

CALIFORNIA COASTAL COMMISSION
NORTH COAST AREA
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Th 8b



Filed: November 21, 1996
49th Day: January 9, 1997
Staff: Jo Ginsberg
Staff Report: December 20, 1996
Hearing Date: January 9, 1997
Commission Action:

STAFF REPORT: APPEAL

LOCAL GOVERNMENT: San Mateo County

DECISION: Approval with Conditions

APPEAL NO.: **A-1-SMC-96-82**
(Formerly A-3-SMC-96-120)

APPLICANT: **CHRISTOPHER TYLER/
AMY TEZZA**

PROJECT LOCATION: 2009 Vallemar Street, Moss Beach, San Mateo
County, APN 37-85-60.

PROJECT DESCRIPTION: (1) Demolition of an existing single-family
residence and accessory structures; (2)
construction of a 4,572-square-foot, two-story
single-family residence; and (3) improvements to
the existing driveway access off The Strand.

APPELLANTS: Dell and M.L. Tish Williams

SUBSTANTIVE FILE DOCUMENTS: San Mateo County Local Coastal Program; San Mateo
County CDP No. 95-0046 and DSR 96-0062
(Tyler-Tezza).

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeals have been filed because the appellants have not raised any substantial issues with the local government's action and its consistency with either the certified LCP or the access policies of Chapter 3 of the Coastal Act.

One of the appellants' contentions is not a valid grounds for an appeal, as it refers to what the appellants believe to be an error in County proceedings rather than an inconsistency with the policies of the LCP.

The other contentions by the appellants are potentially valid grounds for appeal. The appellants contend that the development does not conform to the policies of the LCP regarding visual resources, hazards, shoreline access, and locating and planning new development. However, the project as approved by the County does not raise a substantial issue with the requirements of the LCP regarding visual resources in that the proposed project, as conditioned, complies with the special design guidelines in the LUP (Policy 8.13) for structures within the Montara urban area by minimizing the visibility of the home from the nearest public road through landscaping, locating the house downslope from the road, and use of natural colors and materials.

Second, the development as approved by the County does not raise a substantial issue with the requirements of the LCP regarding hazards as the approved project has been sited outside the 50-year bluff retreat area, as required by the certified LCP.

Third, the development as approved by the County does not raise a substantial issue with the policies of either Chapter 3 of the Coastal Act or the LCP regarding public access as the proposed project, as approved by the County, will not interfere with access along The Strand.

Fourth, the development as approved by the County does not raise a substantial issue with the requirements of the LCP regarding locating and planning new development because the proposed project, as approved by the County, has been conditioned consistent with the urban area policies of the certified LCP.

The Motion to adopt the Staff Recommendation of No Substantial Issue is found on Page 4.

STAFF NOTE:

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603.)

Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first

public road paralleling the sea or within three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff. Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in the Coastal Act.

The subject development is appealable to the Commission because the proposed project is located between the sea and the first public road paralleling the sea.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. Since the staff is recommending No Substantial Issue, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. Unless it is determined that there is no substantial issue, the Commission would proceed to a full public hearing on the merits of the project, which may occur at a subsequent meeting. If the Commission were to conduct a de novo hearing on the permit application, because the proposed development is between the first road and the sea, the applicable test for the Commission to consider would be whether the development is in conformity with the certified Local Coastal Program and with the public access and public recreation policies of the Coastal Act.

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

I. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that no substantial issue exists with respect to the grounds on which the appeal has been filed, pursuant to Section 30603(b) of the Coastal Act and as discussed in the following findings below.

Staff recommends a YES vote on the following motion:

MOTION:

I move that the Commission determine that Appeal No. A-1-SMC-96-82 (Formerly A-3-SMC-96-120) raises NO substantial issue with respect to the grounds on which the appeal has been filed.

To pass the motion, a majority of the Commissioners present is required. Approval of the motion means that the County permit action is final.

II. Findings and Declarations.

The Commission hereby finds and declares:

A. APPELLANTS' CONTENTIONS

The Commission received an appeal for this project from Dell and M.L. Tish Williams, who raise a number of concerns regarding the project. The main areas of concern regard the project's conformity with LCP policies on visual resources, hazards, shoreline access, and new development. The appellants are primarily concerned not with the proposed residence but with the driveway access, which has been approved by the County Board of Supervisors to be located off The Strand, rather than off Vallemar Street. The Strand is an unimproved, County-owned road located west of Highway One, at the top of a coastal cliff, over which the applicants have an access easement (see Exhibits 2, 3, and 6). The appellants believe the applicants should access their property from Vallemar Street, via an adjacent property in the applicants' ownership, as initially proposed by County staff and approved by the Planning Commission. The appellants submitted lengthy attachments to the appeal forms, discussing their concerns. These attachments are included as Exhibits No. 9, 10, 11, 12, and 13, and the concerns raised in the attachments are summarized below.

The appellants' contentions involve the following issue areas:

1. Visual Resources.

The appellants contend that the driveway access off The Strand, if improved, will unnecessarily alter natural landforms, inconsistent with LUP Policy 8.17. In addition, the appellants contend that the proposed residence is located too close to the bluff edge, inconsistent with LUP Policy 8.32, and should be moved back to the location of the existing house.

2. Hazards.

The appellants contend that the driveway access off The Strand, if improved, will adversely affect public safety and will jeopardize adjacent property, will be located within the 50-year bluff retreat zone, and will contribute to accelerated bluff erosion, inconsistent with LUP Policies 9.3, 9.8, 9.11, and 9.12.

3. Public Access.

The appellants contend that the proposed project will significantly impede public access to an existing access trail during the development and construction of the residence, that the use of The Strand as a driveway access to the subject site will create a critical safety hazard, that the physical character of a frequently used trail along The Strand will be jeopardized, and that the use of The Strand as a driveway access to the subject site would obstruct public access, inconsistent with numerous LUP Policies regarding shoreline access (Section 10).

4. Locating New Development.

The appellants contend that the driveway access off The Strand, if improved, will adversely affect the conditions of the bluff and trail, forever impacting coastal resources, inconsistent with LUP Policies 1.8 and 1.18.

5. Error in County Proceedings.

The appellants contend that the County violated their own rules in not presenting the Planning Commission findings adequately to the Board of Supervisors.

B. LOCAL GOVERNMENT ACTION

The project was initially approved by the San Mateo County Planning Commission on July 24, 1996 with a number of special conditions, including a condition requiring primary access to be taken from Vallemar Street, rather than from The Strand, as requested by the applicants. Other conditions required that the applicant remove and demolish the existing greenhouse, relocate the proposed garage, submit a landscaping plan, and comply with a number of conditions suggested by the Department of Public Works, the Montara Sanitary District, and the Point Montara Fire Protection District. The applicants appealed this decision to the Board of Supervisors, objecting to several of the special conditions attached to their approval. On October 29, 1996 the San Mateo Board of Supervisors upheld the applicants' appeal and approved the

Coastal Permit with 28 special conditions. Some of these conditions were essentially the same as the conditions approved by the Planning Commission, while other new conditions were also attached. The County's final conditions of approval are included as Exhibit No. 8.

Notice of the County's final action was received by the Coastal Commission on November 7, 1996, and the project was then appealed to the Coastal Commission by the neighbors, Dell and Tish Williams, on November 21, 1996, within ten working days of receipt of notice of final local action. The current appeal is scheduled for the Commission meeting of January 9, 1997.

C. PROJECT SETTING AND DESCRIPTION.

The proposed project as approved by the County consists of the demolition of an existing single-family residence and accessory structures and the construction of a 4,572-square-foot, two-story house on a 13,898-square-foot parcel with driveway access along The Strand, an unimproved road located at the top of a coastal cliff.

The subject parcel is located adjacent to The Strand and is situated on a 50-foot-high bluff overlooking the Pacific Ocean. It is currently occupied by a small single-family residence and greenhouse. Bushy vegetation as well as mature trees grow on the site. The parcel slopes moderately up from The Strand towards Vallemar Street. The Strand, a County-owned unimproved road situated at the top of the bluff, provides access to the property. The County acquired The Strand in 1967 for public uses and for the purpose of establishing, operating, and maintaining a marine reserve (now the Fitzgerald Marine Reserve).

The subject parcel is zoned in the County's LCP as Single-Family Residential/Design Review/Coastal Development District (R-1/S-17/DR/CD).

No sensitive habitat has been found on the parcel.

D. SUBSTANTIAL ISSUE ANALYSIS.

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

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

1. Appellants' Contentions That Are Not Valid Grounds for Appeal:

One of the contentions raised in this appeal is not valid grounds for appeal because it is not supported by any allegation that the development is not consistent with the County's certified LCP or with the public access policies of the Coastal Act. This contention is discussed below.

a. Error in County Proceedings.

The appellants contend that the County violated its own rules in not presenting the Planning Commission findings adequately to the Board of Supervisors.

Discussion: This contention is not a valid ground for appeal. The Commission's appellate jurisdiction is limited to the types of development described in Public Resources Code Section 30603(a) and the grounds described in Section 30603(b). Consequently, on appeal, the Commission considers the substantive compliance of the development with the certified Local Coastal Program and the access policies of the Coastal Act. These are not the grounds asserted by the applicant.

The certified LCP contains no policy or requirement addressing the presentation of Planning Commission findings to the Board of Supervisors. Thus, the Commission finds that the appellants' above-referenced contention does not constitute a valid basis for appeal of the project.

2. Appellants' Contentions That Are Related to LCP or Public Access Policies (Valid Grounds for Appeal):

Most of the contentions raised in the appeal present potentially valid grounds for appeal in that they allege the project's inconsistency with policies of the certified LCP or with the public access policies of the Coastal Act. Upon review, however, the Commission finds that these contentions do not raise a substantial issue.

Public Resources Code section 30625(b) states that the Commission shall hear an appeal unless it determines:

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

As discussed above, the grounds for an appeal identified in section 30603 concern whether the locally approved development conforms to the standards in the LCP and the public access policies found in the Coastal Act. The

Commission's regulations indicate that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." (Cal.Code Regs., tit. 14, section 13115(b).) The absence of detailed standards in the Coastal Act or the accompanying regulations for determining whether an appeal raises a substantial issue affords the Commission considerable discretion to determine when to exercise its appellate jurisdiction over local coastal permit decisions.

The Commission's broad discretion to accept appeals is inherent in the structure of an LCP process that depends for its success on a cooperative sharing of authority between the Commission and local governments. After the adoption of their local coastal programs, local governments become the chief permitting authority. The Commission's appellate authority is restricted to certain types of developments and certain geographical areas. Even in these situations, Section 30603 of the Coastal Act makes the Commission's exercise of appellate authority discretionary, not mandatory. If the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's underlying coastal permit decision. (See Code Civ. Proc., section 1094.5.)

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development as approved by the County presents no substantial issue.

a. Visual Resources.

1. The appellants contend that the proposed development is inconsistent with several LUP policies regarding visual resources (see Exhibit No. 10, page 2). In particular, the appellants assert that the project is not consistent with Policy 8.17, Alteration of Landforms, which states that new development in rural areas should minimize the visual degradation of natural landforms caused by cutting, filling, or grading for building sites, access roads, or public utilities by prohibiting new development which requires grading, cutting or filling that would substantially alter or destroy the appearance of natural landforms.

The appellants further contend that the project is inconsistent with Policy 8.18, which requires that in rural areas roads, buildings, and other structural improvements be constructed to fit the natural topography and to minimize grading and modification of existing landforms.

In addition, the appellants contend that the project is inconsistent with Policy 8.32, which requires that in scenic corridors in urban areas, the regulations of the Design Review Zoning Ordinance, the design criteria of the Community Design Manual, and the specific guidelines for the Montara-Moss Beach-El Granada community as set forth in the Urban Design Policies of the LCP be applied.

Discussion:

The subject site is located in an area considered to be urban, not rural, so Policies 8.17 and 8.18, which refer to development in a rural area, would not apply.

Regarding Policy 8.32, the proposed project has been approved by the County consistent with the Design Review Zoning Ordinance, the Community Design Manual, and the guidelines for the Montara-Moss Beach-El Granada community. The Design Review Zoning Ordinance sets guidelines and standards for development, such as requiring that proposed new structures be designed and situated so as to retain and blend with the natural vegetation and landforms of the site and to ensure adequate space for light and air. As conditioned, the proposed project is consistent with these guidelines and standards. The nearest public road to the site is Vallemar Street. The proposed residence is located west of Vallemar Street and, as it is sited below an existing berm and cluster of Monterey pine trees, most of the residence will not be visible from the public road except for a portion of the roof, which will not have a significant adverse impact on visual resources.

The proposed residence has also been sited and designed consistent with the special design guidelines for the Montara-Moss Beach-El Granada community, as required by Policy 8.13 of the LUP. Specifically, the approved development has been designed to fit the topography of the site; natural materials and colors will be used that blend with the vegetative cover of the site; a pitched roof covered with a dark brown non-reflective composition shingle will be used; and the house, which will be set back from the bluff and next to an existing structure to the south, is similar in size to existing homes in the area and will not dominate the visual quality of the area.

The County has attached several conditions to their approval to ensure consistency with the certified LCP. Condition No. 10 requires that the residence shall be constructed using resawn cedar wood siding, stained brown, with dark brown trim; Condition No. 11 requires that the roof shall be constructed using dark brown composition shingle; and Condition No. 12 requires submittal of a landscape plan using native, drought-tolerant shrubs and trees to soften and screen the visual impact of the residence.

The Commission thus determines that, as approved by the County, the proposed project raises no substantial issue with regard to the project's conformity with the LCP policies on visual resources.

b. Hazards.

1. The appellants contend that the proposed development is inconsistent with a number of LCP Policies regarding hazards, specifically Section 6324.6 of the Zoning Code, and Policies 9.3, 9.8, 9.10, 9.11, and 9.12 of the LUP (see Exhibit No. 10, pages 2-6). These section require that reasonable and appropriate setbacks from hazardous areas shall be provided within hazardous areas, that structures shall not be placed within a hazardous area whose development would pose a severe hazard to persons or property, that blufftop development shall be permitted only if design and setback provisions are adequate to assure stability and structural integrity for at least 50 years, and if the development will neither create nor contribute significantly to erosion problems or geologic instability of the site or surrounding area, etc.

The appellants contend that if the proposed driveway access off The Strand is permitted, public safety considerations would be severely reduced, and that fire trucks would be unable to traverse The Strand during an emergency. Further, the appellants state that they do not agree with the conclusions of the applicants' geologist that the proposed driveway will be located outside of the 50-year bluff retreat zone, and they contend that the movement of large, heavy equipment or vehicles along The Strand may destabilize the bluff. The appellants assert that major sloughing of the bluff has taken place recently, and that the problem will be further exacerbated by clearing vegetation for the driveway access.

Discussion:

The geologic report prepared by James Baker (a certified engineering geologist) initially evaluated the site based on a number of historic photographs used to determine rate of bluff retreat. The LCP requires that all new development be located outside the 50-year bluff retreat zone, meaning that no development may be located in an area where projected bluff erosion will advance within 50 years. Mr. Baker initially concluded that after 50 years the projected bluff erosion would advance to about 30 feet from the house, and would destroy all but 8 feet of The Strand where the driveway is proposed to be located; he thus concluded that the proposed driveway was not set back far enough from the bluff's edge to ensure that it would be stable and structurally sound for an expected life span of 50 years.

Based on this information, the County Planning Commission required that the applicants take driveway access from Vallemar Street, using an easement across an adjacent parcel owned by the applicants, rather than taking access from The Strand, over which the applicants have an access easement to their property. However, based on a closer analysis, Mr. Baker subsequently revised the conclusions of his report. He determined that the initial figures of bluff

retreat were skewed because of the inaccuracy of the earliest historic photograph he used, and that this 1928 photograph should be disregarded for purposes of analysis. His new figures resulted in his conclusion that the proposed driveway along The Strand will be located just outside the 50-year bluff retreat zone, will not result in creation of a geologic hazard, and will therefore be consistent with the LCP (see Exhibits 5, 6, and 7).

