismic Fault-Fracture Area Criteria. Require geologic reports prepared by a certified engineering geologist consistent with "Guidelines for Geologic/Seismic Reports" (CDMG Notes #37) for all proposed development."

Zoning Regulations Section 6296.1 **Area of Geological Hazard** specifically references the *Geotechnical Hazards Map for the Seal Cove Study Area* prepared by William Cotton and Associates dated August 5, 1980 (hereafter referred to as the Cotton Report).

Zoning Regulations Section 6296.2 **Description of Hazardous Zones in Seal Cove Area** describes the hazards associated with Zones 1, 2, and 3 of the Seal Cove Area, as mapped and described in the Cotton Report. The subject property is located in Zone 3, and it is stated (in relevant part): "Zone 3... The major geologic hazard in the zone is the possibility of surface faulting along the main traces and subsidiary cross faults of the Seal Cove Fault system. These

faults are considered to be active and capable of producing strong surface rupture and ground failure with associated strong ground shaking. "

Zoning Regulations Section 6296.3 **Geotechnical Investigations and Development**

**Requirements** states: "The regulations in Table 1 shall be applicable in Zones 1,2, and 3 as defined in the Geotechnical Hazards Map described in Section 6296.1".

**Table 1 Requirement of Geotechnical Investigation** specifies for Zone 3: "Prior to any development, there shall be an engineering geologic investigation by a certified engineering geologist and a soil and foundation engineering investigation by a registered civil engineer, or a combined equivalent of the above, unless evidence is available to show that such investigations are not required. Engineering geologic investigation shall address the seismic hazards related to the master and branching traces of the Seal Cove fault. Particular emphasis of the engineering geologic investigations shall be placed on the evaluation of surface faulting. *Investigative techniques within the area will require the use of subsurface trenching and possible geophysical traverses unless clear evidence is established to show that no active fault crosses the parcel in question.*" (emphasis added).

**Coastal Access:** The County's approval of the proposed three-story, 28 foot high single family residence is inconsistent with LCP Policies regarding Coastal Access and the California Coastal Trail as well as Coastal Act Section 30210, which requires maximum public access and recreational access and Section 30212 which requires public access from the nearest public roadway to the shoreline and along the coast to be provided in new development projects.

The proposed building site is directly across Cypress Avenue from the Fitzgerald Marine Reserve. This block of Cypress Avenue (between Airport Street and Park Way) is extensively used by walkers, cyclists, and equestrians. The California Coastal Trail, which follows the "Dardanelle Trail" alignment within the Fitzgerald Marine Reserve (FMR) exits from the FMR across from the subject property, and continues south west along Cypress Avenue. Visitors to the FMR use Cypress Avenue, a 14-foot wide paved street, and the dirt shoulder adjacent to and including a portion of the subject property, for parking. The opposite side of Cypress Avenue has mature Monterey Cypress trees lining the edge of the street, the extensive roots of which prevent parking along the shoulder there. The proposed residence and garage would be just eight feet from the edge of the pavement (the paved area of the street encroaches approximately two feet onto the subject property). The project's Landscape Plan calls for planting shrubs along this property line. As a result, the existing public access/parking on both sides of Cypress will be rendered impossible. One only has to look to the next block of Cypress (to the west) to see "No Parking" signs that were placed (without benefit of a Coastal Development Permit) on the FMR side of the street. There is already insufficient parking in both this area and the California Avenue area for public access to the Fitzgerald Marine Reserve. Allowing the residence and garage so close to the street will exacerbate this problem.

LCP Policy 10.38 California Coastal Trail requires in section (5) (e) that the CCT should be designed to avoid being located on roads with motorized traffic, where feasible, except for

those specific strands of the trail system that are specifically designed to service commuter needs and safely provide for the shortest distance between destination points.... In locations where it is not possible to avoid siting the trail along a roadway, the trail should be located off of the pavement and within the public right-of-way, and separated from traffic by a safe distance or by physical barriers....:

Table 10.1 Assessment of Access Trails and Shoreline Destinations indicates Cypress Avenue as having "Medium" level of Requirements for Public Access.

**Visual Resources;** The proposed three-story 28-foot high residence is not in keeping with the surrounding area, particularly the natural setting adjacent to the FMR. The 1,873 sq. ft. three-story proposed house, as designed and located, has too much mass, bulk, and height to achieve proportionality with both the substandard 3,916 sq. ft. lot and with the scale of buildings in the neighborhood. Due to its location less than 10 feet from the edge of the paved surface of Cypress Avenue, the three-story house would visually intrude into the views from Fitzgerald Marine Reserve, along Cypress Avenue and from the California Coastal Trail – all of which are areas of high scenic and recreational value. The mass, bulk, and height of the house does not comply with LCP Policy 8.13 Special Design Guidelines for Coastal Communities, subsection (4) which states: "Design structures that are in scale with the character of their setting and blend rather than dominate or distract from the overall view of the urbanscape." The Design Review standards for the Midcoast require that on relatively level lots, new development should avoid designs that incorporate more than two useable floors, excluding basements, within the maximum height limit, since this contributes to a massive or boxy appearance and makes it more difficult to be in scale with surrounding one and two story homes.

**Inadequate Evidence for Use Permit Findings:** Due to the proposed project's seriously substandard parcel size (3,916 sq. ft. where 5,000 sq. ft. is the minimum required), a Non-Conforming Use Permit is required. Use Permit Findings b requires that "all opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven to be infeasible." The applicant provided a letter to County Planning that was purportedly sent to each adjacent property owner offering to purchase their lot. The applicant further stated there was no reply (per Attachment H of April 27, 2016 Staff Report). However, there is no proof of receipt of this letter by adjacent owner(s), the letter of offer gave a short deadline and "assumed" that if there was no reply, the neighboring owner was not interested. This is insufficient evidence that (a) the letter offering to purchase was actually received by the intended recipient, and that (b) no reply was sent, as either of which could have been sent but misaddressed or mis-delivered. The applicant should have sent the request by registered mail, return receipt requested, with a return form that indicated "yes" or "no" to the offer, so there would be both proof of delivery of the initial inquiry letter and a definitive documented response. Having not followed this procedure, there is insufficient evidence for the conclusion by the County that all opportunities to acquire adjacent properties have proven to be infeasible.





Proposed Project Site w/Story Poles

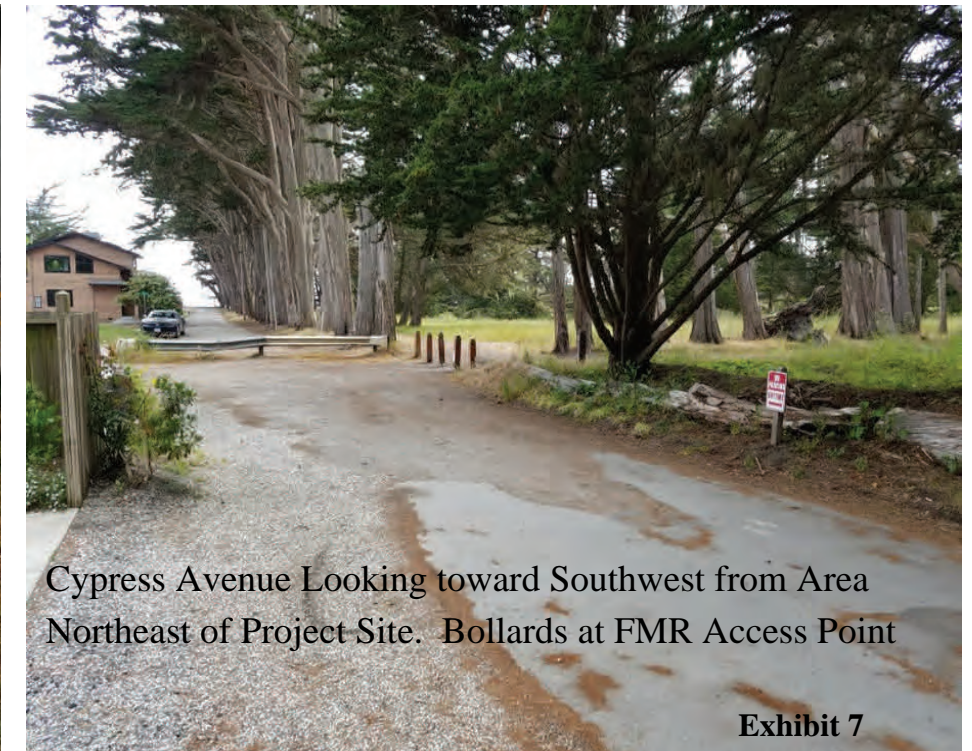
Residences to the Southeast



Residence on Cypress to Southwest of Project Site



Residence to Northeast of Project Site



Cypress Avenue Looking toward Southwest from Area Northeast of Project Site. Bollards at FMR Access Point

## **GEOLOGIC HAZARDS POLICIES**

### Land Use Plan

#### 9.1 Definition of Hazard Areas

*Define hazardous areas as fault zones and land subject to dangers from liquefaction and other severe seismic impacts, unstable slopes, landslides, coastal cliff instability, flooding, tsunamis, fire, and steep slopes (over 30%).*

#### 9.2 Designation of Hazard Areas

*Designate hazardous areas in the Coastal Zone as those delineated on the Geotechnical Hazards Synthesis Map, the Floodway Boundary and Floodway Maps and Flood Insurance Rate Maps adopted under Chapter 35.5 of the San Mateo County Zoning Regulations, and the Natural Hazards Map in the Natural Hazards Chapter of the General Plan.*

#### 9.3 Regulation of Geologic Hazard Areas

*Apply the following regulations of the Resource Management (RM) Zoning Ordinance to designated geologic hazard areas:*

...

- c. *Section 6326.3 - Seismic Fault/Fracture Area Criteria. Require geologic reports prepared by a certified engineering geologist consistent with "Guidelines for Geologic/Seismic Reports" (CDMG Notes #37) for all proposed development.*

...

#### 9.10 Geological Investigation of Building Sites

*Require the County Geologist or an independent consulting certified engineering geologist to review all building and grading permits in designated hazardous areas for evaluation of potential geotechnical problems and to review and approve all required investigations for adequacy. As appropriate and where not already specifically required, require site specific geotechnical investigations to determine mitigation measures for the remedy of such hazards as may exist for structures of human occupancy and/or employment other than those considered accessory to agriculture as defined in Policy 5.6.*

*"Hazard areas" and "hazards" are defined as those geotechnical hazards shown on the current Geotechnical Hazards Synthesis Maps of the General Plan and the LCP Hazards Maps. A copy of the report of all geologic investigations required by the California Division of Mines and Geology shall be forwarded to that agency.*

### Implementation Plan

#### **SECTION 6296. GEOLOGIC HAZARD ("GH") DISTRICT - 1 (SEAL COVE AREA).**

**SECTION 6296.L AREA OF GEOLOGIC HAZARD.** Reference is hereby made to the Geotechnical Hazards Map for the Seal Cove Study Area prepared by William Cotton and

*Associates dated August 5, 1980, which is on file with the County Geologist and in the Planning Division, Department of Environmental Management, San Mateo County. Reference is further made to the three geotechnical hazard zones designated on the map; Zone 1, Zone 2 and Zone 3 which delineate areas ranging from most hazardous to least hazardous.*

**SECTION 6296.2. DESCRIPTION OF HAZARDOUS ZONES IN SEAL COVE AREA.**

...

*C. Zone 3. The most stable part of the Seal Cove area; risk to development in this area is considered to be low to moderate. The major geologic hazard in this zone is the possibility of surface faulting along the main traces and subsidiary cross faults of the Seal Cove Fault system. These faults are considered to be active and capable of producing strong surface rupture and ground failure with associated strong ground shaking. The feasibility of reducing the risks to acceptable levels in this zone is considered generally high.*

**SECTION 6296.3. GEOTECHNICAL INVESTIGATIONS AND DEVELOPMENT REQUIREMENTS.** *The regulations of Table 1 shall be applicable in Zones 1, 2 and 3 as defined in the Geotechnical Hazards Map described in Section 6296.1.*



**TABLE 1**

<b>ZONE</b>	<b>REQUIREMENT OF GEOTECHNICAL INVESTIGATION</b>	<b>DEVELOPMENT REQUIREMENTS</b>
<p><i>1 and 2</i></p>	<p><i>Prior to any development, there shall be an engineering geologic investigation by a certified engineering geologist and a soil and foundation engineering investigation by a registered civil engineer, or a combined equivalent of the above.</i></p> <p><i>Both investigations shall provide a detailed evaluation of the potential landslide hazards in this zone. In most cases, landslide studies will require extensive subsurface work in order to provide the necessary technical data to conduct a detailed slope stability analysis. The geotechnical analysis shall provide acceptable factors of safety to clearly demonstrate stability before construction is allowed in this zone.</i></p>	<p><i>No development shall be allowed in Zone 1 or 2 until the required geotechnical investigations have clearly demonstrated reasonable stability, in accordance with current professional standards of land structure.</i></p>
<p><i>3</i></p>	<p><i>Prior to any development, there shall be an engineering geologic investigation by a certified engineering geologist and a soil and foundation engineering investigation by a registered civil engineer, or a combined equivalent of the above, unless evidence is available to show that such investigations are not required.</i></p> <p><i>Engineering geologic investigation shall address the seismic hazards related to the master and branching traces of the Seal Cove fault. Particular emphasis of the engineering geologic investigations shall be placed on the evaluation of possible surface faulting. Investigative techniques within this area will require the use of subsurface trenching and possible geophysical traverses unless clear evidence is established to show that no active fault crosses the parcel in question.</i></p> <p><i>The soil and foundation engineering investigation shall address, but not necessarily be confined to, the following items: site preparation and grading, surface and subsurface, drainage, and design parameters for all proposed development</i></p>	<p><i>Development shall be allowed in Zone 3 if suitable mitigation measures including, but not limited to, siting of homes away from active faults, structural and foundation design and adequate surface drainage plans are applied as recommended by any required geotechnical investigation.</i></p>

Chapter 19.5 (GH District)  
(9/20/12)

**SECTION 6326.3. SEISMIC FAULT/FRACTURE AREA CRITERIA.** *The following criteria shall apply within all areas designated on the Fault and Associated Fracture Zones Areas Map:*

- (a) The following uses shall be prohibited within this area: structures designed or intended for relatively dense human occupancy, including but not limited to multiple residential uses, schools and hospitals; critical public services and high- risk facilities, including but not limited to fire and police stations, emergency relief storage facilities, water storage tanks, dams and power plants.*
  
- (b) This area may contain areas suitable for low-density residential uses, such as occasional single-family detached residential dwellings. However, such developments shall not be permitted unless the applicant demonstrates, through detailed geologic site investigations and adequate engineering design, that proposed sites are suitable for the uses proposed, and that direct damage to such uses or indirect threat to public health and safety would be unlikely in the event of a major seismic event. No structure for human occupancy shall be permitted to be placed across the trace of an active fault. The area within fifty (50) feet of any trace of an active fault shall be assumed to be underlain by active branches of that fault unless and until proven otherwise by an appropriate geologic investigation and submission of a report by a geologist registered in the State of California.*
  
- (c) Public and private transmission facilities, including but not limited to electric transmission lines, water supply systems, sewer collection and transmission systems, gas mains and oil transmission lines, shall not be permitted within or across this district unless: reasonable alternative routes are not available and the facility is determined to be of overriding public need and benefit. In the event that such facilities are to be permitted, their design shall include provision for valves, switches, and other equipment appropriate to ensure minimal adverse impact on adjacent and surrounding areas and to facilitate restoration of service in the event of a major fault displacement.*

**COASTAL ACT PUBLIC ACCESS, RECREATION POLICIES AND LCP CALIFORNIA COASTAL TRAIL AND ACCESS POLICIES**

Coastal Act

**Section 30210** *Access; recreational opportunities; posting*

*In carrying out the requirement of [Section 4 of Article X of the California Constitution](#), maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

*(Amended by Ch. 1075, Stats. 1978.)*

**Section 30212 New development projects**

*(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

*(b) For purposes of this section, "new development" does not include:*

*(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.*

*(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.*

*(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.*

*(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.*

*(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.*

*As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.*

*(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by [Sections 66478.1 to 66478.14](#), inclusive, of the Government Code and by [Section 4 of Article X of the California Constitution](#).*

*(Amended by: Ch. 1075, Stats. 1978; Ch. 919, Stats. 1979; Ch. 744, Stats. 1983.)*

*Land Use Plan*

**REQUIREMENT FOR THE PROVISION OF SHORELINE ACCESS**

*10.1 Permit Conditions for Shoreline Access*

*Require some provision for shoreline access as a condition of granting development permits for any public or private development permits (except as exempted by Policy 10.2) between the sea and the nearest road. The type of provision, the location of the access and the amount and type of improvements required shall be consistent with the policies of this component.*

*10.12 Residential Areas*

*Locate shoreline access within existing or new residential areas in the least disruptive manner. Specifically,*

- a. Provide vertical access (trails) at the ends of streets perpendicular to the shoreline.*
- b. If there are few or no such right angle streets, provide vertical access (trails) between houses at 1/4-mile intervals, where consistent with the public safety policies in this component and the policies of the Sensitive Habitats Component. Require more frequent trails if there are several non-continuous shoreline destinations.*
- c. Give priority to improving existing access trails.*

...

*10.29 Protection of Trails from Closing and/or Encroachment*

- a. Prohibit adjacent property owners from closing and/or encroachment on established trails except to protect public safety and sensitive habitats as specified in Policy 10.10.*
- b. Require setbacks for development adjacent to existing or proposed shore-line access to prevent encroachment. Do not permit new structures to encroach farther than the most extended adjacent structure.*

...

*10.38 California Coastal Trail (CCT)*

...

*(5) CCT Siting and Design Standards:*

...

- (e) The CCT should be designed to avoid being located on roads with motorized vehicle traffic where feasible, except for those specific strands of the trail system that are specifically designed to service commuter needs and safely provide for the shortest distance between destination points. Providing such a commuter-purpose strand of the CCT does not replace the remaining need to provide a recreational strand of the CCT as close to the shoreline as possible. In locations where it is not possible to avoid siting the trail along a roadway, the trail should be located off of the pavement and within the public right-of-way, and*



(1) *For one- and two-family developments in the Midcoast, apply the design standards contained in Section 6565.20.*

(2) *For all other development, apply the design standards contained in Section 6565.17 and the design criteria set forth in the Community Design Manual.*

...