The appellants do not agree with Mr. Baker's revised conclusions. Specifically, the appellants contend that due to the difficulty inherent in the interpretation of photography, it is difficult to locate with precision features like cliff edges, even with the best instrumentation available. The appellants believe that even if the geologist correctly calculated the rate of retreat, his depiction of the line to which the bluff will retreat in 50 years may be off by seven or eight feet. The appellants assert that with this margin of error, the development of the road may in fact encroach into the 50-year bluff retreat area, contrary to LUP Policy 9.8.

GeoForensics, Inc., a consulting soil engineering company hired by the applicants to conduct an investigation of the site, conclude similarly to Mr. Baker that there does not appear to be any evidence of accelerated erosion to the bluffs as a result of use of the existing roadway (The Strand), and that future use of the new driveway surface within The Strand will not have an adverse effect on the future rate of erosion of the bluffs. GeoForensics further concludes that improvements of the existing drainage conditions (which are required by the County as conditions of permit approval) would be expected to reduce the rate of bluff erosion due to a reduction in overtopping water flows. Much of the water currently flowing through the bluff area is from a roof water discharge pipe from the neighbors' (who happen to be the appellants) house, which is directed onto The Strand by the neighbors. GeoForensics concludes that asphalt (or other low permeability) surfacing of the existing roadway base course will provide better long term stability to the bluff. GeoForensics further concludes that the strong nature of the subsurface soils indicates that The Strand is currently quite capable of supporting even heavy traffic loads, and that the roadway will remain safe for heavy vehicular access for many decades to come, based upon the relatively gentle nature of the encroaching slope below the roadway.

The applicants appealed the decision of the Planning Commission, which prohibited use of The Strand for vehicular access, to the Board of Supervisors, who reviewed the revised geologic reports and upheld the appeal. The Board of Supervisors attached a number of conditions to their approval to ensure that the project will not result in the creation of geologic hazards or add to the instability of the bluffs (see Exhibit No. 8). Condition No. 3 requires that the plan be revised to limit standard 12-foot-wide driveway improvements within The Strand from Niagra Street to a point where the driveway intersects the projected 50-year erosion limit. Condition No. 5

requires the applicants to record a 20-foot access easement across the adjacent parcel (APN 037-085-030) to provide access and emergency services and to locate underground utilities on the subject parcel. Condition No. 6 requires the applicants to submit an agreement to be recorded as a deed restriction on the subject parcel requiring that a driveway be constructed from Vallemar Street to the subject parcel at the time the Fire Marshal or County determines that erosion of the bluff has reduced the width of The Strand to an unacceptable width. Condition No. 7 prohibits future construction of any structure to protect the driveway from coastal bluff erosion.

Condition No. 17 requires that the applicant demonstrate, to the satisfaction of the Department of Public Works and the appropriate Fire District or Fire Marshal, that the existing road access from the nearest publicly maintained roadway to the building site meets or exceeds the County's or Fire District's minimum standards (whichever is more stringent) for an "access roadway," including provisions for handling both the existing and the proposed drainage; the applicant must also demonstrate that an appropriate turnaround, meeting Fire Marshal's requirements, exists or can be provided. Condition No. 18 requires that should the existing road not meet the County's or Fire Marshal's minimum standard for "safe and adequate," the applicant shall have designed a roadway that meets this standard.

The Commission recognizes that there is some uncertainty regarding the exact location of the 50-year bluff retreat zone, based on an inability to pinpoint with complete accuracy the rate of bluff retreat along The Strand near the subject site. The Commission finds that based on the evidence provided by the applicants' geologists that the proposed driveway access can be safely constructed outside the 50-year bluff retreat zone, that the numerous conditions attached to the County's approval of the project will ensure that no geologic hazard will be created. In particular, should the County or the Fire Marshal determine that erosion of the bluff has reduced the width of The Strand to an unacceptable width, the applicant is required to take access from Vallemar Street rather than from The Strand. The Commission thus finds that the proposed project, as approved by the County, raises no substantial issue with regard to the project's conformity with the LCP Hazards Component.

c. Public Access.

1. The appellants contend that the proposed development is inconsistent with several LCP policies regarding public access (see Exhibit No. 10, pages 6-9). They state that use of The Strand by the public is documented since at least 1956, and that sharing of this trail by groups or pedestrians and hikers with construction vehicles creates a safety hazard.

Discussion: The Strand is currently used by the public as an access trail, and is publicly owned. As noted above, the County acquired The Strand in 1967

for public use and for the purpose of establishing a marine reserve (now the Fitzgerald Marine Reserve). An informal pathway runs along The Strand from some distance to the south of the project site to a fence that separates the applicants' parcel from the Coast Guard property to the north; the public uses this trail occasionally, mainly for viewing the ocean or dog-walking (the bluffs are too steep for most people to get to the tidal area below).

The proposed project raises no substantial issue with the certified LCP or Chapter 3 access policies, for a number of reasons. First of all, the roadway already exists and has always been used to provide access to the existing house (according to the applicant, for at least 88 years). In addition, conflict between public use of The Strand and construction vehicles will be limited by the fact that it is only temporary (during construction), would not result in closure of the road at any time (people will simply have to avoid vehicles as they pass by), and by the fact that public access use is usually greatest during non-work hours (evenings, early mornings, and weekends) when construction is least likely to be occurring. Further, no fences or other obstructions to use of the trail will be installed. Finally, the County has conditioned the permit to require that the applicant abandon the road if it is determined that erosion of the bluff has reduced The Strand to an unacceptable width; thus, the road would be abandoned long before it would erode to the point that pedestrians could not walk along The Strand.

In their contentions regarding the project's inconsistency with the LCP, the appellants cite sections of the LUP which refer to the appropriate siting for shoreline access. These sections do not apply to the subject site, where public access already exists and is not jeopardized by the proposed development. Rather, these sections describe how and where public accessways should be located to provide safe access that will not adversely affect sensitive habitat, and provide minimum development standards for shoreline access development. For example, the appellants cite LUP Policy 10.17, which refers to minimum development standards for lateral access along coastal bluffs. This section applies to the development of a lateral accessway. The proposed project is for construction of a residence and driveway access, not for development of an accessway. The accessway already exists, and will not be adversely affected by the proposed development.

The Commission thus finds that the proposed project, as conditioned, will not adversely affect existing public access, and raises no substantial issue with regard to the project's conformity with LCP policies regarding public access and with the public access policies of the Coastal Act.

d. Locating New Development.

1. The appellants state that the use of The Strand as an improved driveway access for the subject site, and construction of the proposed residence, will adversely affect the conditions of the bluff and the trail, forever impacting coastal resources.

Discussion:

The appellants contend that the project is inconsistent with LUP Policies 1.8(a) and 1.18 (see Exhibit No. 10, page 1). Policy 1.8(a) states that new development in rural areas is allowed only if it is demonstrated that it will not have significant adverse impacts, either individually or cumulatively, on coastal resources. The appellants specifically refer to the use of the "trail" and the construction the house. Policy 1.18 states that new development should be located where it will protect and enhance the natural environment.

However, the subject site is not located in a rural area, but is considered to be in an urban area, so Policy 1.8, which refers to development in rural areas, would not apply. Furthermore, the project has been mitigated to reduce adverse impacts via the imposition of 28 special conditions that address all aspects of the project (see Exhibit No. 8). The Commission thus finds that the proposed project, as conditioned by the County of San Mateo, raises no substantial issue with regard to the project's conformity with the LCP's policies on locating new development

G. CONCLUSION.

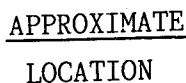
In summary, for the reasons stated above, the Commission finds that no substantial issue exists with respect to the grounds on which the appeal has been filed.