### 8.13 Special Design Guidelines for Coastal Communities

#### a. Montara-Moss Beach-El Granada-Miramar

- (1) *Design structures that fit the topography of the site and do not require extensive cutting, grading, or filling for construction.*
- (2) *Employ the use of natural materials and colors that blend with the vegetative cover of the site.*
- (3) *Use pitched roofs that are surfaced with non-reflective materials except for the employment of solar energy devices. The limited use of flat roofs may be allowed if necessary to reduce view impacts or to accommodate varying architectural styles that are compatible with the character of the surrounding area.*
- (4) *Design structures that are in scale with the character of their setting and blend rather than dominate or distract from the overall view of the urbancape.*
- (5) *To the extent feasible, design development to minimize the blocking of views to or along the ocean shoreline from Highway 1 and other public viewpoints between Highway 1 and the sea. Public viewpoints include coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches. This provision shall not apply in areas west of Denniston Creek zoned either Coastside Commercial Recreation or Waterfront.*
- (6) *In areas east of Denniston Creek zoned Coastside Commercial Recreation, the height of development may not exceed 28 feet from the natural or finished grade, whichever is lower.*

### 8.32 Regulation of Scenic Corridors in Urban Areas

- a. *Apply the regulations of the Design Review (DR) Zoning Ordinance.*
- b. *Apply the design criteria of the Community Design Manual.*

- c. *Apply specific design guidelines for Montara, Moss Beach, El Granada, Princeton-by-the-Sea, Miramar, San Gregorio, and Pescadero as set forth in Urban Design Policies of the LCP.*

## Implementation Plan

**SECTION 6565.20(D). ELEMENTS OF DESIGN.** *One of the greatest challenges of residential construction in the Midcoast is the building of a contemporary home that is compatible with surrounding, older homes of varying styles built during previous eras when the construction of smaller homes, and sometimes homes of lower quality, was more typical. The architectural elements of a house can affect its apparent mass, architectural character, and the visual quality of the neighborhood. Every effort should be made, by following these guidelines, to place new structures so that they blend with those existing nearby and to achieve a higher quality of design and construction. Elements of design explored further in this section include: (1) building mass, shape, and scale; (2) architectural styles and facades; (3) roof design; and (4) exterior materials and colors.*

...

### b. Neighborhood Scale

**Discussion:** *“Scale” refers to a relative level or degree, or a proportion or relationship between two things. Neighborhood scale refers to the appearance of a home in relation to other homes in the neighborhood; is it properly related in size, height or other characteristics (shape, level of detail or articulation, etc.) to other homes in the neighborhood? Or is it out of proportion to other homes? As mentioned previously, whether or not a house appears proportional to adjacent homes is determined by the size and height of the house and whether or not the building shapes and facades are simple or broken into more varied forms. For example, large homes generally look less massive if they have more varied, rather than simple building forms. As such, even homes of different sizes can be in scale with one another if they share other architectural characteristics including building shape, simplicity or complexity of building form, and architectural styles and details. Where adjacent homes are not built to conform to these design standards (e.g., they have little articulation and appear out of proportion, boxy or massive), project designers are encouraged to avoid repeating such mistakes in an effort to be in scale with the neighborhood.*

### **Standards:**

...

- (2) *On relatively level lots, avoid designs that incorporate more than two useable floors, excluding basements, within the maximum height limit, since this contributes to a massive or boxy appearance for the home and makes it more difficult to be in scale with surrounding one and two story homes. Multiple stories are allowed on sloping lots where it is necessary to ensure that the home steps up or down with the slope.*

**NON-CONFORMING USE PERMIT**

Implementation Plan

**SECTION 6133. NON-CONFORMING PARCELS.**

...

3. Development of Non-Conforming Parcels

...

b. Development Requiring a Use Permit

*Notwithstanding the provisions of this subsection b, no use permit may be granted to exceed maximum floor area, height, and parcel coverage for parcels located in the Midcoast.*

(1) Unimproved Non-Conforming Parcel

(a) *Development of an unimproved non-conforming parcel shall require the issuance of a use permit when any of the following circumstances ((a), (b), (c), or (d)) exist:*

<i>Required Minimum Parcel Size</i>	<i>Actual Non-Conforming Parcel Size</i>
<i>(a) 5,000 sq. ft. (area) (b) 50 ft. (width)</i>	<i>&lt;3,500 sq. ft. (area) &lt;35 ft. (width)</i>
<i>(c) &gt;5,000 sq. ft. (area)</i>	<i>&lt;5,000 sq. ft. (area)</i>
<i>(d) ≥50 ft. (width)</i>	<i>&lt;50 ft. (width)</i>

...

(3) Use Permit Findings. *As required by Section 6503, a use permit for development of a non-conforming parcel may only be issued upon making the following findings:*

- (a) The proposed development is proportioned to the size of the parcel on which it is being built,*
- (b) All opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven to be infeasible,*
- (c) The proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible,*



- (d) The establishment, maintenance, and/or conducting of the proposed use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in the said neighborhood, and*
- (e) Use permit approval does not constitute a granting of special privileges.*



**Sigma Prime Geosciences, Inc.**  
Effective Solutions

**GEOTECHNICAL STUDY**

**KALPAKOFF PROPERTY  
CYPRESS AVENUE  
MOSS BEACH, CALIFORNIA  
APN 037-225-010**

**RECEIVED**

JUN 11 2015

San Mateo County  
Planning Division

**PREPARED FOR:  
STEVE KALPAKOFF  
440 DAVIS COURT, #2017  
SAN FRANCISCO, CA 94111**

**PREPARED BY:  
SIGMA PRIME GEOSCIENCES, INC.  
332 PRINCETON AVENUE  
HALF MOON BAY, CALIFORNIA 94019**

**JUNE 2015**



**Sigma Prime Geosciences, Inc.**  
Effective Solutions

June 3, 2015

Steve Kalpakoff  
440 Davis Court #2017  
San Francisco, CA 94111

Re: Geotechnical Report for Proposed Construction at Cypress Avenue, Moss  
Beach. APN 037-225-010.  
SPG Job No. 15-128

Dear Mr. Kalpakoff:

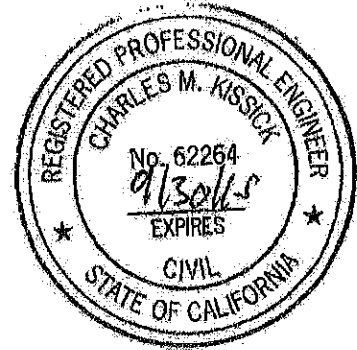
As per your request, we have performed a geotechnical study for the proposed construction at Cypress Avenue in Moss Beach, California. The accompanying report summarizes the results of our field study and engineering analyses, and presents geotechnical recommendations for the planned improvements.

Thank you for the opportunity to work with you on this project. If you have any questions concerning our study, please call.

Yours,

Sigma Prime Geosciences, Inc.

  
Charles M. Kissick, P.E., CEG





**GEOTECHNICAL STUDY  
CYPRESS AVENUE  
MOSS BEACH, CALIFORNIA  
APN 037-225-010**

**PREPARED FOR:  
STEVE KALPAKOFF  
440 DAVIS COURT #2017  
SAN FRANCISCO, CA 94111**

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332 PRINCETON AVENUE  
HALF MOON BAY, CALIFORNIA 94019**

**JUNE 3, 2015**



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## 1. INTRODUCTION

We are pleased to present this geotechnical study report for the proposed construction located at Cypress Avenue in Moss Beach, California, at the location shown in the vicinity map in Figure 1. The purpose of this investigation was to evaluate the subsurface conditions at the site, and to provide geotechnical design recommendations for the proposed construction.

### 1.1 PROJECT DESCRIPTION

We understand that you plan to construct a two-story house. Structural loads are expected to be relatively light as is typical for this type of construction.

### 1.2 SCOPE OF WORK

In order to complete this project we have performed the following tasks:

- Reviewed published information on the geologic and seismic conditions in the site vicinity;
- Subsurface study consisting of a fault trench across the property
- Engineering analysis and evaluation of the subsurface data to develop geotechnical design criteria; and
- Preparation of this report presenting our recommendations for the proposed improvements.



## 2. FINDINGS

### 2.1 GENERAL

The site reconnaissance and fault trench investigation were performed in March 22, 2015. The fault trench was 92 feet long and about 9 feet deep. Its location is shown in Figure 2, with a trench log and explanation in Figure 3.

### 2.2 SITE CONDITIONS

At the time of our study, the lot was undeveloped. The lot is very flat and covered with brush and grass.

### 2.3 REGIONAL AND LOCAL GEOLOGY

Based on Brabb et. al. (1998), the site vicinity is primarily underlain by Pleistocene-age coarse-grained older alluvial fan and stream deposits. These deposits are described as poorly consolidated gravel, sand, and silt.

### 2.4 SITE SUBSURFACE CONDITIONS

Based on the fault trench, with its log shown in Figure 3, the subsurface conditions consist of 1.5 to 2 feet of soft to medium stiff clay topsoil, overlying about 4 to 6 feet of very stiff sandy clay. There is a pervasive layer of caliche-rich soil with cobbles at the contact between the upper two units. The topsoil has low plasticity, based on inspection of hand samples and field evidence, such as a lack of tension cracks in dry soil. Below the sandy clay, the soil becomes sandier, with about 2 to 3 feet of silty sand with occasional cobbles.

As the trench log and site map show, a fault trace was identified in the trench. Soil thickness vary across the trace. The soil stratigraphy, as well as the fault trace, are shown in Figures 4 and 5.

### 2.5 GROUNDWATER

Groundwater was encountered at the very bottom of the trench. The depth to groundwater was about 9 feet. Groundwater levels are not expected to have an impact on the construction.

### 2.6 FAULTS AND SEISMICITY

The site is in an area of high seismicity, with active faults associated with the San Andreas fault system. The closest active fault to the site is the San



Gregorio-Seal Cove fault, located about 225 feet to the southwest, as measured from the house site, as shown in Figure 6. The location of the fault is well known in the area, as discussed in Section 3.2.1 below.

Other faults most likely to produce significant seismic ground motions include the San Andreas, Hayward, Rodgers Creek, and Calaveras faults. Selected historical earthquakes in the area with an estimated magnitude greater than 6-1/4, are presented in Table 1 below.

**TABLE 1  
HISTORICAL EARTHQUAKES**

<u>Date</u>	<u>Magnitude</u>	<u>Fault</u>	<u>Locale</u>
June 10, 1836	6.6 <sup>1</sup>	San Andreas	San Juan Bautista
June 1838	7.0 <sup>2</sup>	San Andreas	Peninsula
October 8, 1865	6.3 <sup>2</sup>	San Andreas	Santa Cruz Mountains
October 21, 1868	7.0 <sup>2</sup>	Hayward	Berkeley Hills, San Leandro
April 18, 1906	7.9 <sup>3</sup>	San Andreas	Golden Gate
July 1, 1911	6.6 <sup>4</sup>	Calaveras	Diablo Range, East of San Jose
October 17, 1989	7.1 <sup>5</sup>	San Andreas	Loma Prieta, Santa Cruz Mountains
(1)	Borchardt & Topozada (1998)		
(2)	Topozada et al (1981)		
(3)	Petersen (1998)		
(4)	Topozada (1984)		
(5)	USGS (1989)		

## 2.7 2013 CBC EARTHQUAKE DESIGN PARAMETERS

Based on the 2013 California Building Code (CBC) and our site evaluation, we recommend using Site Class Definition D (stiff soil) for the site. The other pertinent CBC seismic parameters are given in Table 2 below.

**Table 2  
CBC SEISMIC DESIGN PARAMETERS**

<b>S<sub>g</sub></b>	<b>S<sub>1</sub></b>	<b>F<sub>a</sub></b>	<b>F<sub>v</sub></b>	<b>S<sub>MS</sub></b>	<b>S<sub>M1</sub></b>	<b>S<sub>DS</sub></b>	<b>S<sub>D1</sub></b>
2.275	0.962	1.0	1.5	2.275	1.443	1.517	0.962

Because the S<sub>1</sub> value is greater than 0.75, Seismic Design Category E is recommended, per CBC Section 1613.5.6. The values in the table above were obtained from a USGS software program which provides the values based on the latitude and longitude of the site, and the Site Class Definition. The latitude and longitude were 37.5207 and -122.5127, respectively, and were accurately obtained from Google Earth™. These same values can be obtained directly from maps in the CBC, however the scale of the map makes it impractical to achieve satisfactory accuracy. The map in the CBC was derived from the same work that led to the USGS software. The remaining parameters were also obtained by the same USGS program.





### 3. CONCLUSIONS AND RECOMMENDATIONS

#### 3.1 GENERAL

It is our opinion that, from a geotechnical viewpoint, the site is suitable for the proposed construction, provided the recommendations presented in this report are followed during design and construction. Detailed recommendations are presented in the following sections of this report.

Because subsurface conditions may vary from those encountered at the location of our trench, and to observe that our recommendations are properly implemented, we recommend that we be retained to 1) Review the project plans for conformance with our report recommendations and 2) Observe and test the earthwork and foundation installation phases of construction.

#### 3.2 GEOLOGIC HAZARDS

We reviewed the potential for geologic hazards to impact the site, considering the geologic setting, and the soils encountered during our investigation. The results of our review are presented below:

- Fault Rupture - The likelihood of major fault offsets across the property are low, as the main trace of the fault has been identified 225 feet southwest of the property. An earthquake may result in over 10 feet of lateral offset on the main trace. However, a secondary fault trace was found on the property, with about 1 foot of vertical offset. The proposed house will be located with this in mind. See further discussion below in Section 3.2.1.
- Ground Shaking - The site is located in an active seismic area. Moderate to large earthquakes are probable along several active faults in the greater Bay Area over a 30 to 50 year design life. Strong ground shaking should therefore be expected several times during the design life of the structure, as is typical for sites throughout the Bay Area. The improvements should be designed and constructed in accordance with current earthquake resistance standards.
- Differential Compaction - Differential compaction occurs during moderate and large earthquakes when soft or loose, natural or fill soils are densified and settle, often unevenly across a site. Due to the stiff



and dense nature of the underlying soils, the likelihood of significant damage to the structure from differential compaction is very low.

- Liquefaction - Liquefaction occurs when loose, saturated sandy soils lose strength and flow like a liquid during earthquake shaking. Ground settlement often accompanies liquefaction. Soils most susceptible to liquefaction are saturated, loose, silty sands, and uniformly graded sands. Loose silty sands were not encountered at the site. Therefore, in our opinion, the likelihood of liquefaction occurring at the site is very low.

### 3.2.1 Fault Study

The site location, shown in Figures 1 and 6, is in a known seismic hazard area. The Seal Cove portion of the San Gregorio fault crosses the area, however the location of the main trace of the fault has been in question over the years. In order to determine the best estimate regarding the location of the fault, we performed a desk study for another project (Sigma Prime, 2014). We found that the main trace of the fault is located about 225 feet to the southwest, as shown in Figure 6.

The San Gregorio fault is an active dextral strike slip fault, dextral meaning that the sides of the fault moves laterally to the right, relative to each other. The Simpson study found the following: The most recent event on the fault occurred between the years 1400 and 1775. Before that, there was an event that occurred between the years 620 and 1400. The earlier event is estimated to have resulted in about 10 feet of horizontal offset. The most recent event may have resulted in up to 15 feet of horizontal offset. These deflections are consistent with an earthquake of magnitudes in the 7 to 7-1/4 range. Up to 150 kilometers total lateral offset is estimated for the fault.

We excavated a 95-foot long by 9-foot deep trench across the subject property, at the location shown in Figure 2. A log of the trench is shown in Figure 3. We found a prominent fault trace at Station 26, as shown in Figure 3.

The trench revealed a soil column entirely within the marine terrace deposit. There was a well-developed soil column, with a distinct dark brown A-horizon and a distinct orange-brown B-horizon (Units 1 and 3 in the trench log). Zone 2 is a layer of caliche-stained soil, with hard cobbles, about 6 inches thick, between units 1 and 3. Below the B-horizon (unit 3), the soil is generally sandy and gravelly, consistent with the marine terrace deposits. There are numerous thin, narrow vertical fissures throughout the trench. These do not extend to the full depth of the trench and are likely narrow lurch cracks that form during local earthquakes. They are not indicative of fault traces.



The fault trace at Station 26 is characterized by up to a foot of vertical offset. The offset continues to the bottom of the trench. This is a secondary feature which was formed during a large seismic event centered on the nearby main trace of the San Gregorio-Seal Cove fault. This feature does not represent the main trace of the fault, which has up to 150 kilometers of offset. The feature on the site has no more than 1 foot of offset. Similar features have been noted on other properties in the neighborhood. Figure 6 shows several fault studies that have been performed on the area. The references from these studies are listed at the end of this report. As Figure 6 shows, there are several secondary features in the area. They do not continue across the entire area, but instead are discontinuous.

In the study area, the Seal Cove fault makes a westward bend, rather than continuing as a straight line. The straight-line projection would place the fault where the Alquist-Priolo trace is shown in Figure 6. Because of this bend in the fault, ground rupture patterns to either side of the fault become complicated. Areas of tension or compression occur, creating fissures and lines of vertical offset, as well as an echelon folding and fracturing. Such features are very common within a narrow zone along strike slip faults and are often not continuous for very long distances. The bend in the fault probably results in a wider than normal zone of secondary ground failure. These ground failures are shallow features in the upper soils that do not connect directly to the fault rupture.

Based on our studies, there is a secondary trace of the Seal Cove fault on the property. The main trace is located 225 feet to the southwest. The proposed house is being placed with the fault trace in mind, with 10-foot offsets, as shown in Figure 2.

### 3.3 EARTHWORK

#### 3.3.1 Clearing & Subgrade Preparation

All deleterious materials, including topsoil, roots, vegetation, designated utility lines, etc., should be cleared from the building area. The actual stripping depth required will depend on site usage prior to construction, and should be established by the Contractor during construction. Topsoil may be stockpiled separately for later use in landscaping areas.