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A-3-SMC-96-120

TYLER/TEZZA

LOCATION MAP



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Sheet 1 of 3

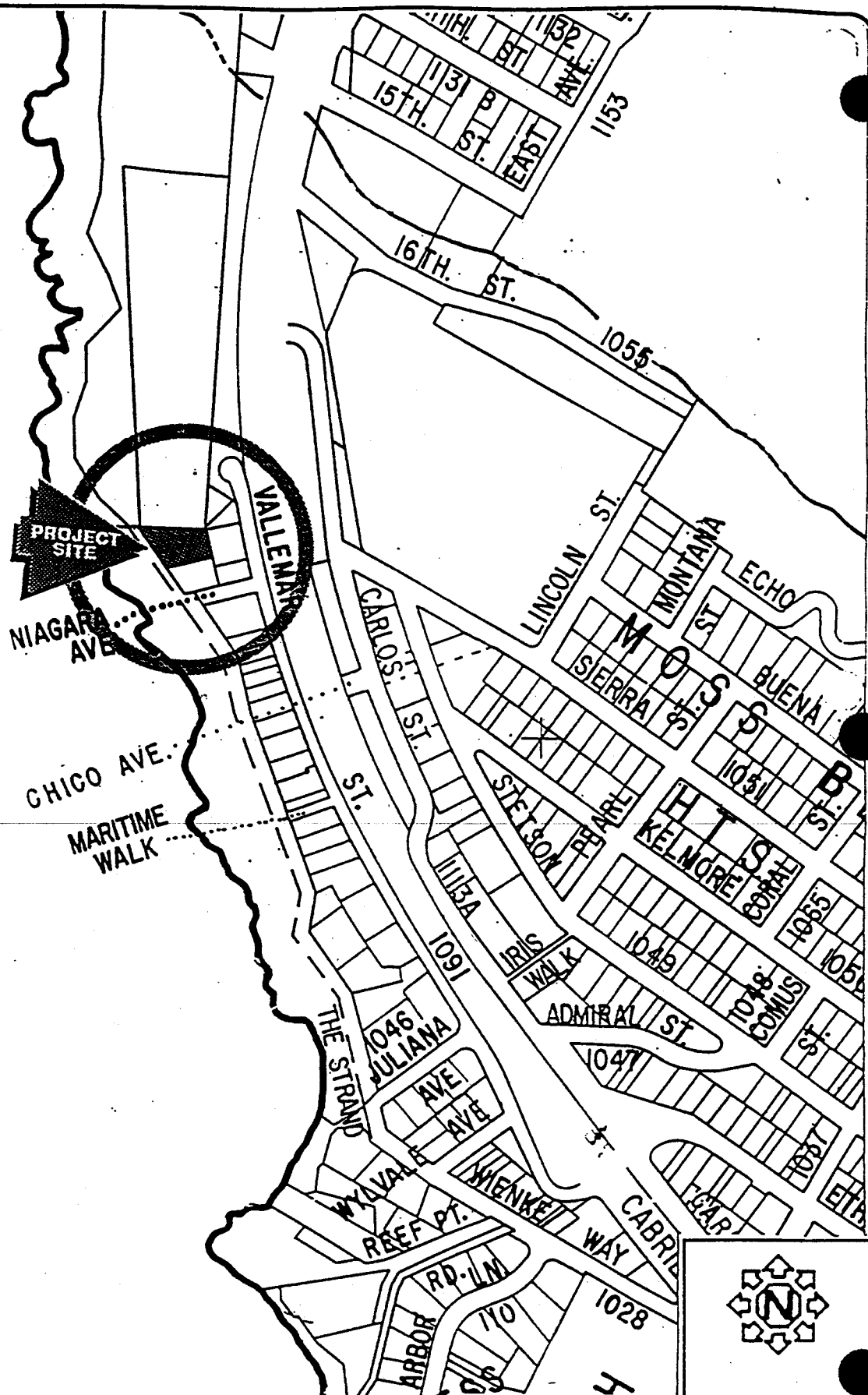


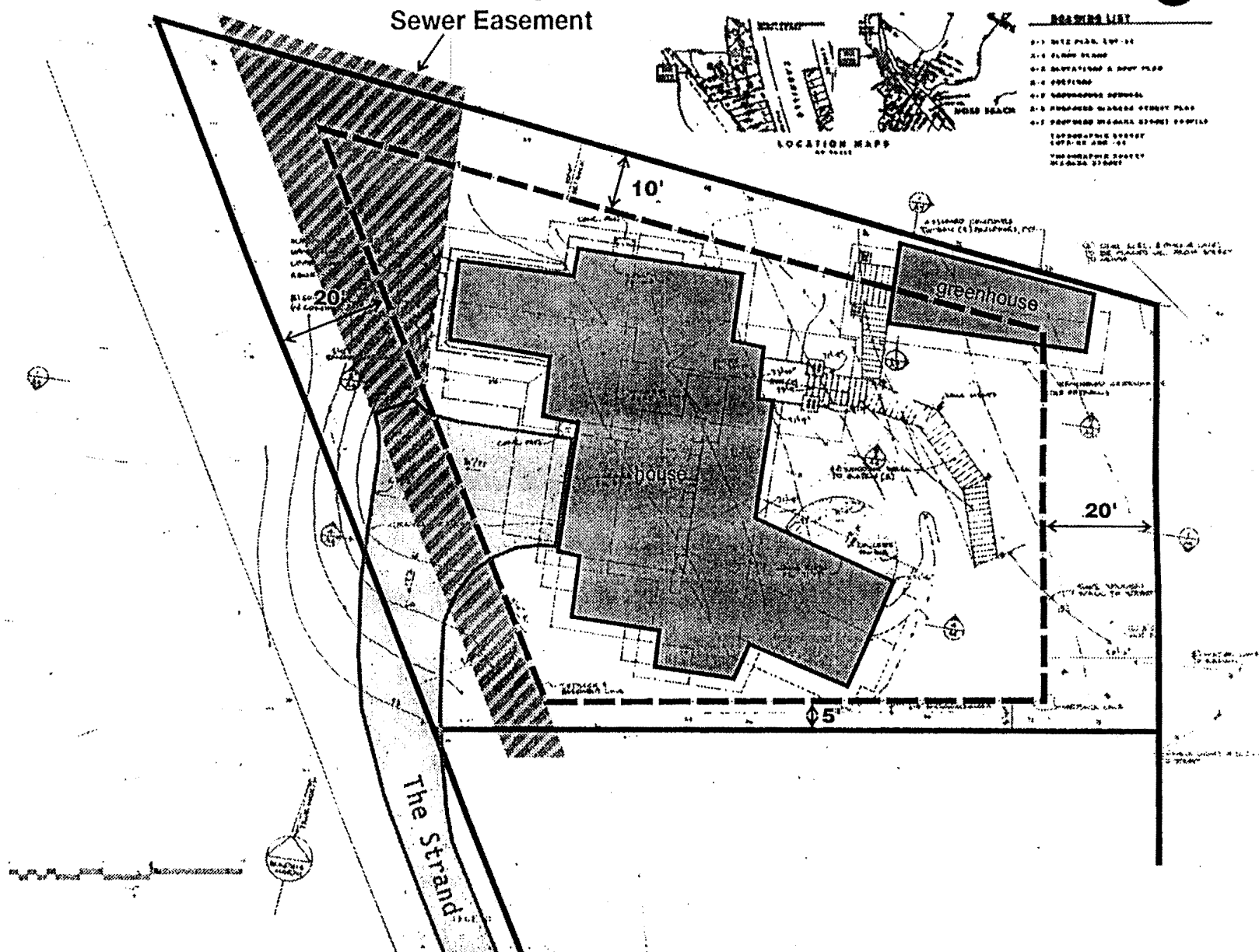
EXHIBIT NO. 2

APPLICATION NO.
A-3-SMC-96-120

TYLER/ TEZZA

VICINITY MAP

EXHIBIT NO.	3
APPLICATION NO.	A-3-SMC-96-120
TYLER/TEZZA	
SITE PLAN	



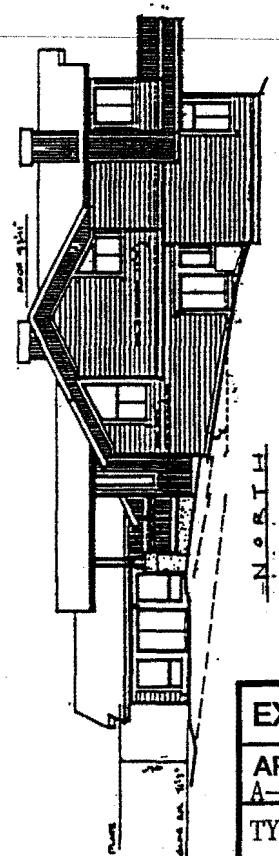
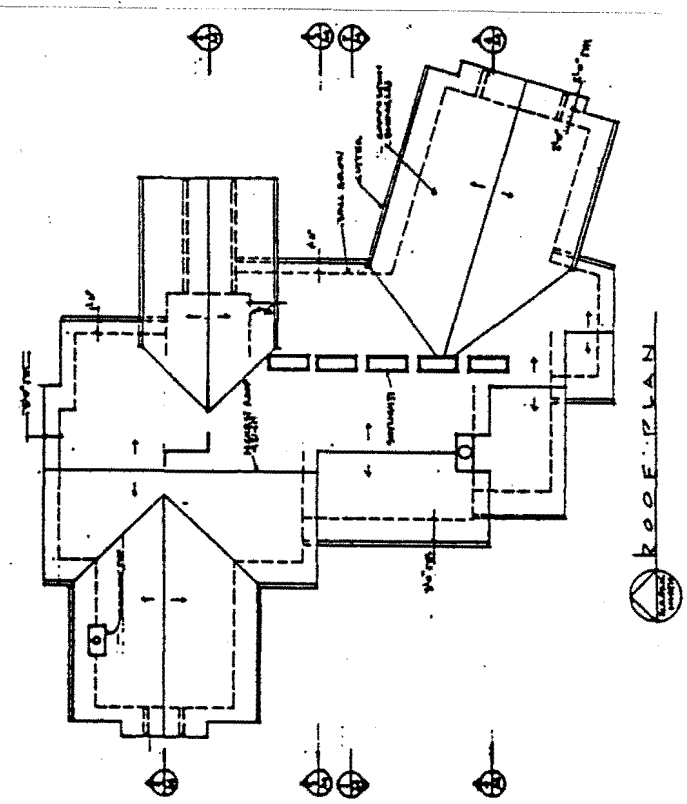
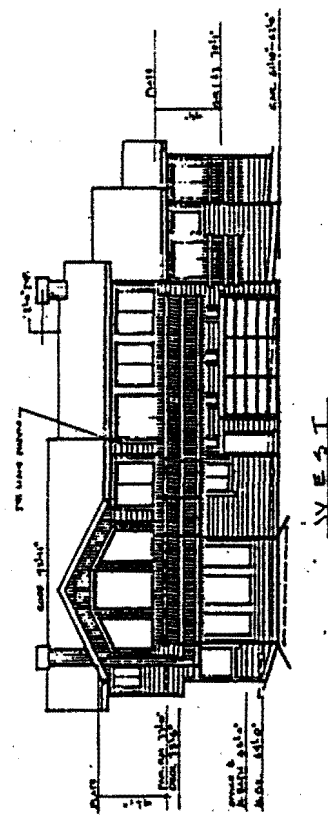
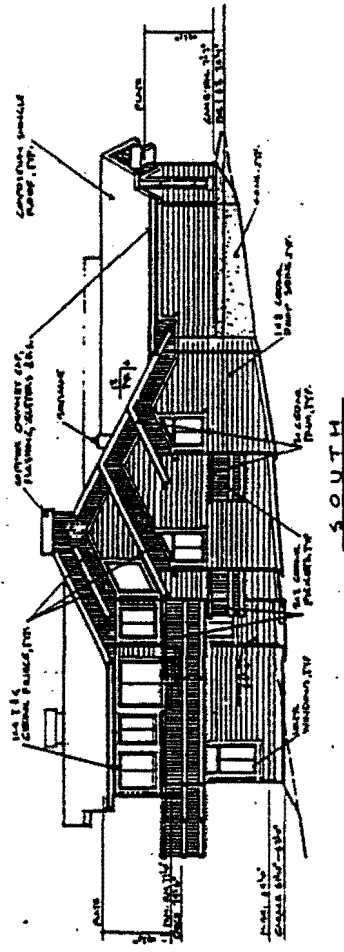
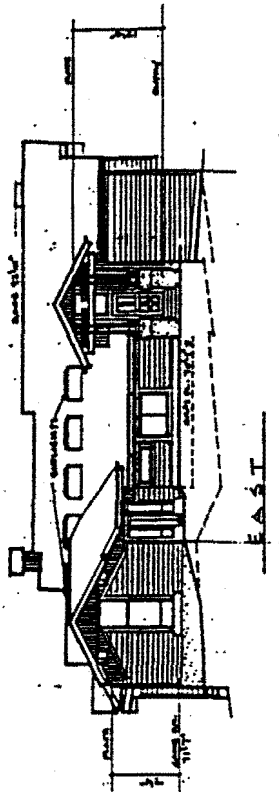
San Mateo County Board of Supervisors Meeting

Applicant:

File Numbers:

Attachment: **F**





County Board of Supervisors

ATTACHMENT G

EXHIBIT NO. 4
APPLICATION NO. A-3-SMC-96-120
TYLER/TEZZA
ELEVATION PLANS

EXHIBIT NO. 5

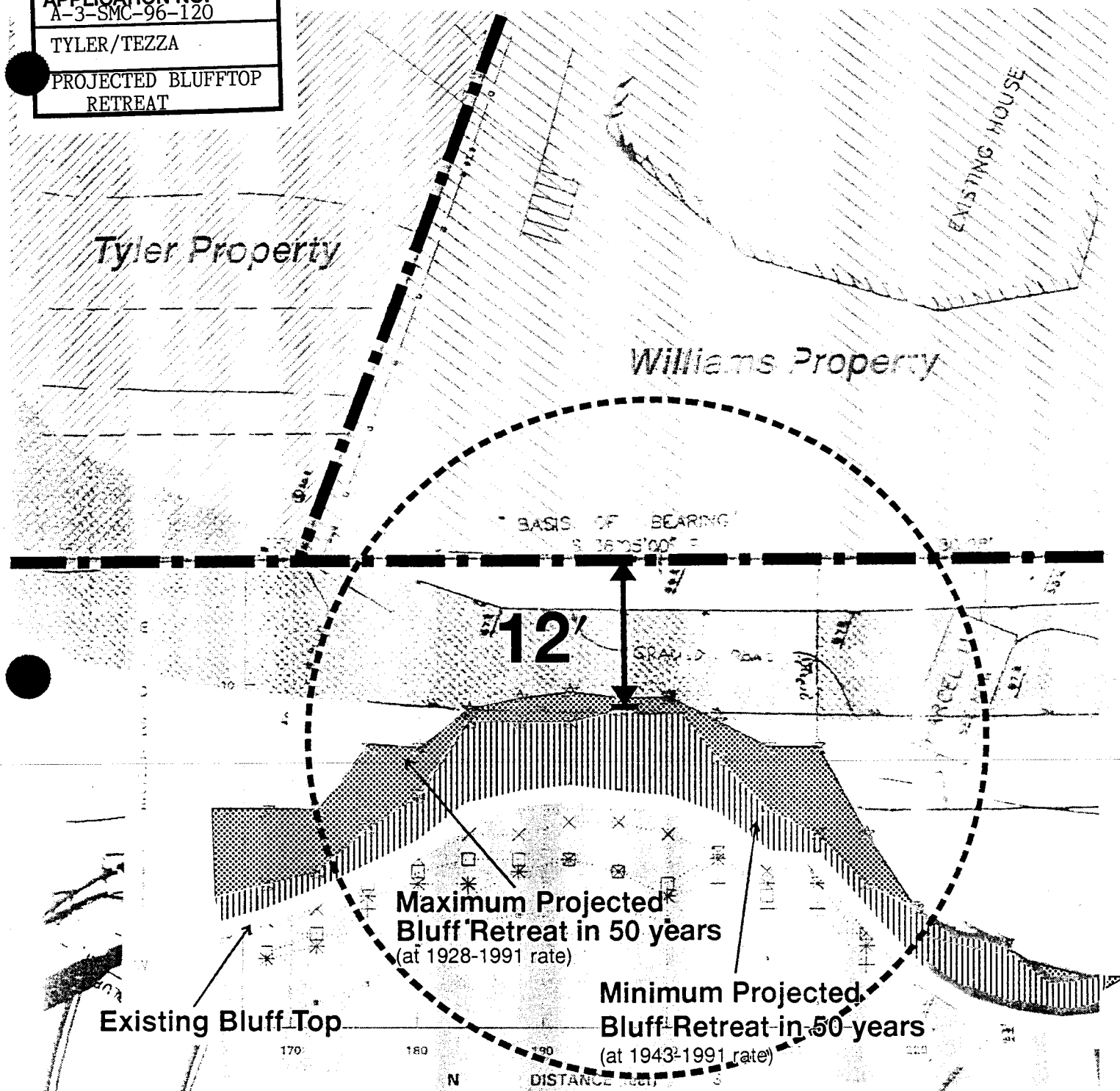
APPLICATION NO.

A-3-SMC-96-120

TYLER/TEZZA

PROJECTED BLUFFTOP
RETREAT

Revised Bluff Top Retreat



air photo taken in:			
1928	1943	1946	1955
1977	1991	2046 (1928 - 1991)	2046 (1943 - 1991)

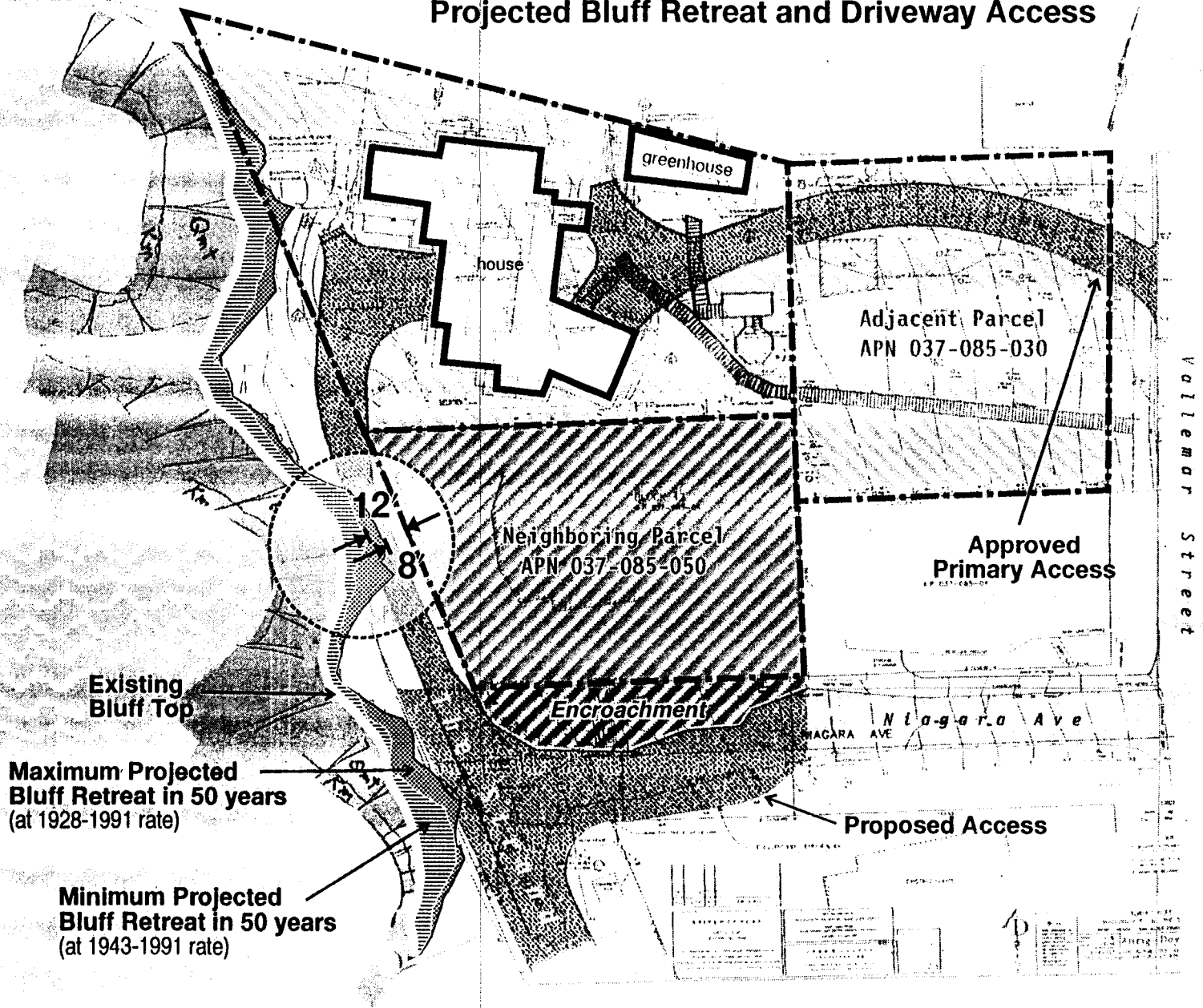
BAKER - CEG

FIGURE 10b - Enlarged Site Map with
Projected Top-of-Cliff
in 50 years*

SCALE: 1" = 10' (10-1-96)

EXHIBIT NO. 6
APPLICATION NO. A-3-SMC-96-120
TYLER/TEZZA
PROJECTED BLUFF RETREAT

Projected Bluff Retreat and Driveway Access



San Mateo County Board of Supervisors Meeting

Applicant:
Attachment: **H**

File Numbers:



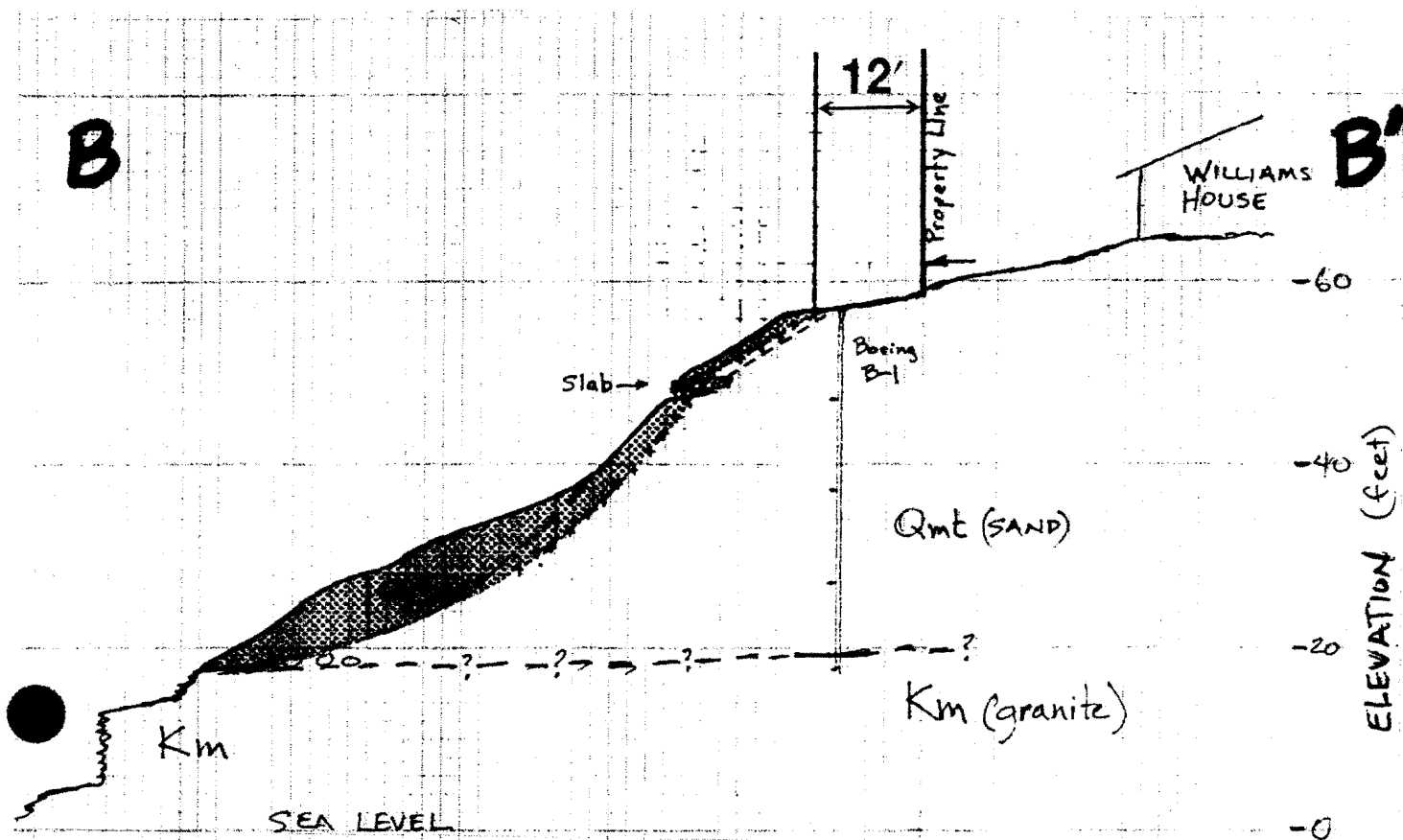
EXHIBIT NO. 7

APPLICATION NO.
A-3-SMC-96-120

TYLER/TEZZA

PROJECTED BLUFFTOP
RETREAT

Revised Bluff Top Retreat




*projected using retreat rate from
post-1943 photos

SCALE: 1" = 20'