#### 3.3.2 Compaction

Scarified surface soils that will support foundations should be moisture conditioned to 3-5 percent above the optimum moisture content and compacted to at least 95 percent of the maximum dry density, as determined by ASTM D1557-78. All trench backfill should also be moisture conditioned to 3-5 percent



above the optimum moisture content and compacted to at least 90 percent of the maximum dry density. The upper 3 feet of trench backfill below foundations or paved areas should be compacted to 95 percent of the maximum dry density.

### 3.3.3 Surface Drainage

The finish grades should be designed to drain surface water away from foundations and slab areas, to suitable discharge points. Slopes of at least 2 percent within 10 feet of the structures are recommended, as per the CBC. Ponding of water should not be allowed adjacent to the structure.

## 3.4 FOUNDATIONS

We recommend a mat slab foundation. The mat slab should be at least 5 inches thick and underlain by at least 12-inches of non-expansive granular fill. Where floor wetness would be detrimental, a vapor barrier, such as Stego wrap or equivalent should be used. The slabs should be structurally tied to the perimeter footings, either as a continuous pour or separate pours with dowels connecting the two, or an equivalent method.

The perimeter of the slab should be thickened with footings at least 15 inches wide and extending at least 6 inches below the cut for the interior slabs. Load bearing interior walls should also be founded on thicker slab sections of the same dimensions. The excavation for the footings may slope up to the interior slabs at a slope of 1:1. An allowable bearing capacity of 2500 psf may be used in design.

### 3.4.1 Lateral Loads

Resistance to lateral loads may be provided by passive pressure acting against the sides of the footings, below a depth of 1 foot. We recommend that an equivalent fluid pressure of 350 pcf be used in design. A skin friction value of 0.3 may be used.

### 3.4.2 Garage Slab-on-Grade

The garage slab-on-grade should be constructed as a free-standing slab, structurally isolated from surrounding grade beams or footings. We recommend that the slab-on-grade be underlain by at least 6 inches of non-expansive fill. The fill should consist of ½- to ¾-inch clean crushed rock. Where floor wetness would be detrimental, a vapor barrier, such as Stego wrap or equivalent should be used.



### 3.5 CONSTRUCTION OBSERVATION AND TESTING

The earthwork and foundation phases of construction should be observed and tested by us to 1) Establish that subsurface conditions are compatible with those used in the analysis and design; 2) Observe compliance with the design concepts, specifications and recommendations; and 3) Allow design changes in the event that subsurface conditions differ from those anticipated. The recommendations in this report are based on a limited number of borings. The nature and extent of variation across the site may not become evident until construction. If variations are then exposed, it will be necessary to reevaluate our recommendations.



#### 4. LIMITATIONS

This report has been prepared for the exclusive use of the property owner for specific application in developing geotechnical design criteria for the currently planned construction at Cypress Avenue in Moss Beach, California (APN 037-225-010). We make no warranty, expressed or implied, except that our services were performed in accordance with geotechnical engineering principles generally accepted at this time and location. The report was prepared to provide engineering opinions and recommendations only. In the event that there are any changes in the nature, design or location of the project, or if any future improvements are planned, the conclusions and recommendations contained in this report should not be considered valid unless 1) The project changes are reviewed by us, and 2) The conclusions and recommendations presented in this report are modified or verified in writing.

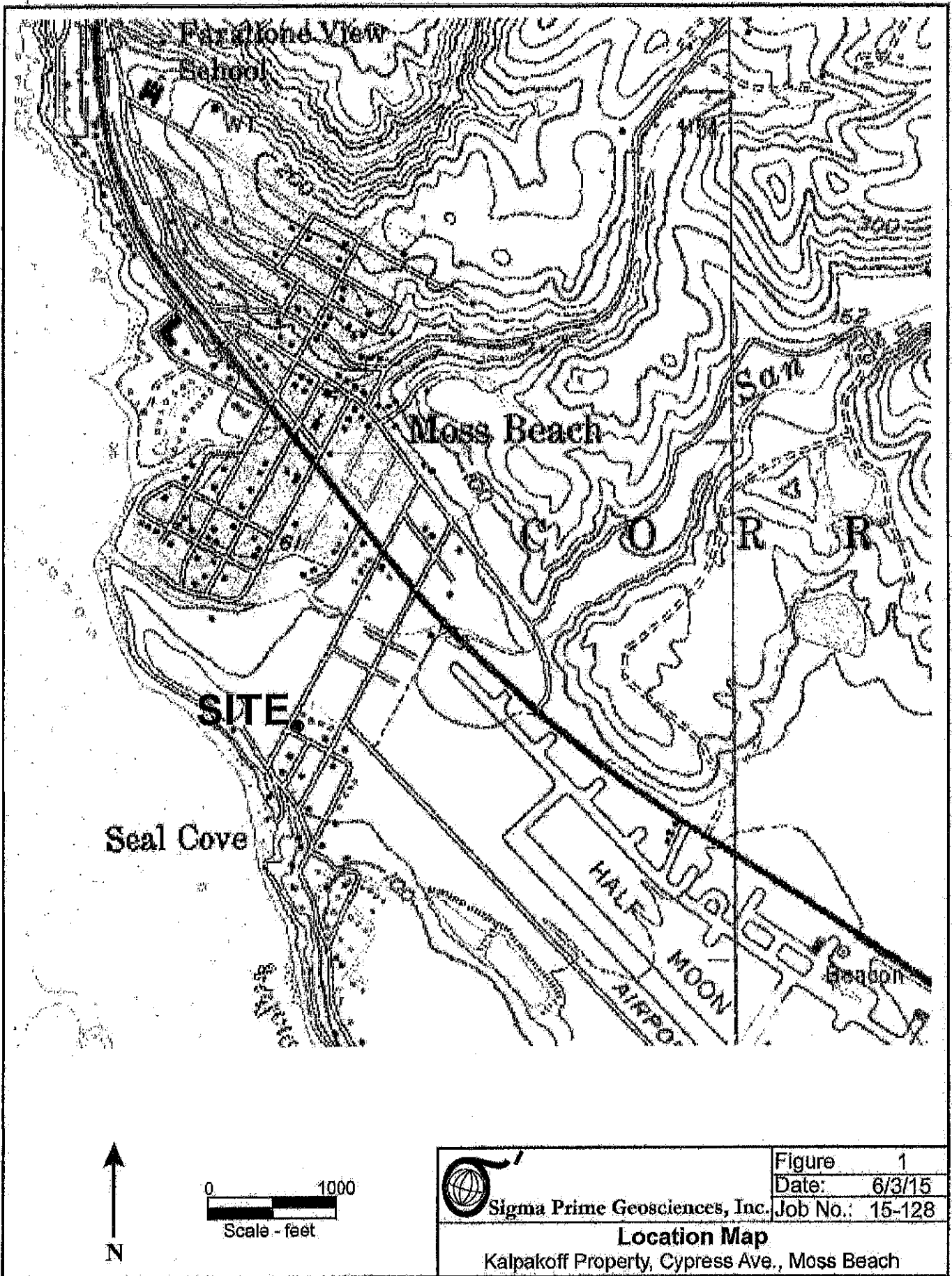
The analyses, conclusions and recommendations contained in this report are based on site conditions as they existed at the time of our study; the currently planned improvements; review of previous reports relevant to the site conditions; and laboratory results. In addition, it should be recognized that certain limitations are inherent in the evaluation of subsurface conditions; and that certain conditions may not be detected during a study of this type. Changes in the information or data gained from any of these sources could result in changes in our conclusions or recommendations. If such changes do occur, we should be advised so that we can review our report in light of those changes.




## 5. REFERENCES

### References in Figure 6:

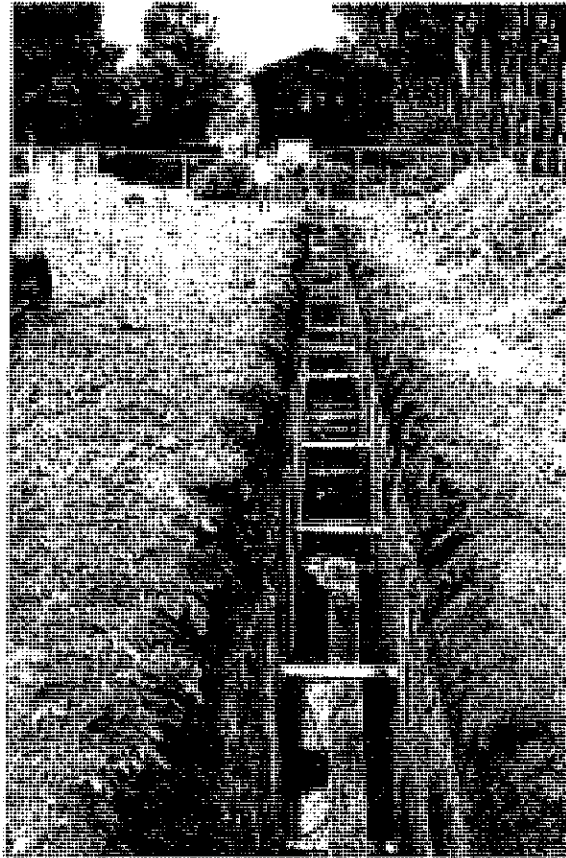
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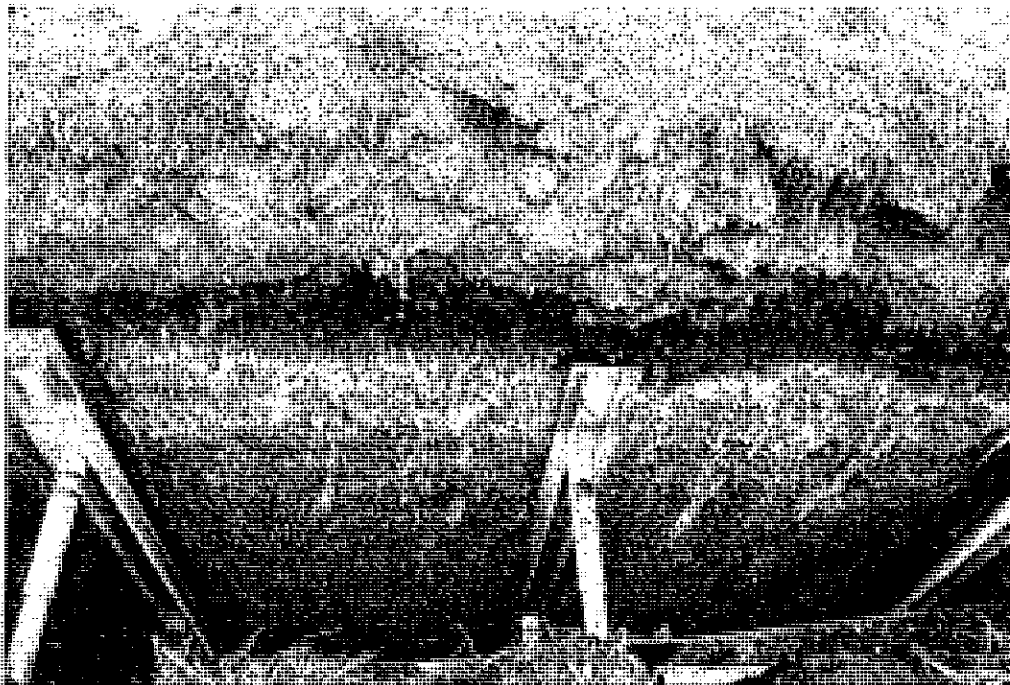
	Figure 1
	Date: 6/3/15
	Job No.: 15-128
<b>Location Map</b> Kalpakoff Property, Cypress Ave., Moss Beach	







General View of Trench, looking west. Note groundwater in bottom few inches of trench.



Typical appearance of soil column, including vertical fissures.



Sigma Prime Geosciences, Inc.

Figure 4

Date: 6/3/15

Job No.: 15-128

Photos

Kalpakoff Property, Cypress Ave., Moss Beach

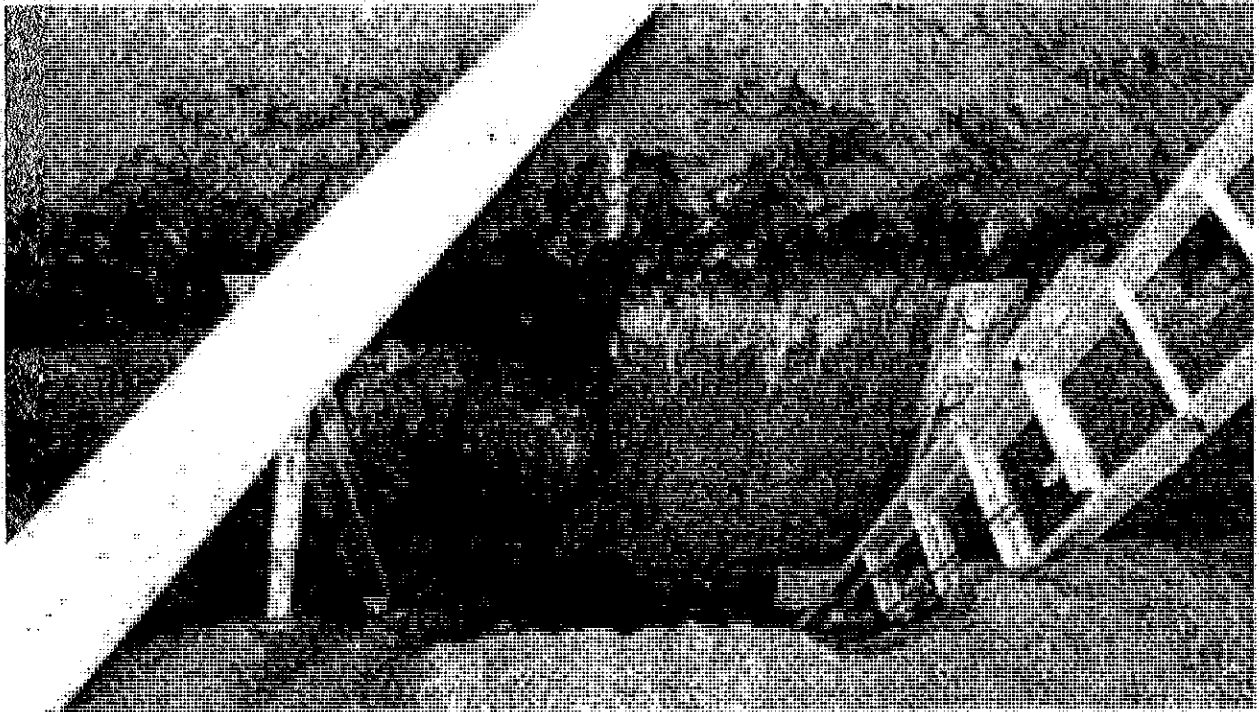
Exhibit 9

A-2-SMC-16-0066


Page 17 of 20

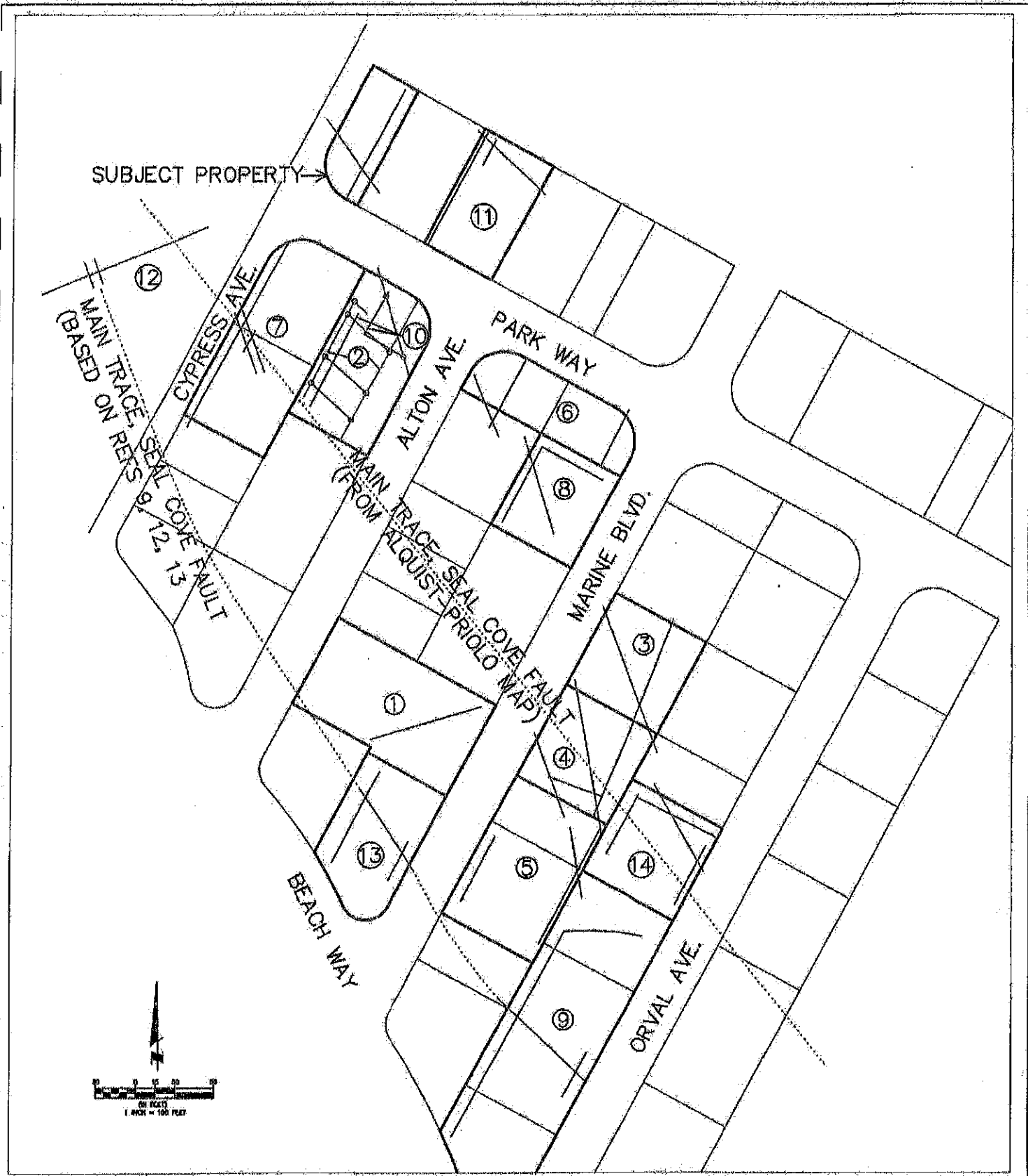


View of fault trace, south wall. Note light-colored caliche deposits, several inches higher on left side.