EXPLANATION

Qmt = Marine Terrace Deposits(Quaternary age)
Km = Montara Mountain Granitic Rocks(Cretaceous age)

 = Existing Cliff Face

 = Projected Cliff Retreat in 50 years at:
* 1943-1991 rate
** 1928-1991 rate

BAKER - CEG

FIGURE 11b - Cross-Section B-B' with
Projected Cliff Face
in 50 years*

(10-4-96) rev 10/21/96



Planning and Building Division

County of San Mateo

Mail Drop PLN122 · 590 Hamilton Street · 2nd Floor · Redwood City
California 94063 · Telephone 415/363-4161 · Fax 415/363-4849

EXHIBIT NO. 8

APPLICATION NO.
A-3-SMC-96-120

SAN MATEO COUNTY
NOTICE OF FINAL ACTION
AND CONDITIONS OF
APPROVAL

Paul M. Koenig

Planning Administrator
Terry L. Burnes

November 6, 1996

Christopher Tyler and Amy Tezza
199 Quintara
San Francisco, CA 94116

Dear Mr. Tyler and Ms. Tezza:

SUBJECT: NOTICE OF FINAL LOCAL DECISION
Coastal Development Permit (File No. CDP 95-0046)
2009 Vallemar Street, Moss Beach (APN 037-085-060)

On October 29, 1996, the San Mateo County Board of Supervisors considered your appeal of a condition of the Planning Commission's approval of your application for a Coastal Development Permit to construct a single-family home at the above-referenced property.

Based on the information provided by staff and evidence presented at this hearing, the Board of Supervisors upheld your appeal and approved the Coastal Development Permit (CDP 95-0046) by making the findings and subject to the conditions which follow:

FINDINGS:

Regarding the Coastal Development Permit:

1. That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6238.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program.
2. That the project conforms to specific findings required by policies of the San Mateo County Local Coastal Program, specifically LCP Policy 9.8 "that design, setback, and access provisions are adequate to ensure stability and structural integrity for the expected economic life span of the development and that the development will neither create nor

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contribute significantly to erosion problems or geologic instability of the site or surrounding area."

3. That, where the project is located between the nearest public road and the sea, the project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976.
4. That the number of building permits for construction of single-family residence other than for affordable housing issued in the calendar year does not exceed the limitation of Policies 1.22 and 1.23 as stated in Section 6328.19.

Regarding the Coastal Design Review:

5. That the project complies with the provisions of Chapter 28.1 of the San Mateo County Zoning Ordinance.

CONDITIONS OF APPROVAL

Planning Division

1. This permit is for the construction of a single-family residence with access from The Strand, as described in the application materials, and is valid for a period of one year from the date of this approval; any other development will be subject to a separate Coastal Development Permit.
2. The applicant shall obtain a building permit before beginning any construction.
3. Prior to issuance of the building permit, the plan shall be revised to limit standard 12-foot wide driveway improvements within The Strand from Niagara Street to a point where the driveway intersects the projected 50-year erosion limit included in the geologic report prepared by James Baker, CEG, and dated December 2, 1995.
4. Prior to issuance of the building permit, the applicant shall revise the plan to show the greenhouse removed and obtain a demolition permit prior to issuance of a certificate of occupancy.
5. Prior to issuance of the building permit, the applicant shall record a 20-foot access easement for the benefit of the subject parcel (APN 037-085-050) for the purpose of providing access and emergency services and locating underground utilities across the adjacent parcel (APN 037-085-030) to construct a 12-foot wide driveway from Vallemar Street to the subject parcel. The easement may be a floating easement, in a form approved by the County Counsel. Alternatively, the applicant may fulfill this

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requirement by recording a lot line adjustment between the subject parcel and the adjacent parcel.

6. The applicant shall submit an agreement for approval by the Planning Director and the Fire Marshal that will be recorded as a deed restriction on the subject parcel requiring that a driveway be constructed from Vallemar to the subject parcel by the owner of the subject parcel at the time the Fire Marshal or County determines erosion of the bluff has reduced the width of The Strand to an unacceptable width.
7. Future construction of any structure to protect the driveway from coastal bluff erosion damage is prohibited.
8. The applicant shall construct the residence and garage per the plans submitted November 6, 1995.
9. The applicant shall install all new utility lines underground.
10. The residence shall be constructed using resawn cedar wood siding, stained brown, with dark brown trim, as submitted on November 6, 1995. Color verification by a building inspector shall occur prior to the final inspection.
11. The roof shall be constructed using the dark brown composition shingle submitted on November 6, 1995.
12. Before a final building permit inspection, the applicant shall submit to the project planner for review and approval a landscape plan using a combination of native, drought-tolerant shrubs and trees. The landscape plan shall adequately soften and screen the impact of the new residence along the front and side yards from residences in the adjacent neighborhood and from vantage points along The Strand. The applicant shall submit a landscape review fee of \$160.
13. The approved landscape plan shall be implemented before the Planning Division gives a final approval on the building permit and before the applicant schedules a final inspection. The applicant shall schedule a site inspection with the Planning Division to verify installation.
14. Before a final building permit inspection by the Planning Division, the applicant shall submit a planting maintenance surety deposit, in a manner prescribed by the Planning Director, for the satisfactory maintenance of the landscaping as indicated on the landscape plan. This surety is intended to cover any potential loss of any planting specimens during a specific time period. The amount of the surety deposit shall be set

by the Planning Director. This surety deposit shall be held by the County for a period of two years after the Planning Director has approved the installation of the landscaping.

15. The Planning Commission encourages the owner to limit vehicular travel on The Strand, particularly heavy vehicles during construction, to prevent bluff retreat from damaging private structures and property and help preserve coastal resources.

Department of Public Works

16. 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 new residence per Ordinance #3277. The applicant is entitled to a credit towards the mitigation fees for the demolition of any assessable square footage of the existing home. It is the applicant's responsibility to document this square footage quantity.
17. The applicant shall demonstrate, to the satisfaction of the Department of Public Works and the appropriate Fire District or Fire Marshal, that the existing road access from the nearest "publicly" maintained roadway to the building site meets or exceeds the County's or Fire District's minimum standards (whichever is more stringent) for an "access roadway," including provisions for handling both the existing and the proposed drainage. The applicant must also demonstrate that an appropriate turnaround, meeting Fire Marshal's requirements, exists or can be provided.
18. Should the above plan for access not meet the County's or Fire Marshal's minimum standard for "safe and adequate," the applicant shall have designed, by a registered civil engineer, and the applicant shall construct or upgrade the existing access to meet this standard. Said roadway shall be a minimum of 20 feet wide and shall show specific provisions and details for handling both the existing and the proposed drainage. Roadway grades shall not exceed 15%. These plans for access shall also meet all conditions and requirements of the appropriate fire jurisdiction, including, but not limited to, the construction of a turnaround.
19. Should the access traverse neighboring properties, the applicant shall provide documentation that "ingress/egress" easements exist providing for this access.
20. No construction work within the County right-of-way, including Vallemar Street, Niagara, and The Strand, 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.

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21. The applicant shall submit both a roadway "profile" and a driveway "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% - roadway 15%) and to County standards for the driveways (at the property line) being the same elevation as the center of the access roadway. When appropriate, this 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 handling both the existing and the proposed drainage.

Montara Sanitary District

22. The District shall waive the \$50,000 bond to protect the existing sewer line in The Strand provided the property owner agrees not to allow any construction vehicle larger than a pickup truck on The Strand. This condition must be written into the property owner's contract with general contractors, subcontractors and suppliers.
23. If in the future the Sanitary District constructs a new sewer line in Vallemar Street, the property owner(s) must agree to: (1) participate in an assessment district or any other fair and appropriate mechanism to pay for constructing and maintaining the Vallemar Street sewer line, and (2) construct, at their own expense, an on-site lateral sewer line and, if necessary, a pump system to connect the house to the Vallemar Street sewer line.
24. In the event the property owner does not obtain a remodel permit from the District prior to demolition of the existing residence, the subject property will be assigned a fixture unit count of five (5). At such time when the District is able to permit additional fixture units, the applicant may apply for a building permit to construct additional fixture units. Until then, no rough-in plumbing shall be allowed for fixtures beyond one bathroom and kitchen.

Point Montara Fire Protection District

25. Niagara Street must be improved to a 20-foot wide all-weather roadway from Vallemar to The Strand and an emergency vehicle turnaround at the intersection of Vallemar and The Strand. The street grade of Vallemar must be returned to the original slope, approximately 13%.
26. An all-weather driveway, no less than 12 feet wide, shall be constructed where The Strand right-of-way outside the bluff retreat area is less than 20 feet.
27. A fire hydrant shall be located within 500 feet of proposed dwelling.

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Citizens Utilities

28. Existing and future water utilities serving the proposed house shall be located underground within the driveway access easement from Vallemar Street.

This project is appealable to the California Coastal Commission. Any interested party aggrieved by this approval may appeal this decision to the California Coastal Commission. The Coastal Commission appeal period will commence upon the Coastal Commission's receipt of this letter of decision and a notice of final local decision and will run for ten (10) working days. Further information regarding such an appeal may be obtained by contacting the California Coastal Commission, Central Coast Area Office, at 408/904-5200.

If you have any questions on this matter, please contact Andy Gustavson, Project Planner, at 415/363-1852.

Sincerely,



William R. Rozar
Development Review Manager

WRR:ARG:fc - ARGG1546.6FN

cc: Department of Public Works
County Geologist
San Mateo County Assessor
Bill Cameron, Building Inspection
California Coastal Commission
Point Montara Fire Protection District
Citizens Utility Service Company
Montara Sanitary District
Lee Tyler
Mid-Coast Community Council
John Thayer
W. A., Martin Inc.
Dan Dyckan
Richard Rypinski
Daniel Sprading
Petrini and Debbie Rico
James and Patricia Yeo
James Baker, CEG
Dell Williams

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 5)

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.)

The findings re: the Coastal Development Permit as determined on 29 October 1996 by the San Mateo County Board of Supervisors reversed a prior decision by the Planning Commission, and authorized use of a County-owned blufftop trail within the coastal zone as sole access as a driveway for construction and subsequent use. The location of this driveway access is the principal issue. The Planning Commission voted 4:1 to approve the project only under conditions that require the project applicant to NOT take driveway access from the Strand, as originally proposed, but instead create an access across applicant's own property from Vallemar St. The commission did this to (1) prevent new development within the projected 50 year bluff retreat area, LCP 9.8, and (2) ensure safe use of the blufftop to Coastside visitors, LCP 10.2, and (3) ensure adequate driveway access to the proposed house for County safety and fire protection purposes. The reversal by the Board of Supervisors was based on "Findings" which are not supported by Staff reports available to the public nor known to be available to the Board before the hearing and which are not supported by data presented by written or oral testimony at the hearing. Moreover, "Conditions" imposed on the appellants by the Board are inconsistent with the Findings, the data and one another as discussed in the Attachment 1.

SECTION V. Certification

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


Signature of Appellant(s) or
Authorized Agent

Date: 11/19/97

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TYLER/TEZZA

APPEAL

ATTACHMENT 1:

Basis of Coastal Commission Appeal

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This Basis of Appeal is based on errors in the Board proceedings, and on "Findings" and "Conditions" not being consistent with one another nor consistent with data and analysis available to the Board and public prior to the hearing and/or presented by the appellants or the County Planning Staff at the Hearing.

I. The "Proceedings" error involved the County violating their own rules in not presenting the Planning Commission "Findings" adequately to the Board of Supervisors.

A. The case presented by the County consisted ONLY of the written documentation package dated October 29 (Memo for Planning and Building Division to Board of Supervisors marked Pony PLN 122) and a presentation of 2 maps locating the parcel (Attachment E) and showing the proposed accesses (Modified Attachment H of Pony PLN 122) and about 4-5 35 mm slides of the location.

1. The written documentation addresses each of Tyler-Tezza's appeals and rebuts them.
2. Nothing was stated by the County to disavow any of these rebuttals.
3. Nothing was offered by appellants to counter the rebuttals except a claim (not accompanied by new data) by Baker that a 5th re-analysis of his data showed the proposed access to be outside the 50 year retreat zone.
4. Data was shown me by the County Zoning Officer, Bill Rozar, on October 28 (the day before the hearing) that showed that at least that close to the Hearing the Planning Staff analysis of the 5th revised analysis by Baker still showed the required road development to be in the 50 year blufftop retreat zone.
5. A blufftop topographical survey conducted by Lea and Sung certified surveyors on Oct. 25, 1996 and presented to County planners on October 28 and graphically by Dell Williams at the Board hearing showed the Baker geological analysis to be flawed, and thus supported the Planning Commission ruling.
6. An analysis of the Baker data using generally accepted map making practices and presented by Dell Williams showed the Baker analysis to be flawed and thus supported the Planning Commission ruling.
7. A wind analysis offered by Katherine Carter refuted Chief Effusia's claim that prevailing winds are off the ocean in the location in question.

B. Therefore, one basis of this appeal is that the Supervisors were led to an erroneous conclusion by deliberate or inadvertent failure of the Planning Staff to present the Planning Commission Findings, Conditions and Ruling in a competent manner.

II. Even if the presentation by planning staff can be proven to be within their own rules, and therefore competent, then the 2nd basis of appeal is that the Board is required to consider what was presented in written form and the new data and analyses presented at the Hearing, and The Coastal Commission must question the judgment of the Board in coming up with their Findings; namely

A. FINDING #1: "That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6238.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program."

1. The judgment of the Planning Commission that the use of the blufftop road known as The Strand would be unacceptable for access is explained completely in the material prepared for Supervisors. On pages 3 and 5 of that earlier Planning Commission ruling, it is clearly stated that:
 - a) "the Local Coastal Program does not permit development within the projected 50-year bluff retreat zone,"
 - b) "the attachment shows that, at its narrowest, between 8 to 13 feet of The Strand's right-of-way would remain outside the bluff retreat area." This means that construction of roadway within the blufftop retreat area would be required to meet the minimum road width standard of the County and of the Point Montara Fire District of 12 feet. This development would conflict not only with section 9.8(a) and 9.8(c) of the LCP, but also with the County requirements restricting development that doesn't meet the 50 year requirement.
 - c) The consulting County Geologist determined "—use of The Strand by vehicle other than a passenger car is not safe," thus making the project in conflict with provision 9.8(a) of the LCP restricting blufftop development that will create or contribute significantly to erosion problems or geologic instability of the site or surrounding area.
2. Additional data presented at the Hearing by myself included the results of a survey by a licensed San Mateo County surveyor 5 days before the Hearing that shows the Baker analysis to be flawed in that the actual blufftop location today (as measured by the location at which the grade first exceeds a 1:1 slope) is as close as 13 feet from the property line as opposed to the 17 - 20 feet estimated by Baker on the basis of his 1991 data.
3. The October 29 memorandum also notes that "Point Montara Fire Protection District considers access from Vallemar Street to be safe and adequate."
 - a) This was in agreement with the testimony of Captain Ridell at the Planning Commission and was not in conflict with the testimony from the Point Montara Fire District (ex)Chief Effusia at the Board hearing.
 - b) The restriction of "limiting standard 12-foot wide driveway improvements within The Strand from Niagara Street to a point where the driveway intersects the projected 50-year erosion limit included in the geologic report prepared by James Baker, CEG, and dated December 2, 1995" means that the minimum requirement of the District for a 12 foot wide driveway with an improved surface cannot be provided to the proposed site!
 - (1) This was stated to be unacceptable by Captain Ridell at the Planning Commission hearing
 - (2) This means that a condition of the Department of Public Works (#17) that "—the existing access from the building site meets or exceeds the County's or Fire District's minimum standards (whichever is more stringent) for an 'access roadway,' " is inconsistent with the use of The Strand for fire access..

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- B. FINDING # 2:** *"That the project conforms to specific findings required by policies of the San Mateo County Local Coastal Program, specifically LCP Policy 9.8 "that design, setback, and access provisions are adequate to ensure stability and structural integrity for the expected economic line (s)pan of the development and that the development will neither create not contribute significantly to erosion problems or geologic instability of the site or surrounding area."*

1. Attachment H of the staff report shows that the maximum projected bluff retreat would reduce The Strand right-of-way to 8 feet. On pages 3 and 4 of the report, the staff explain that the Planning Commission found, based on testimony from the consulting County Geologist and the Point Montara Fire Protection District, the reduced right of way would be too unstable and hazardous to permit safe passage of heavy vehicles, including fire trucks. *Both of these conditions can only be corrected by extensive blufftop development within the 50 year retreat zone in violation of LCP Policy 9.8* The report talks of the fact that after the presentation to the Commission that the appellant's geologist twice modified blufftop retreat projections to ultimately show that the earlier projections 8 feet remaining had been modified 10.5 to 11 feet, the same as testified to by the appellant's geologist (still requiring violation of LCP Policy 9.8). The report goes on to report other violations of LCP Policy 9.8 that would result by stating that "the consulting County Geologist reviewed this information and determined:

- a) the stability and structural integrity of the proposed house would not be threatened by projected bluff retreat'
- b) portions of the proposed driveway along The Strand would be within the bluff retreat area'
- c) the movement of large, heavy equipment or vehicles along Strand may destabilize the bluff, and'
- d) that safe passage of large vehicles, including fire engines would eventually not be possible and is not advisable at this time."

2. Information provided to me by Bill Rozar, County Zoning Officer on the day before the hearing showed that the County Planning Staff held to the belief that the retreat distance shown by Baker was still less than 12 feet even after his last re-analysis. (Similarly the County Geologist confirmed her determination 2 working days prior to the Hearing.)

3. The Staff report went on to state that, the County geologist recommended to the Planning Commission that "The Strand not be improved for emergency vehicle access, although it could be used by passenger vehicles. The presence of a cement slab of unknown strength and size as well as other debris and hollows under The Strand observed by the consulting County Geologist support her concern that The Strand cannot support heavy vehicles.

The Planning Commission found that restricting heavy vehicle access to The Strand while allowing passenger vehicles would not be enforceable and would thus create and public hazard and destabilize the bluff. Therefore, the Planning Commission required the alternative driveway access from Vallemar Street and encouraged the appellant to limit vehicular use of The Strand."

4. Additional data presented at the Hearing by myself included the results of a survey by a licensed San Mateo County surveyor completed 5 days before the Hearing that shows the actual blufftop location today (as measured by the location at which the grade first exceeds a 1:1 slope) is as close as 13 feet from the property line as opposed to the 17 - 20 feet estimated by Baker on the basis of his 1991 data. (County Zoning Officer, Bill Rozar, expressed a personal opinion on the day before the Supervisors Hearing that based on his own site inspection the previous workday, my own photography showing the blufftop to be much less than the 17 - 20 feet estimated by Baker was "extremely generous.") Additionally, I noted at the hearing and offered for the Board's inspection, credentials of my wife and myself based on more than 30 years each having been involved in collection and analysis of photographic data, and showed that the techniques used by Baker to analyze the photography he used is badly flawed.

5. The County Geologist confirmed her steadfast belief in her own analysis in a phone conversation on Friday, October 25, 1996, 2 working days before the Hearing, with my

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wife, Tish Williams, and indicated that there was no need for them get together and for us to show further data to her because of her conviction in her analysis and that it agreed with our own conclusions.

6. Presumably for the above reasons, even the Board concurred in the admonition of the Planning Commission by including a "Condition" (#15) that "encourages the owner (appellant) to limit vehicular travel on The Strand, PARTICULARLY HEAVY VEHICLES DURING CONSTRUCTION, to prevent bluff retreat from damaging private structures and property and help preserve coastal resources."

C. FINDING # 3: "That, where the project is located between the nearest public road and the sea, the project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976."

1. The Strand, is designated in the Local Coastal Plan (and used) as part of the bluff top trail system and is subject to RM-3 (Resource Management) zoning. Proposed improvements to The Strand would be to the detriment of the trail users and would be specifically inconsistent with provision 10.2 of the LCP as regards Shoreline Access.

D. That the Findings in A, B and C are inconsistent with the following conditions of approval:

1. Planning Division Condition #3 States "Prior to issuance of the building permit, the plan shall be revised to limit standard 12 foot wide driveway improvements within The Strand from Niagara Street to a point where the driveway intersects the projected 50-year erosion limit included in the geologic report prepared by James Baker, CEG, and dated December 2, 1995. This is a recognition that the project does not conform to LCP, County and Fire District standards which require a minimum 12 foot width access with an "all weather surface" to the building site. This would require development (compaction, etc.) in the 50 year zone (LCP violation) or less than minimally required access improvements (County and Fire District violations.)
2. Condition #15 of the Planning Division encouraging "-the owner to limit vehicular travel on The Strand particularly heavy vehicles during construction, to prevent bluff retreat from damaging private structures and property and help preserve coastal resources" is impossible to comply with when the Board approves the use of The Strand as the only means of accessing the building site during and after construction. The inference that use, particularly by heavy vehicles will cause blufop damage is similarly inconsistent with Findings A, B and C.
3. The condition #22 by the Montara Sanitary District requiring either posting of a \$50K bond or written agreements not to travel on The Strand with vehicles larger than a pickup truck is inconsistent with Findings A, B and C.
4. The condition #25 requiring widening of Niagara Street to an improved width of 20 feet of all weather roadway from Vallemar to The Strand is inconsistent with Findings A, B, and C as well as with
 - a) #26 allowing for construction of an "all weather driveway, no less than 12 feet wide, (being) constructed where The Strand right-of-way outside the bluff retreat area is less than 20 feet
 - b) #3 requiring revision to "-limit standard 12-foot wide driveway improvements within The Strand from Niagara Street to a point where the driveway intersects the projected 50-year erosion limit included in the geologic report prepared by James Baker, CEG, and dated December 2, 1995, and
 - c) #5 requiring the applicant to "-record a 20-foot access easement for the benefit of the subject parcel (APN 037-085-050) for the purpose of providing access and emergency services and locating underground

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utilities across the adjacent parcel (APN 037-085-030) to construct a 12-FOOT WIDE DRIVEWAY from Vallemar Street to the subject parcel."

- (1) Why does Niagara have to be 20 feet when used as a driveway when neither The Strand nor the Vallemar access only has to be wider than 12 feet?
5. The condition #5 referring to the easement being "a floating easement" to be used "for the purpose of providing access and emergency services and locating underground utilities across the adjacent parcel (APN 037-085-030) is nonsensical.
6. The condition #28 requiring "Existing and future water utilities serving the proposed house shall be located underground within the driveway access easement for Vallemar Street" is equally nonsensical.

III. Other errors and inconsistencies in the data used to support the Findings of the Board which will be described later based on consultations with our own legal representative and technical experts.

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Summary

- **Violation of LCP Policy 9.8a: (50 year bluff retreat survival)**
 - Baker Analysis is Flawed, a Fact Acknowledged by Baker to the County
 - County Geologist Does Not Support Baker Analysis (only deletion of 1928 data)
- **Safety:**
 - County Geologist Does Not Consider Road Safe for More than Passenger Car Traffic
 - The Sanitary District Does Not Consider Use Environmentally Safe
 - The MCC Does Not Consider Vehicle Use Safe for Hikers and Coastside Visitors
 - Montara Fire District's Alleged Position is Not consistent with Wind Patterns
- **Erosion:**
 - Use of The Strand is Not Consistent with Recent Sloughing and Current Surface Water in Immediate Area
 - Proposal of a Paving The Strand Shows a Lack of Understanding of the Underlying Cause of the Erosion
- **Compliance:**
 - The Proposed Use of The Strand is Unnecessary Because an Alternative:
 - Is Available
 - Will Be Required in Any Event
 - Was Known by the Tylers to Be Probable When They Purchased the Property

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EXHIBIT NO. 10
APPLICATION NO. A-3-SMC-96-120
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APPEAL

2 December 1996

Note: The specific violations and inconsistencies in the LCP are summarized and extracted from the LCP as follows: The **bold** text focus on the specifics. The comments relative to the violations are in *italics*.

Subject: Documentation of Violations of the Local Coastal Plan (LCP) by proposed Tyler/Tezza development.

The primary issue is the use of the Strand, a strip of land adjacent to the bluff and designated as a trail with the LCP. It is described as being "High" relative to public safety hazards and "High" relative to environmental sensitivity. The Strand is public County property and is also part of the Fitzgerald Marine Reserve. It has served as an established and regularly used lateral Access Trail since at least 1956 as described in table 10.2 of the LCP. The proposal is to make the Strand, this trail, an "all weather driveway" to solely access the Tyler/Tezza property for purposes of constructing and developing their new residence. This would require the current trail to be modified significantly to be able to take the loads, and frequent use required in constructing their proposed residence. The Tyler/Tezza property has alternative access and the use of this public trail for benefiting their personal interests is in violation of numerous policy and regulations as contained in the LCP and is inconsistent with the intent and basis of protecting natural bluff accesses. There is no justification for private use of public land endangering public safety and the fragile cliff top and the Strand when the Tyler/Tezza property is not landlocked and an alternate access is available across their own property.

LCP Component: Locating and Planning New Development:

1.8: Land Uses and Development Densities in Rural Areas: Allow new development ...only if it is demonstrated that it will not: (1) have significant **adverse impacts**, either individually or cumulatively, **on coastal resources**.

1.18 Location of New Development:

1.18 a. "(5)**protect and enhance the natural environment**

Comment: Use of this trail in the development and construction of the proposed Tyler/Tezza residence will adversely affect the conditions of the bluff and the trail, forever impacting coastal resources. Handling of estimated cut and fill alone would require more than 450 pickup loads to be transported across this trail..

LCP Energy Component:

4.34 Performance Standards for Protecting Scenic Quality:

Vegetation Removal: Scarring, **grading**, or other vegetative removal shall be **minimized** and revegetated with plants similar to those in the area.

Comment: Use of the Strand by a passenger vehicle alone has demonstrated destruction of existing vegetation and resulting impact to natural water runoff and flow.

LCP Component: Visual Resources:

8.17 Alteration of Landforms: **Minimize the visual degradation** of natural landforms caused by cutting, filling, or grading for building sites, access roads, or public utilities by:

c. Prohibiting new development which requires grading, cutting or filling that would substantially alter or destroy the appearance of natural landforms.

8.18 Location of New Development:

b. That roads, buildings, and other structural improvements be constructed to fit the natural topography and to **minimize grading and modification** of existing landforms.

c. **Prohibiting new development which requires grading, cutting, or filling that would substantially alter or destroy the appearance of natural landforms.**

Comment: Alteration is proposed as modifying the Strand to "an all weather driveway". This is in direct violation of above. The proposed driveway and new grading for the garage drive-in are all in violation. In fact, it would seem reasonable that rather than creating a driveway for their own personal use via the Strand, the Tyler/Tezza should be encouraged to build the driveway via Vallemar and share that driveway with whomever they would sell the other parcel to as they have stated they intend to do, and preclude unnecessary alteration of natural landforms more than necessary.

8.32 Regulation of Scenic Corridors in Urban Areas:

a. **Apply the regulations** of the Design Review Zoning Ordinance

b. **Apply the design criteria** of the Community Design Manual

c. **Apply the specific design guidelines** for ...Moss Beach...as set forth in Urban Design Policies of the LCP.

Comment: Approval of this proposed use would not be applying the above guidelines. As an example: The present house is situated within 50 feet of the cliff at its closest point. The new house is located between 30-40 feet not including the new graded driveway facing the ocean. The parcel is sufficiently big to place it where the present structure exists. The building foundation could be pulled back to conform with the 50 year minimum lifetime of the structure or 50 foot setback. The proposed site for the new residence should be rejected.

LCP Hazards Component:

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%).

9.3 Regulation of Geologic Hazard Areas: Hazards to Public Safety Criteria

Comment: With respect to Hazards to Public Safety the following is extracted from the criteria set forth in section 6324.6 of Hazards to Public Safety and indicates the guidance set forth will be grossly violated by the Tyler/Tezza proposal.

(a) Reasonable and appropriate setbacks from hazardous areas shall be provided within hazardous areas defined within the Conservation, Open Space, Safety, and Seismic Safety Elements of the San Mateo County General Plan.

(b) No development shall disrupt the natural erosion and transport of sand or other beach material from coastal watersheds into the coast's littoral circulation system where such disruption will significantly accelerate shoreline erosion.

(c) Notwithstanding the permitted development density under this Ordinance, areas shall not be used for placement of structures: 1) which are severely hazardous to life and property due to soils, geological, seismic, hydrological, or fire factors; 2) whose development would pose a severe hazard to persons or property outside the proposed development; or 3) for which elimination of such hazards would require major modification of existing land forms, significant removal or potential damage to established trees or exposure of slopes which cannot be suitably revegetated.

(f) No land shall be developed which is held unsuitable by the Planning Commission for its proposed use for reason of exposure to fire, flooding, inadequate drainage, soil and rock formations with severe limitations for development, susceptibility to mudslides or earthslides, severe erosion potential, steep slopes, inadequate water supply or sewage disposal capabilities, or any other feature harmful to the health, safety or welfare of the community-at-large. To determine the appropriateness of development the following shall be considered:

1. The danger to life and property due to the designated hazards caused by excavation, fill, roads, and intended uses.
2. The danger that structures or other improvements may slide or be swept onto other lands or downstream to the injury of others.
3. The adequacy of proposed water supply and sanitation systems, and the ability of those systems to prevent disease, contamination and unsanitary conditions during or following a hazardous event or condition.
4. The susceptibility of the proposed facility and its contents to potential damage, and the effect of such damage to the property.
5. The importance of the services provided by the proposed facility to the community.
6. The availability of a sufficient amount of water, as defined by the fire protection agency, for fire suppression purposes.
7. The availability of alternative locations, not subject to hazards.
8. The relationship of the proposed development to the Safety, Seismic Safety, and Open space and Conservation Elements of the San Mateo County General Plan.

Comment: Public safety considerations would be severely reduced and proposed development would not be in compliance with above regulations. Each of these regulations have been put into effect to assure safety to property and life. The proposal to use the Strand as an "all weather driveway" for development and construction would not provide the appropriate safety considerations stated above to pedestrians in the use of this public trail and furthermore jeopardizes adjacent property. In addition, fighting a fire from the Strand would limit the fire fighting water availability to that contained in the fire truck, which would unlikely be able to transverse the Strand during such an emergency. The county is requiring the Tyler/Tezza 's to have a fire hydrant within 500 feet of their residence. However, this fire hydrant will be situated along Vallemar, not the Strand. Thus use of requiring this fire hydrant at stated location is inconsistent with proposal to fight the fire from the Strand. This inconsistency creates another hazard both to adjacent property owners and to the public.