View of fault trace, north wall.

	Figure 5
	Date: 6/3/15
	Job No.: 15-128
<b>Photos</b> Kalpakoff Property, Cypress Ave., Moss Beach	



**EXPLANATION**

	or:	Fault Trench
		Feature Identified as a Fault Trace
		Consultant's Report in Reference List

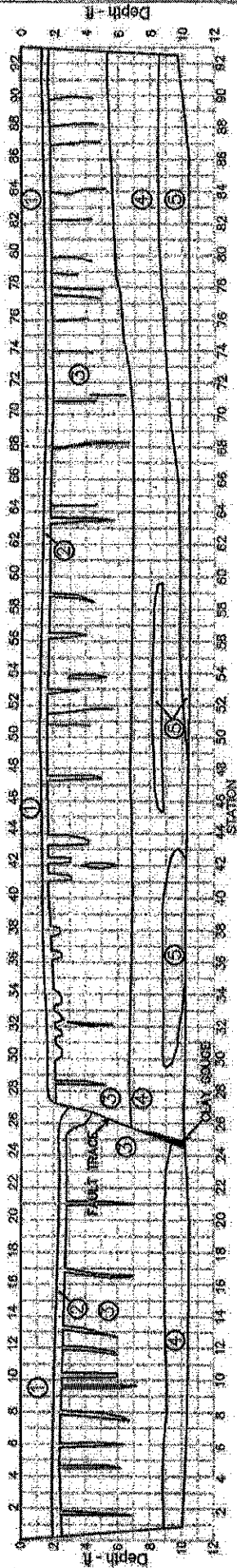


Sigma Prime Geosciences, Inc.

Figure	6
Date:	6/4/15
Job No.:	15-128

**Study Area**  
Kalpakoff Property, Cypress Ave., Moss Beach

Exhibit 9  
A-2-SMC-16-0066



1"=3' LOOKING AT NORTH WALL: TRENCH TRENDS N 29 E

**EXPLANATION**

NOTE: Fault trace trends N36W.

- ① CLAY (CL) (Topsoil, A-Horizon): dark brown; soft to medium stiff; moist. Homogeneous structure.
- ② Caliche deposit with hard cobbles: light olive gray; 5' thick; matrix is sandy clay.
- ③ SANDY CLAY (CL) (B-Horizon): orange-brown; very stiff; moist. Sand is angular, medium grained, arkosic with feldspars, derived from granitic basement rock.

Gradual contact between 3 and 4.

- ④ SILTY SAND (SM): orange-brown, very dense, moist. Sand grains comprised of quartz, feldspar, biotite, mafic fragments; angular; medium to coarse grained. Occasional sub-rounded quartz cobbles. Faint horizontal laminations, some cross bedding. Lenticular bodies of different grain sizes.
- ⑤ SILTY CLAY (CL): mottled orange/light olive; very stiff laminated.

	Figure	3
	Date:	6/2/15
	Job No.:	15-128
<b>Trench Log</b> Keipakoff Property, Cypress Ave., Moss Beach		



April 26, 2016

Steve Kalpakoff  
440 Davis Court #2017  
San Francisco, CA 94111

RECEIVED  
JUN 03 2016  
CALIFORNIA  
COASTAL COMMISSION

Subject: Response to Committee for Green Foothills Letter: Cypress Avenue, Moss Beach. APN 037-225-010

Dear Mr. Kalpakoff:

This letter is in response to a letter we received by Lennie Roberts of the Committee for Green Foothills, dated April 25, 2016. Only the comment on Question 6a pertains to our work.

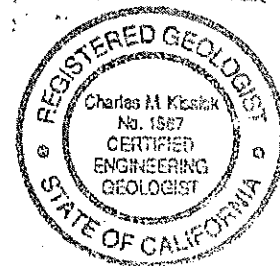
The comment states that our fault study was inadequate because we only used one fault trench, and that two trenches are required to verify the trend of the mapped fault trace. The comment also says that only one data point can be obtained from a fault trench. However, the trench was 3 feet wide, so there were two piercing points between the fault trace and the trench wall. Based on the two piercing points, we mapped the fault trace as shown on Figure 2 in our soils report. To verify the location of the fault trace, we extrapolated the location of the fault trace to where it would meet the edge of pavement on Cypress Avenue, and marked the location with spray paint. We then had the backhoe operator pothole at the suspected fault trace location and it was found at the correct location.

The fault trace location was determined using a 300-foot tape measure and measuring from property corner pipes. We measured fault trace location both in the trench, and in the pothole. Therefore, the fault trace is accurately located across the entire property.

If there are any questions regarding the contents of this letter, please do not hesitate to call me at (650) 728-3590.

Yours,  
Sigma Prime Geosciences, Inc.

  
Charles M. Kissick, P.E., C.E.G.



**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
 45 FREMONT ST, SUITE 2000  
 SAN FRANCISCO, CA 94105-2219  
 VOICE (415) 904-5260  
 FAX (415) 904-5400  
 TDD (415) 597-5885

**Memorandum****August 9, 2016**

To: Commissioners and Interested Parties

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

Re: ***Additional Information for Commission Meeting  
 Thursday, August 11, 2016***

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
Th21a	Marin Co. LCP Amend. LCP-2-MAR-15-0029-1	Correspondence, Morgan Patton / Ashley Eagle-Gibbs	1-3
		Correspondence, Amy Trainer, Scotty Tye & John Sharp	4-5
		Email, Robert A. Johnston	6-8
		Correspondence, Kathleen Hartzell	9-10
		Email, Bridger Mitchell	11-12
		Email, Toby Symington	13-14
		Email, Cynthia Lloyd	15-16
		Email, Lawrence Litvak	17
		Correspondence, Conn Rusche	18-19
		Email, Sharon Barnett	20
		Correspondence, Kenneth Drexler	21
		Correspondence, Jessica Reynolds-Taylor	22-23
		Correspondence, Carolyn Longstreth	24-25
		Email, Victoria Hanson	26-28
		Email, Ann W. Baxter	29-31
		Email, Daniel Dietrich	32-33
		Email, W. Edward Nute	34-35
		Email, Mary Barone	36
		Email, Corey Barnes	37
		Email, Dawn Ward-Doma	38
		Correspondence, Bridger Mitchell	39-41
Th22a	Coastside Fire Protection District A-2-PAC-16-0058	Correspondence, Kevin J Lansing	42
Th22b	Steve Kalpakoff A-2-SMC-16-0066	Correspondence, R. Rexford Upp	43-47

Note: 113 email comments substantially identical to this email comment were received. This email comment is provided as a representative sample of the 113 email comments. All of the 113 email comments substantially identical to this email comment are available for review at the Coastal Commission's North Central Coast Office in San Francisco.

**RECEIVED**

AUG 01 2016

Th22b

**CALIFORNIA  
COASTAL COMMISSION  
NORTH CENTRAL COAST**

R. REXFORD UPP, PhD  
*Geotechnical Consultant*

P.O. Box 725, Campbell, CA 95009-0725  
408-590-5587  
rex@RexpertWitness.com

July 30, 2016

Project No. GE 316.1L1

Serial No. 337

Mr. Steve Kalpakoff  
Director of Building & Construction  
Archdiocese of San Francisco  
1301 Post Street - Suite 102  
San Francisco, CA 94109

SUBJECT: GEOLOGIC REVIEW OF  
SIGMA PRIME GEOSCIENCES GEOTECHNICAL STUDY REPORT  
KALPAKOFF PROPERTY  
CYPRESS AVENUE  
MOSS BEACH, CALIFORNIA

Dear Mr. Kalpakoff,

#### INTRODUCTION

As you requested, I have reviewed the report you provided entitled "Geotechnical Study, Kalpakoff Property, Cypress Avenue, Moss Beach, California, APN-037-010" prepared by Sigma Prime Geosciences, Inc. and dated June 3, 2015. The report is signed by Mr. Charles M. Kissick, California Certified Engineering Geologist No. 1587. The study was done and the report prepared for the development of a single-family home on a vacant residential parcel.

The parcel lies near the coast in Moss Beach, California and this location is within the jurisdiction of the California Coastal Commission. The local Commission approved the proposed development, but that decision was appealed on July 11, 2016 by Ms. Lennie Roberts of the Committee for Green Foothills. I also reviewed portions of California Coastal Commission Notification of Appeal, dated July 12, 2016, that you provided me.

The purpose of my review was to evaluate the methods and procedures used by Mr. Kissick in the engineering geologic study and preparation of the subject



report and to offer my professional opinion on whether or not Mr. Kessick met the standard of practice for such studies and reports. Please note that although I am a licensed engineering geologist and a licensed geotechnical engineer my review and opinions are limited to the engineering geologic portions of the subject report.