9.7 Definition of Coastal Bluff or Cliff

Define Coastal Bluff or Cliff as a scarp or steep face of rock, decomposed rock, sediment or soil resulting from erosion, faulting, folding or excavation of the land mass and exceeding 10 feet in height.

Comment: The affected bluff top is the Fitzgerald Marine Reserve Bluff parallel to Vallemar and is about 50 feet high above the water level and is described in LCP table 10.1. No standards for consideration of lighting conditions, fence requirements, shoulder widths and grades, provision for drainage, etc. have been forthcoming in the proposal to use the Strand as an "all weather driveway". The only issue that has been addressed is "access" and additional considerations must be evaluated specifically relative to safety, liability, imposition of other regulations which additionally make this proposal intractable with existing policies, regulations, and intent of the LCP.

9.8 Regulation of Development on Coastal Bluff Tops

a. Permit bluff and cliff top development only if design and setback provisions are adequate to assure stability and structural integrity for the expected economic life span of the development (at least 50 years) and if the development (including storm runoff, foot traffic, grading, irrigation, and septic tanks) will neither create nor contribute significantly to erosion problems or geologic instability of the site or surrounding area.

Comment: Use of the Strand requires the Strand to be projected to exist for the next 50 years. Available photography and existing maps are sufficiently inaccurate and can not be measured to the accuracy required to define the width of the Strand which would allow reasonable engineering practices to be applied to project its existence for 50 years. In addition the existing vegetation masks the location of the bluff top which varies considerably along the Strand and will become increasingly hazardous with increased traffic and heavy equipment if the use of the Strand is allowed as proposed. The planning staff and Planning Commission concluded that (1) the LCP does not permit development within the projected 50 year bluff retreat zone, (2) the consulting County Geologist determined use of the Strand by any vehicle other than a passenger car is unsafe, and (3) the Point Montara Fire Protection District considers access from Vallemar St. to be safe and adequate and (4) use of the Strand is unsafe for heavy vehicles, including fire trucks. In addition relative to the proposed residence the county geologist stated portions of the proposed driveway along the Strand would be within the bluff retreat area, and the movement of large, heavy equipment or vehicles along the Strand may destabilize the bluff. The presence of a cement slab of unknown strength and size as well as other debris and hollows under the Strand observed by the consulting County Geologist support her concern that the Strand cannot support heavy vehicles. Furthermore in order to comply with the Fire District's recommendation for using the Strand, the Fire Chief requires a "hammerhead" clearing of the area at the base of Niagara Ave, immediately in front of the bluff. This area now accommodates the turning of a passenger car into the Strand. In order to accommodate a fire truck the area needs to be broadened further encroaching on the most frequently accessed pedestrian pathway on the Strand. It would additionally require the clearing of a significant amount of vegetation that today breaks the normal flow of water during rains. This area is characterized by Table 10.6 in the LCP as being extremely fragile, environmentally sensitive, and highly hazardous. Major sloughing of this portion of the bluff has taken place during the last 8 years, and multiple photography is available documenting these sloughings. Further clearing of this vegetation will only exacerbate this problem. and is totally inconsistent with all of the writings of the LCP.

b. Require the submittal of a site stability evaluation report for an area of stability demonstration prepared by a soils engineer or a certified engineering geologist, as appropriate, acting within their areas of expertise, based on an on-site evaluation. The report shall consider:

- (1) **Historic, current and foreseeable cliff erosion**, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and **photographs** where available, and possible changes in shore configuration and transport.
- (2) **Cliff geometry and site topography**, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions **that might affect the site and the proposed development**.
- (3) **Geologic conditions**, including soil, sediment and rock typed and characteristics in addition to structural features such as bedding, joints, and faults.
- (4) **Evidence of past or potential landslide conditions**, the implications of such conditions for the proposed development, and the potential effects of the development on landslide activity.
- (8) **Effects of the proposed development** including siting and design of structures, septic system, landscaping, drainage, and grading, and **impacts of construction activity on the stability of the site and adjacent area**.
- (9) Any **other factors** that may affect slope stability.
- (10) **Potential erodibility of site** and mitigating measures to be used to ensure minimized erosion problems during and after construction (i.e., landscaping and drainage design).

Comment: See comment on item 9.8. A number of photographs are available taken over the last 8 years of the sloughing of the bluff and the continuing erosion due to natural causes alone which are increasingly eroding the bluff and the Strand. In addition a survey presented by D. Williams' during the Board of Supervisors hearing indicated that the Strand today is barely 12 feet wide. The Baker report only addressed a limited number of photographs and his analysis has been modified five (5) times, such that the credibility of the analysis may be questioned in that each assumption has been modified with each succeeding analysis until the numbers "fall into place" relative to the required width of the road in meeting the 50 year projected life. His analysis also does nothing to compensate for the illusion of a bluff created by the existing vegetation which when investigated will reveal that the bluff dramatically slopes toward the ocean along the Strand becoming increasingly hazardous, particularly if the contemplation is made relative to vehicular traffic-- let alone heavy trucks carrying equipment and building material.

c. The area of demonstration of stability includes the base, face, and top of all bluffs and cliffs. The extent of the bluff top considered should include the area between the face of the bluff top and a line described on the bluff top by the intersection of a plane inclined a 20 degree angle from the horizontal passing through the toe of the bluff or cliff, or 50 feet inland from the edge of the cliff or bluff, which ever is greater.

d. Prohibit land divisions or new structures that would require the need for bluff protection work.

Comment: Historical evidence has been described where significant erosion has occurred in the last ten years during periods of significant rain. Physical evidence of sloughing, falling of cement slabs and other debris exists. Photographs showing the recession of the bluff and bluff top cave in are readily available. Use of the Strand would require the bluff to be stabilized in order to preclude accelerated erosion due to heavy vehicular and equipment use.

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.**

Comment: See comment for 9.8.

9.11 Shoreline Development

Locate new development (with the exception of coastal dependent uses or public recreation facilities) in areas where beach erosion hazards are minimal and where **no additional shoreline protection is needed.**

Comment: This development to comply with the fire district requirements would have to construct an all weather driveway no less than 12 feet wide where the Strand right of way outside the bluff retreat area is less than 20 feet. This is in direct violation of this LCP item.

9.12 Limiting Protective Shoreline Structures:

b. **Protect existing roadway facilities which provide public access** to beaches and recreational facilities when alternative routes are not feasible and when protective devices are designed in accordance with the requirements of this Component and other LCP policies.

Comment: Rather than protect the existing trail the proposed development would significantly alter its character and stability. In addition an alternate access via Vallemar through the Tyler/Tezza property is directly accessible with reasonable considerations.

LCP Shoreline Access Component:

10.2 Definition of Development

b. **Any structure which would close off, restrict, or impede access to an existing access trail.**

Comment: Access by pedestrians to the Strand would be significantly impeded during the entire development and construction of the proposed residence.

10.3 Definition of Shoreline Access

b. Define lateral access as a strip of land running along the shoreline, parallel to the water and immediately inland from the mean high tide line. **Lateral access may include a beach, where contact with the water's edge is possible, or a bluff, where only visual access is afforded. Refer to lateral access areas as shoreline destinations.**

Comment: The Strand qualifies as lateral access.

10.4 Designation of Shoreline Access

Designate vertical (trails) and lateral (shoreline destinations) access as areas to which the policies of this component apply. Such areas include, but are not limited to, those listed in the Assessment of Access Trails and Shoreline Destinations (Table 10.6).

EXHIBIT NO. 10

TYLER/TEZZA APPEAL

Comment: The Strand is specifically listed in Table 10.6 as a lateral access trail.

10.5 Definition of Established Shoreline Access

Define established vertical (trails) and lateral (shoreline destinations) access as areas where the public's right to use has been legally established through permit conditioning, acquisition, and/or prescriptive rights.

Comment: Use of the Strand by the Public as documented since at least 1956 in the LCP of 1956 Table 10.2, and in aerial photographs conforms to this definition of established shoreline access.

10.6 Definition of Undeveloped Shoreline Access

Define undeveloped vertical (trails) and lateral (shoreline destinations) access as access created and maintained by actual use, whether on privately or publicly owned lands. **Consider undeveloped shoreline access to be generally unsigned and unimproved.**

Comment: The Strand qualifies as lateral access in that it was not only created as a trail but is additionally used as a trail. Sharing of this trail by groups of pedestrians, hikers, etc., with construction vehicles creates a critical safety hazard and one that can be prevented.

10.9 Public Safety

a. **Provide safe access** to the following shoreline destinations which are large enough to accommodate public safety improvements and public use: (2) bluffs which are large enough and of a physical character to accommodate safety improvements and which provide room for public use as a vista point.

Comment: The vista from the Strand is one of the most inspiring views along the coast. Private use of the Strand and modifications to this natural scenic wonder which compromises the safety of the public in using the Strand as a vista point is in conflict with the intentions of the LCP. The proposal by the Tyler/Tezza's virtually eliminates public safety support.

b. Discourage public use of access trails which are hazardous because safety improvements have not been provided or cannot be built due to physical limitations. **(4) Prohibit development that would prevent the future improvement of unsafe access.**

Comment: This statement alone should preclude the modifications to the Strand and for the use of the Strand in building and in constructing the residence as proposed by Tyler/Tezza. The development can take place alternatively by the use of a driveway access via Vallemar. This alternate access would not jeopardize public safety or destroy the physical character of a frequently used trail, whose bluff top can never be replaced.

10.10 Fragile Resources (Sensitive Habitats)

b. Discourage public use of existing established access trails if the present level of use is causing the deterioration of a sensitive habitat. Specifically, **(4) Prohibit development that would prevent the future provision of improved access.**

Comment: The changes to the Strand would "improve access" to the Tyler/Tezza's at the expense of the public and at the expense of the deterioration of a sensitive habitat. This statement precludes this condition from being supported by the LCP.

10.17 Lateral Access (Shoreline Destinations) With Coastal Bluffs

b. Because of scenic or recreational value, provide a pathway with a right-of -way at least 25 feet in width, which allows feasible unobstructed public access along the top of the bluff when no public access will be provided to the area between the mean high tide line and the base of the bluff because of safety and or other considerations, and/or when the Site Specific Recommendations for Shoreline Destinations (Table 10.6) requires one.

Comment: Use of the Strand would violate the "unobstructed public access" regulation, and in fact for safety reasons the regulations requires a 25 foot width which obviously already can not be met, and thus with the Strand being narrower it would pose an even greater hazard than the LCP advises.

Development Standards for Protecting Public Safety

10.23 Access Trails

c. Design and site trail improvements to blend with the natural environment. Prohibit the disturbance or alteration of landforms which would cause or contribute to erosion or geologic hazards.

Comment: Construction of an "all weather driveway no less than 12 feet wide" is inconsistent with this regulation, and as the Country geologist reported would contribute to instability and cliff erosion. Furthermore creation of the "hammerhead" as proposed by the Fire Chief would further contribute to erosion causing additional and accelerated sloughing of the bluff immediately in front of Niagara Ave. and destabilizing the adjacent bluffs.

10.27 Residential

a.. Provide separation between shoreline access and adjacent residential uses to protect the privacy and security of houses and the public nature and use of the shoreline. Specifically, keep the edge of lateral shoreline access trails 25 feet and vertical shoreline access trails ten feet from any occupied residential structure.

b. Maximize the use of landscaping, fences, and grade separation.

Comment: The proposed use of the Strand would not even allow for any separation between the use of the Strand as "an all weather driveway" and the property line of the adjacent owners , the Williams'. Equally on the bluff side the width of the Strand would not allow for use of landscaping, fences, or grade separations. The guidelines proposed by the LCP of 25 feet is larger than the width of the Strand today, and therefore no consideration should be made in using the Strand in this manner. It is totally inconsistent with these LCP regulations.

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.

Comment: To allow cars and trucks on trails is not only not protection is posing an increased public safety pedestrian hazard.

b. Require setbacks for development adjacent to existing or proposed shoreline access to prevent encroachment. **Do not permit new structures to encroach farther than the most extended adjacent structure.**

Comment: Encroachment is being proposed farther than existing structure. See comment for 10.2.

Linear Park and Trail

Planning and Management Guidelines:

5. Access should be controlled to protect adjacent properties

Comment: Proposed access for construction and development would pose an increased liability associated with instability created on the Strand and the bluff as stated by the County geologist. This liability would deny due protection of the Williams' property when proposed use would have been in violation of stated policies and regulations in the LCP. The Williams' property would be placed in more vulnerable conditions which when altering natural environments and stability of such are difficult to predict and protect.



LEA & SUNG ENGINEERING, INC.

CIVIL ENGINEERS • LAND SURVEYORS

December 4, 1996

Del Williams
101 Niagara Ave.
Moss Beach, CA 94038

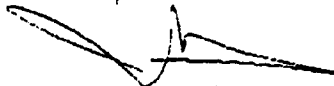
Subject: Top of Bank Location - 101 Niagara Ave.
Job No. 96367

Dear Mr. Williams:

Please consider this letter that the top of slope (top of bank) shown on our map entitled "Topographic Survey, Niagara Ave. and The Strand, Moss Beach", dated October 28, 1996, is in my professional judgment the actual top of bank of the site. From that point the ground slopes down sharply at or approaching a 45-degree angle to a second break point, from which an almost vertical drop towards the beach occurs.

Please call me with any questions.