### THE ENGINEERING GEOLOGIC INVESTIGATION

Following the San Fernando earthquake of 1971, the State passed the Alquist-Priolo (AP) Fault Zoning Act. The intent of the act was to avoid placing new structures across traces of active faults. Geologic studies to identify locations of active faults have been required by most jurisdictions since the mid-1970s. Guidelines for performing these studies have been published by both the California Geological Survey - CGS (formerly called the California Division of Mines and Geology - CDMG) and the State Mining and Geology Board - SMGB. These guidelines have been periodically reviewed and updated.

The most recent publication is CGS Note 49, *Guidelines For Evaluating The Hazard of Surface Fault Rupture*, published in 2002. From 2008 to 2016, I served on the CGS Technical Advisory Committee (TAC) for the AP Special Studies Act. No changes have been approved to the guidelines since the publication of CGS Note 49 in 2002.

Based upon my review, and without reiterating the scope of the study, it is my professional opinion that the engineering geologic study performed by Sigma Prime Geosciences, clearly meets the guidelines for evaluating the location and hazard of active faults as established by the State of California and as published in CGS Note 49. The study accurately located an active fault trace on the subject parcel and established an appropriate building setback from it.

### THE APPEAL

The appeal was filed by Ms. Lennie Roberts, the Legislative Advocate for the Committee for Green Foothills. Ms. Roberts is not a licensed geologist in the state of California. In the "**Reasons Supporting This Appeal**," Ms. Roberts wrote several points to support her appeal. In my professional opinion, none of these points is valid. I address them below:

1. She states "*There is insufficient information to support the County's approval . . . of the Seal Cove Fault trace as it crosses the property.*" Ms. Roberts is not qualified nor licensed to make this geologic

conclusion. Furthermore, the Seal Cove fault does not cross the property. What Sigma Prime located in the fault exploration trench was a discontinuous secondary trace. Several of these discontinuous secondary traces have been identified in the area.

2. She questions “. . . *the exact angle of the [fault]. . .*” It is unclear what she means by the “*exact angle*” and to what degree of precision it must be determined to evaluate the geologic hazard. Sigma Prime identified and verified the geographic orientation of the trace.
3. She complains that “. . . *two data points . . . less than 3 feet apart are too close together to accurately project the line of the fault trace . . .*” This assumption depends on the nature of the fault and how it appears in the trench and is dependent on the skill and knowledge of the investigating engineering geologist. Ms. Roberts is not a geologist and she did not observe the fault as it was exposed in the trench. She is not qualified nor licensed to make this statement.
4. She further writes “. . . *a single pot hole . . . is not the proper way to establish a second data point.*” Again, Ms. Roberts displays her lack of knowledge of engineering geologic investigations. A “pot hole” is simply a short trench and is the standard method of **verifying** the projected orientation (angle) of the fault trace **when the investigating geologist knows where to look** and dig the pot hole.
5. She writes “*Trenching, not pot holing, is the proper way to establish the second data point.*” Again, Ms. Roberts is not licensed nor qualified to evaluate the “*proper*” engineering geologic investigative techniques. There are multiple ways to evaluate the location of a fault trace, and the method selected must be done by a qualified geologist, as they were in this case.
6. She notes that “*LCP Hazards Component Policy 9.3 . . . Requires geologic reports . . . consistent with . . . CDMG Notes #37 . . .*” CDMG Note 37 was superseded long ago and no longer is valid. If the LCP refers to this note, the LCP probably should be updated.
7. She notes the subject site lies within Geotechnical Hazard Zone 3 of the *Geotechnical Hazards Map of Seal Cove Study Area* report prepared in 1980 by William Cotton, and quotes that “*Zone 3 . . . The major geologic hazard in the zone is the possibility of surface faulting along the main trace and **subsidiary cross faults** of the Seal Cove Fault*

system.” Actually the Risk Assessment section of the Cotton report states “*The major geologic hazard in this zone is the threat of surface faulting along the master fault trace and several branching fault traces of the Seal Cove fault.*” I have highlighted some of the differences between Ms. Robert’s inaccurate quote and the actual text of Cotton’s report. There are no “**cross faults**” in the Seal Cove system.

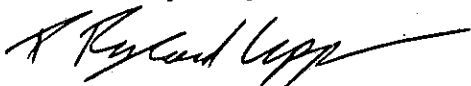
8. Ms. Roberts refers to **Table 1 Requirement for Geotechnical Investigations** of Zoning Regulations Section 6296.3 and quotes the requirements for an engineering geologic investigation. She concludes the quote with “. . . *unless clear evidence is established to show that no active fault crosses the parcel in question.*” The Sigma Prime investigation was done in accordance with the State’s recommended guidelines and standard of practice for fault location studies. They identified clear evidence for the location of a minor secondary trace crossing the subject parcel and they recommended an appropriate building setback.

#### CONCLUSION

Based upon my review, my over 40 years of experience with fault location studies (including my Doctoral Dissertation from Stanford University), and my experience with the AP TAC, it is my professional opinion that the subject Sigma Prime Geosciences study and report are consistent with the standard of care for such studies. Furthermore, it also is my professional opinion that the **Reasons Supporting the Appeal** written by the Committee for Green Foothills contains numerous false statements and the appeal has no merit!

For the reader’s review, I have attached my resume.

Yours very truly,



R. REXFORD UPP, PH.D  
Professional Geologist: PG 3641  
Certified Engineering Geologist: EG 1083  
Certified Hydrogeologist: HG 62

Copies: Addressee (via e-mail to [kalpakoffs@adsfrpsc.org](mailto:kalpakoffs@adsfrpsc.org))

# R. REXFORD UPP, PhD

P.O. Box 725  
Campbell, CA 95009-0725  
408-590-5587  
rex@rexpertwitness.com

## RESUME

- Education:** Ph.D. ENGINEERING GEOLOGY, Stanford University  
M.S. CIVIL ENGINEERING (Soil Mechanics and Foundations), Stanford University  
M.S. WATERSHED MANAGEMENT, Humboldt State University  
B.A. GEOLOGY, Humboldt State University  
B.S. ENVIRONMENTAL ENGINEERING, Humboldt State University  
B.S. MECHANICAL ENGINEERING, University of California at Berkeley
- Professional California Licenses:** Professional Geologist: PG 1361 (1981)  
Certified Engineering Geologist: EG 1083 (1981) I obtained all licenses by examination  
Professional Civil Engineer: PE C37340 (1983)  
Registered Soil Engineer: GE 2046 (1987)\* \*Year license became available  
Certified Hydrogeologist: HG 62 (1995)\*
- Experience:** Independent Consultant - Expert Witness: (2012 to Present). I provide consultation and litigation support for issues relating to geotechnical engineering and engineering geology.
- Technical Expert Consultant: CALIFORNIA STATE BOARD OF REGISTRATION FOR ENGINEERS, LAND SURVEYORS, & GEOLOGISTS (2010 - Present). I evaluate technical merits of negligence claims filed against licensed Geotechnical Engineers and Geologists.
- Geotechnical Advisor: CALIFORNIA STATE GEOLOGICAL SURVEY - TECHNICAL ADVISORY COMMITTEE on the Alquist-Priolo Special Studies Act (2008 - 2016). I assisted in the re-evaluation of the Act.
- Founder and Principal of Firm: UPP GEOTECHNOLOGY, INC. (1983 to 2011). I conducted all phases of engineering geology and geotechnical (soil) engineering studies including site development evaluations for residential, commercial, and industrial properties; forensic and insurance investigations of distressed properties; landslide evaluations and repairs; erosion and surface drainage problems; subsurface drainage, water intrusion, and groundwater studies; reservoir/pond development; leachfield evaluations; fault hazard evaluations; swimming pool and basement design; roadway and bridge abutment design; rock quarry development and reclamations; and environmental impact studies.
- Senior Engineering Geologist/Geotechnical Engineer: CLEARY CONSULTANTS (1977-1979 & 1980-1983). I supervised engineering geology and geotechnical engineering investigations for a variety of commercial, industrial, and residential projects.
- GS 11 Geologist: U.S. GEOLOGICAL SURVEY (1979 to 1980). I conducted research on the location and activity of the Maacama Fault System in Mendocino County, California. (My study served as the basis for zoning portions of the Maacama Fault as active under the jurisdiction of the State of California Alquist-Priolo Special Studies Act).
- Instructor: SAN JOSE STATE UNIVERSITY (1983 to 1986), I taught Soil Engineering and Rock Mechanics. HUMBOLDT STATE UNIVERSITY (1974 to 1975), I taught various geology courses.
- Consultant: CITY OF EUREKA, CALIFORNIA (1975), I investigated the seismic and flood hazards to the City of Eureka; I also wrote the Seismic Safety Element and other portions of the Eureka General Plan.
- Memberships:** CalGeo: The California Geotechnical Engineering Association - (President 2011-2012)  
AEG: Association of Environmental and Engineering Geologists - (President 2000-2001)  
FEWA: Forensic Expert Witness Association - (Past Director - Northern California Chapter)  
ASCE: American Society of Civil Engineers (Life Member 2010)  
GSA: Geological Society of America (Senior Member)