Very truly yours,


Jeffrey C. Lea
Principal

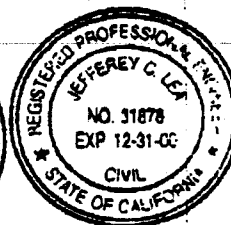
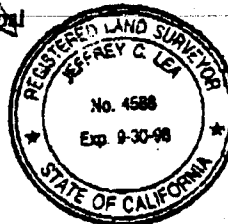


EXHIBIT NO. 11

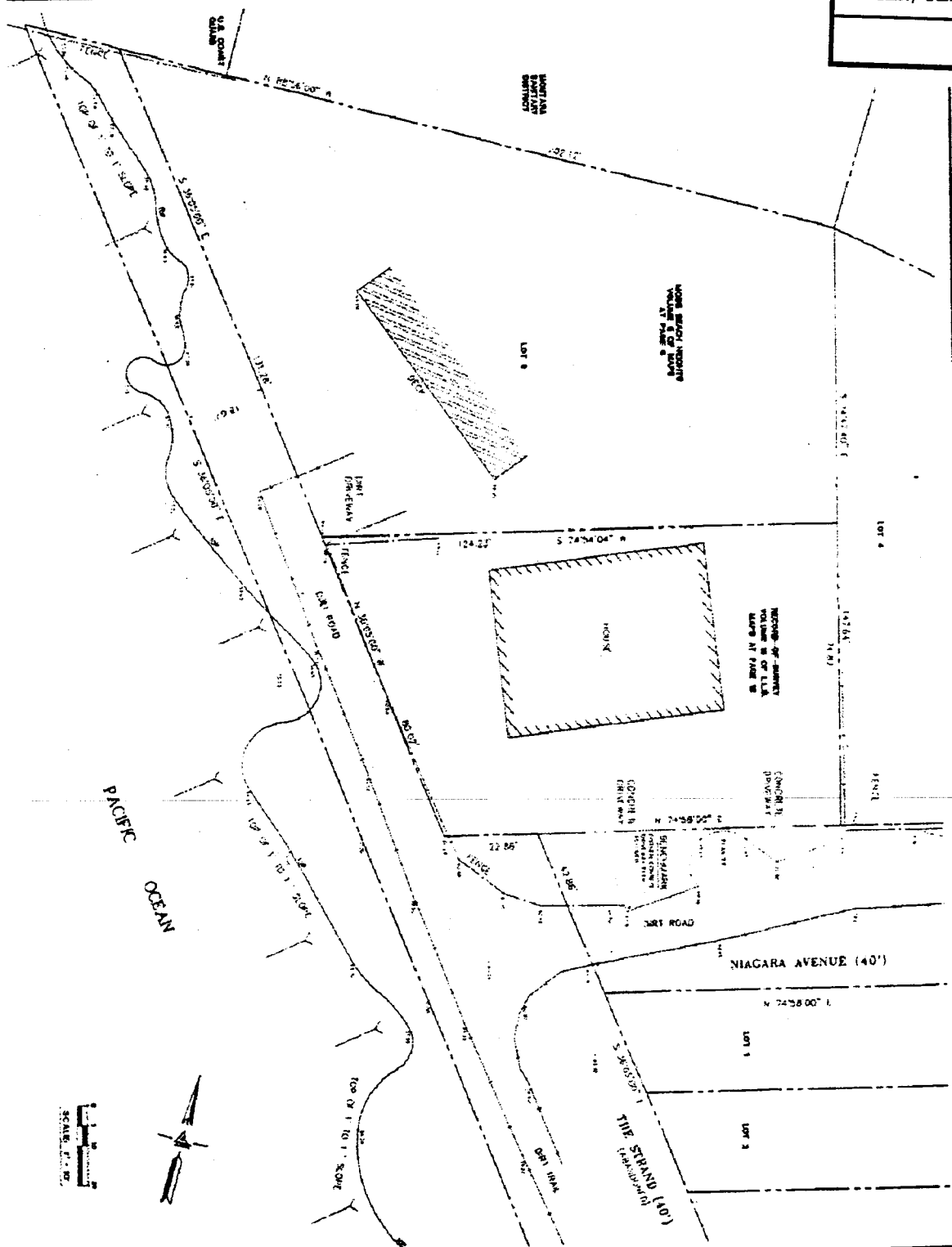
APPLICATION NO.
A-3-SMC-96-120

TYLER/TEZZA APPEAL

EXHIBIT NO. 11

APPLICATION NO.
A-3-SMC-96-120

TYLER/TEZZA APPEAL



TOPOGRAPHIC
SURVEY

NIAGARA AVENUE AND
THE STRAND
MOSS BEACH
SAN MATEO COUNTY CALIFORNIA

LEA & SUNG ENGINEERING, INC.
1000 10TH AVENUE, SUITE 2
REDWOOD CITY, CALIFORNIA 94063
TEL: (650) 851-1000
FAX: (650) 851-1001

EXHIBIT NO.	12
APPLICATION NO.	A-3-SMC-96-120
TYLER/TEZZA APPEAL	

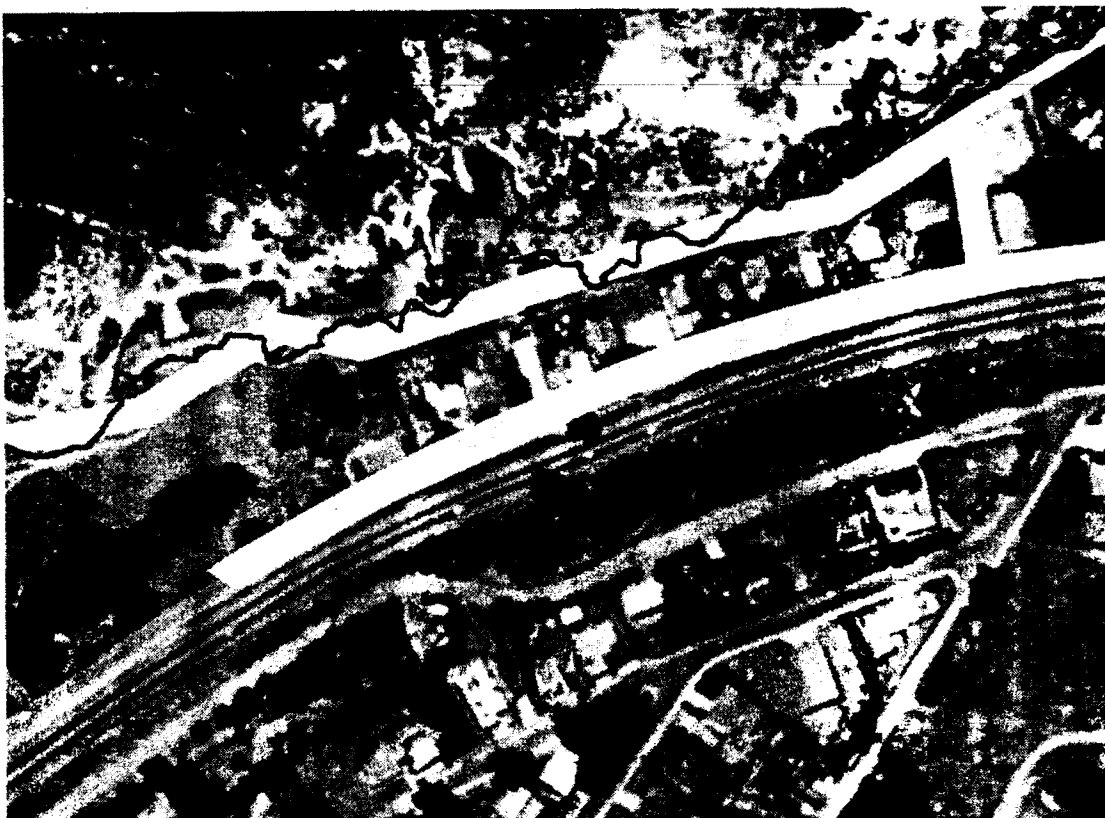
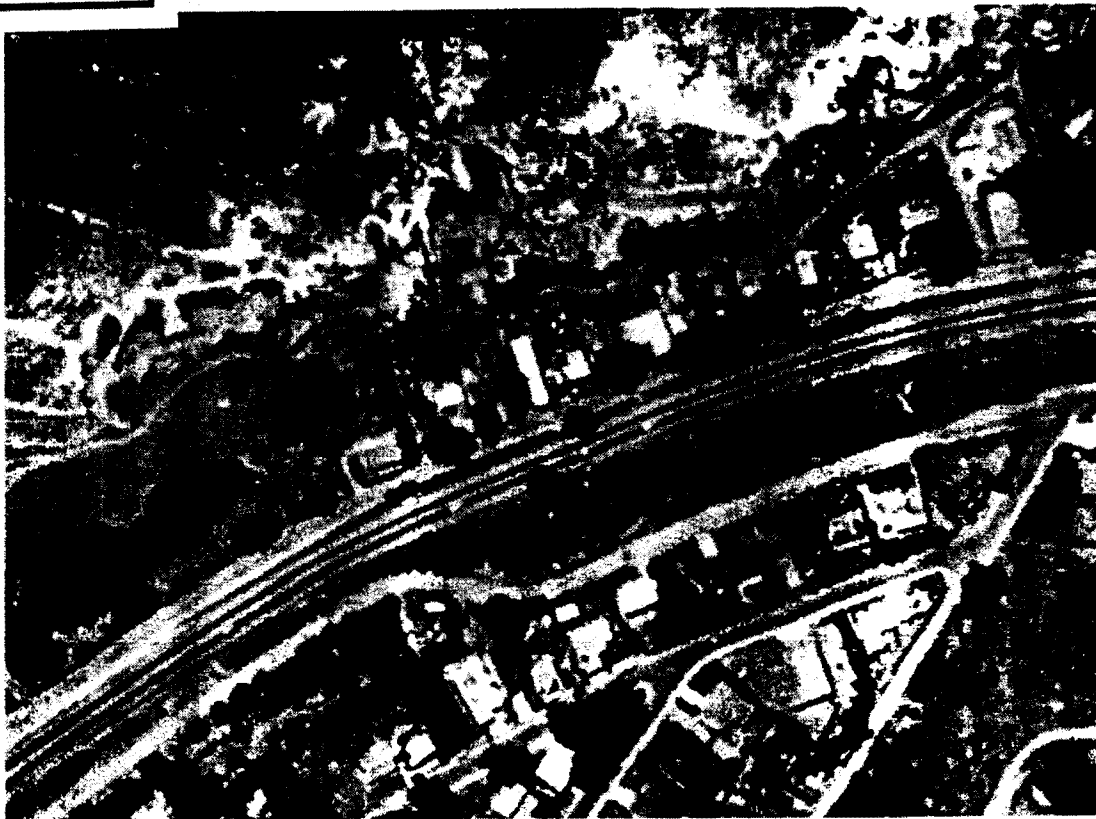


EXHIBIT NO.

12

APPLICATION NO.
A-3-SMC-96-120

TYLER/TEZZA APPEAL

Sloughing due to surface
and subsurface runoff
(has grown considerably
since photo destroying
Coastside trail)

1995 - 1996 Sloughing due to
subsurface runoff under
iceplant (1-2 foot undercut)

1994 - Sloughing due to
subsurface runoff under
discarded concrete slab
(since disguised by
plywood slab)

1993 - 1994 (at least)
due to road runoff in
one storm



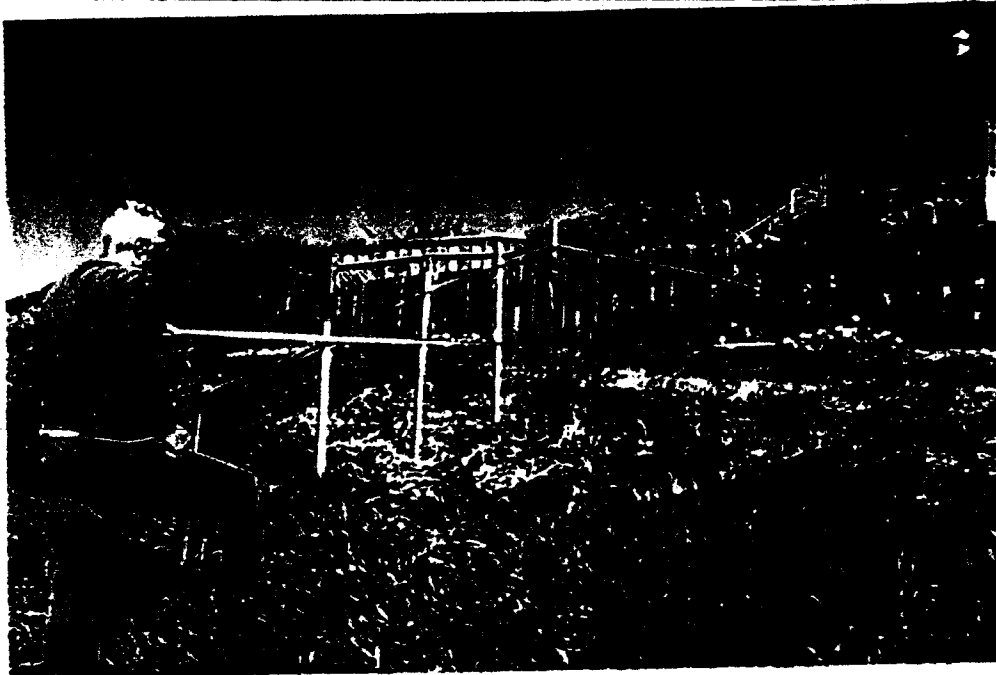


EXHIBIT NO.	12
APPLICATION NO.	A-3-SMC-96-120
TYLER/TEZZA APPEAL	

EXHIBIT NO. 12

APPLICATION NO.
A-3-SMC-96-120

TYLER/TEZZA APPEAL



EXHIBIT NO. 13

APPLICATION NO.
A-3-SMC-96-120

TYLER/TEZZA APPEAL

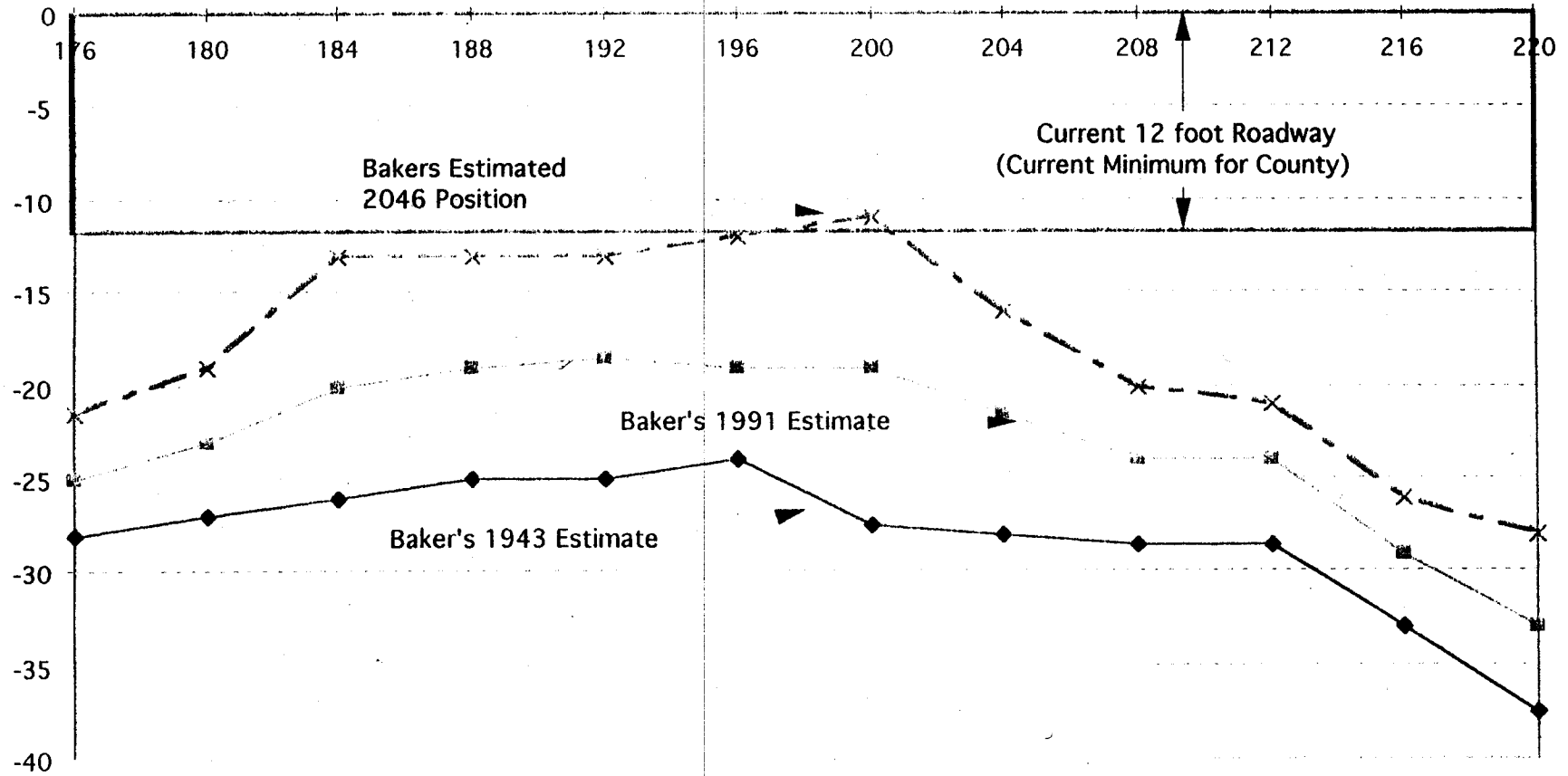


EXHIBIT NO.

13

APPLICATION NO.
A-3-SMC-96-120

TYLER/TEZZA APPEAL

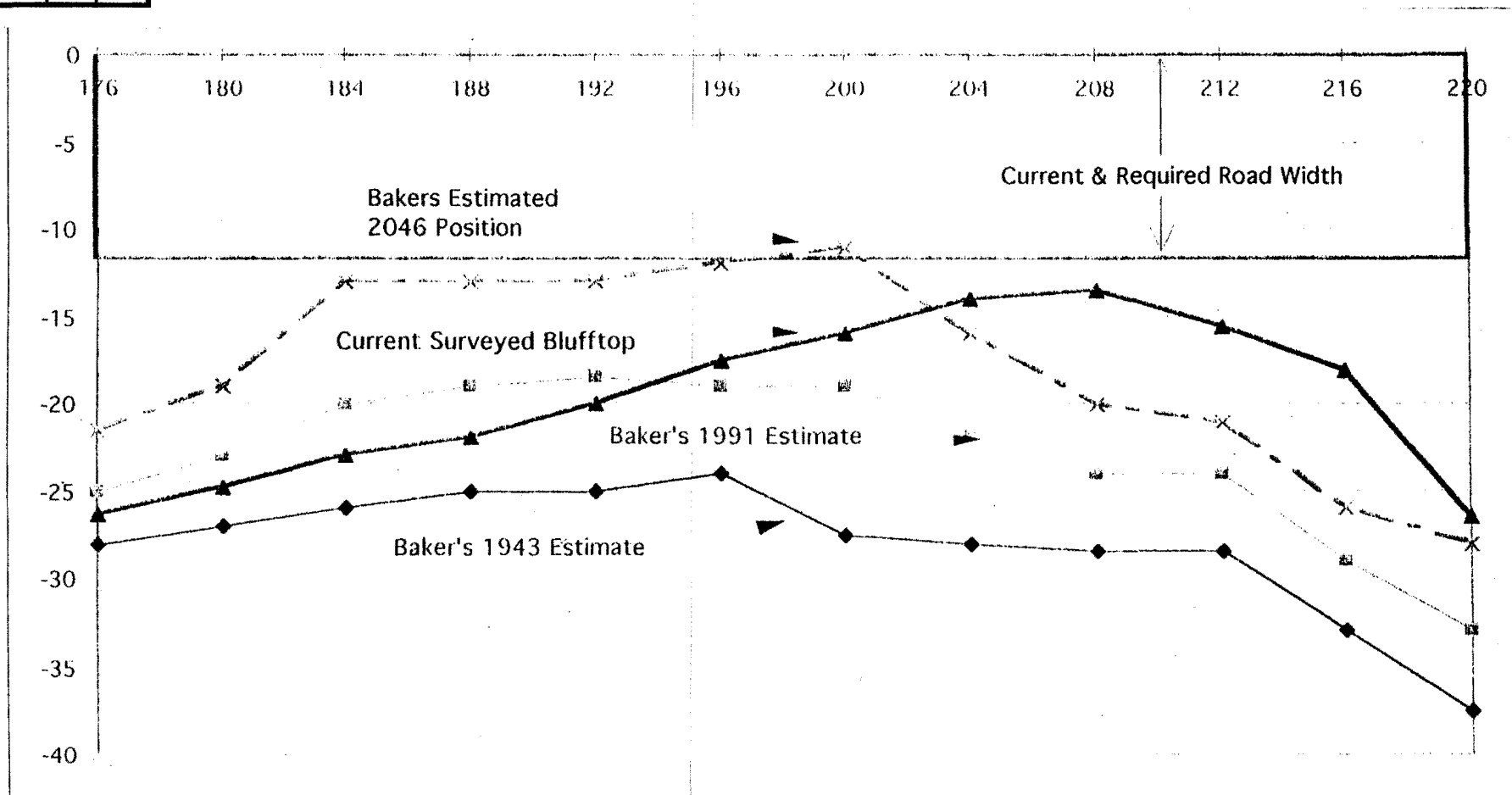
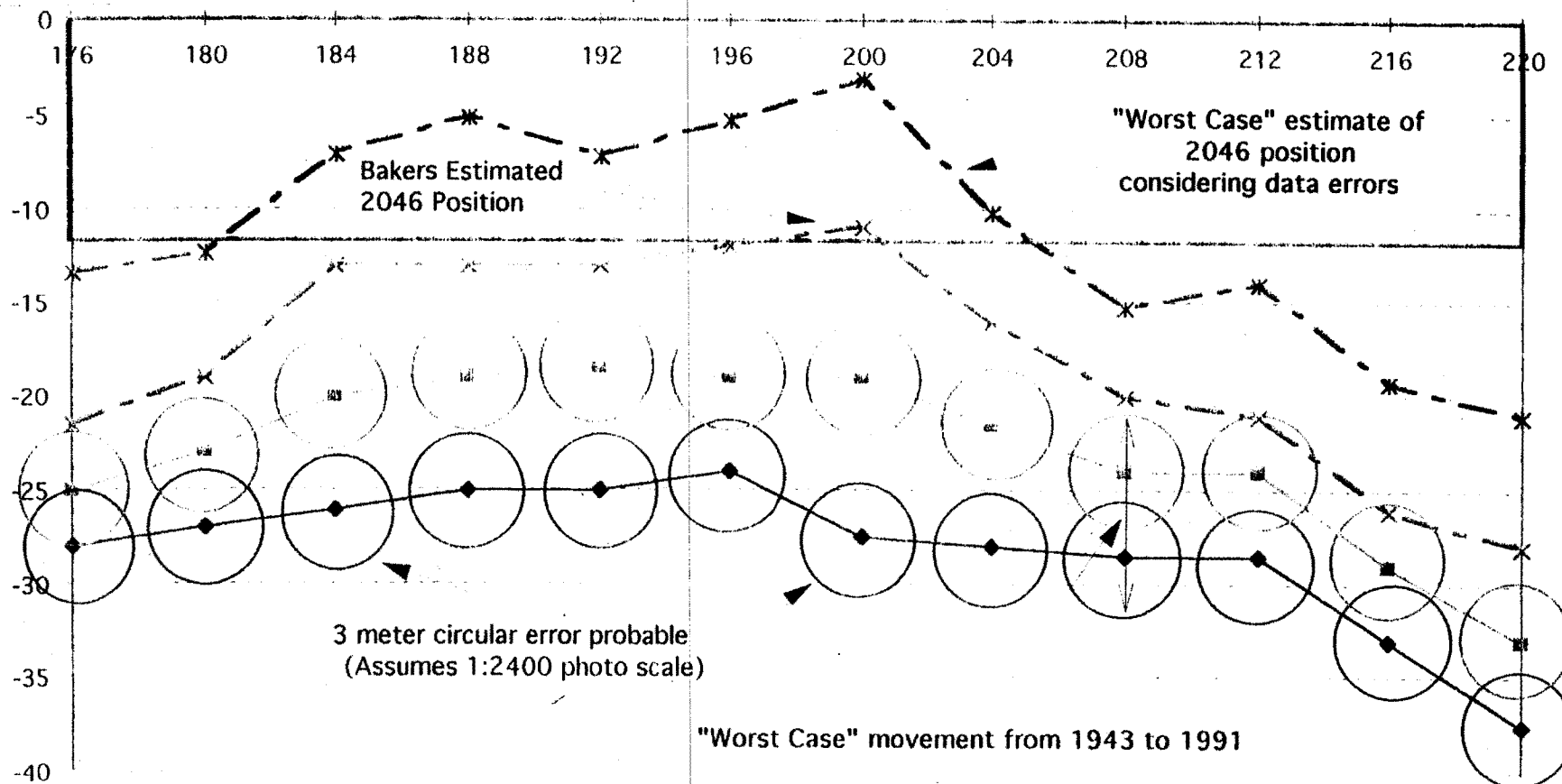


EXHIBIT NO. 13

APPLICATION NO.
A-3-SMC-96-120

TYLER/TEZZA APPEAL



GEOFORENSICS INC.

Consulting Soil Engineering

555 Pilgrim Dr., Suite A, Foster City, California 94404

Phone: (415) 349-3369 Fax: (415) 571-1878

File: 95459

December 13, 1996

Dr. Tyler and Dr. Tezza
199 Quintara Drive
San Francisco, CA 94116

A-3-SMC-96-120

Subject: Tyler/Tezza Residence
2009 Vallemar Street
Moss Beach, California
CONCLUSION SUMMARY

Dear Dr. Tyler and Dr. Tezza:

This letter has been at your request to summarize the significant geologic and geotechnical findings from our investigation to date. These findings have been presented in previous letters and reports, but are probably difficult to easily access due to their scattered locations within the documents.

Historic Bluff Use

During our evaluation of aerial photographs showing the subject site and the adjacent bluffs, we did not observe any evidence of accelerated erosion to the bluffs as a result of use of existing road way (The Strand). The erosion observed on the bluff appeared to be consistent with adjacent untraveled areas (light house property). The erosion rates are controlled by the amounts of surface water drainage coming over the top of the bluff, wave action intensity acting at the base of the bluff, and severity of wind and rain impacting on the face of the bluff.

Based upon the previous lack of accelerated erosion of the bluff in the past, it is our opinion that future use of a new driveway surface within The Strand will not have an adverse affect on the future rate of erosion of the bluffs. In fact, improvements of the existing drainage conditions would be expected to reduce the rate of bluff erosion due to a reduction in overtopping water flows.

Retreat Zone

Our original measurements of the erosion rates in the bluff area indicated that the existing roadway was located close to, or within, the 50 year retreat line of the bluff along a small section of the cliff. Further studies and measurements have focused on that small section in an effort to more accurately assess bluff retreat in that area. Our most recent work indicates that the projected 50 year bluff retreat zone will not enter into the area to be occupied by the proposed driveway surfacing. The existing slope profile, and the projected slope profile have been provided at the end of this letter to depict the projected retreat.

EXHIBIT NO. 14

APPLICATION NO.
A-3-SMC-96-120

TYLER/TEZZA APPEAL

SUBMITTAL FROM
APPLICANT

File: 95459
December 13, 1996

Existing Roadway

The Strand has been called by some a "paper road". However, during our most recent visit, we excavate a test pit along a portion of the roadway. Our pit exposed layers of imported granular roadway gravel surfacing which was apparently imported to the site in the past to provide a stable driving roadway surface. While the base section was not surfaced with concrete or asphalt, it is a viable roadway surface, with a section not atypical for a conventional rural unpaved road.

Future Erosion Rates

While we have calculated the rates of bluff erosion based upon historic data, we must state that such rates will not materialize in the future if the proposed driveway is constructed. The rates will be reduced, thereby protecting the bluffs for a longer period of time, because the surface water runoff concentrated in the portion of the roadway by the adjacent neighbor will be properly collected and disposed of in an environmentally safer manner. We note that much of the water currently flowing through this area is from a roof water discharge pipe from the adjacent neighbor which has been directed out onto The Strand by the neighbor (Williams). Therefore it is our opinion that asphalt (or other low permeability) surfacing of the existing roadway base course will provide better long term stability to the bluff, without changing the current condition/use of this area.

Existing Roadway Support

Previously, the consulting geologist to the County had expressed apprehension regarding the use of The Strand by heavy construction vehicles. Based upon our later discussions, we learned that she was unaware of the results from one of our original borings which was drilled within The Strand. The strong nature of the subsurface soils indicated to us that the Strand is currently quite capable of supporting even heavy traffic loads (eg. fire trucks and construction equipment). Further, it is our opinion that the roadway will remain safe for heavy vehicular access for many decades to come based upon the relatively gentle nature of the encroaching slope below the roadway. The near vertical portion of the bluff will not come within several feet of the edge of proposed roadway until well over 50 years from now, regardless of erosion rate assumed (historic or anticipated rates). The slope profile drawing attached at the end of this letter shows the current bank profile and the projected configuration of the slope in 50 years.

Hopefully this letter more succinctly presents the results of our numerous previous letters and reports. Should you have any questions please contact the undersigned.

Respectfully Submitted;
GeoForensics, Inc.


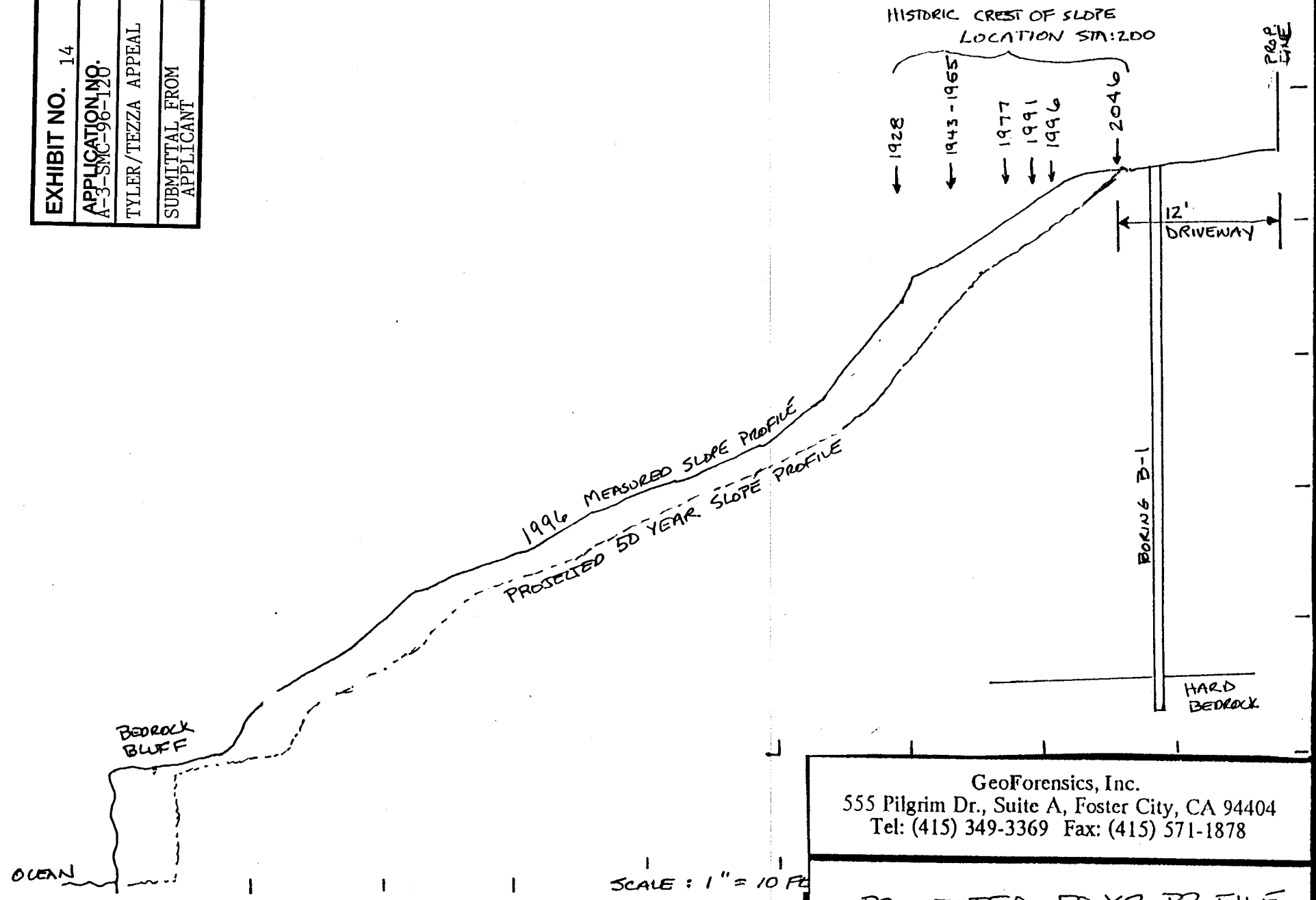

Daniel F. Dyckman, PE, GE
Senior Geotechnical Engineer, GE 2145



EXHIBIT NO. 14
APPLICATION NO. A-3-SMC-96-120
TYLER/TEZZA APPEAL
SUBMITTAL FROM APPLICANT

EXHIBIT NO. 14
APPLICATION NO. A-3-SMC-96-128
TYLER/TEZZA APPEAL
SUBMITTAL FROM APPLICANT



GeoForensics, Inc.
 555 Pilgrim Dr., Suite A, Foster City, CA 94404
 Tel: (415) 349-3369 Fax: (415) 571-1878

PROJECTED 50 YR PROFILE

