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STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

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Filed:	March 3, 1997
Hearing Opened:	April 10, 1997
Staff:	Jack Liebster-NC
Staff Report:	March 25, 1998
Hearing Date:	April 8, 1998
Commission Action	

STAFF REPORT: DE NOVO ACTION ON APPEAL

LOCAL GOVERNMENT: San Mateo County

LOCAL DECISION: Approved with conditions

APPEAL NUMBER: **A-1-SMC-97-013**

APPLICANT: **MARYANNE LUCHINI**

AGENT: **PAUL GUMBINGER**

PROJECT LOCATION: Along the west side of Highway 1, 800 feet south of the Half Moon Bay City limits, San Mateo County, APN 066-081-080

PROJECT DESCRIPTION: Construct a new 3,490-square-foot, two-story, single family residence and 2,033-foot-long driveway.

APPELLANTS: California Coastal Commissioner Rusty Areias;
California Coastal Commissioner Louis Calcagno;
Lennie Roberts, Committee for Green Foothills.

SUBSTANTIVE FILE DOCUMENTS: Commission Permit File No. A-1-HMB-7-60; San Mateo County Local Coastal Program

SUMMARY OF STAFF RECOMMENDATION: Staff recommends that the Commission **APPROVE WITH CONDITIONS** the coastal development permit for the proposed project on the basis that, as conditioned by the Commission, the project is consistent with the policies of the San Mateo County certified Local Coastal Program (LCP) and with the public access and public recreation policies of the Coastal Act.

The project as proposed would (1) place an urban-style house in the middle of an open coastal terrace field otherwise unbroken by any significant development; (2) convert the 5-acre parcel of prime agricultural soils to a strictly residential use, and diminish the potential productivity of adjacent agricultural lands; (3) block shoreline and ocean views from a segment of Scenic Highway One, as well dominate the view from the Cowell Beach Access Trail; and (4) require water services that, under the LCP, should not be extended to a purely residential use in the rural area.

Staff believes the project as proposed is inconsistent with the LCP policies that (1) limit conversion of prime agricultural lands; (2) limit water connections for non-agricultural residential uses in the rural area; (3) require non-agricultural development to be clustered in locations most protective of the agriculture on the site; and (4) require new development to be clustered near existing development to avoid blocking views.

However, staff believes that if the recommended special conditions are attached to the permit, the project will be consistent with the County's certified LCP. As conditioned, the residence would be relocated to the eastern part of the parcel, adjacent to the existing neighboring development. The agricultural soils on the balance of the property would be protected for future use by an agricultural deed restriction. Concentrating the development in this fashion will reduce the disproportionately long ± 2385 foot driveway to a reasonable length, minimize the direct conversion of agricultural soils for the driveway and the residence and better separate the residence from the agricultural operations on adjacent parcels, thereby minimizing interference with those operations. Redesigning the residence to a smaller scale and a style more in keeping with the traditional rural architecture, and clustering the residence with adjacent development, will reduce the visual impacts of the project and maintain the rural character of the area. These special conditions will mitigate the adverse impacts of the project, and allow the Commission to find it consistent with the LCP. The motion to adopt the Staff Recommendation of approval with conditions is found on page 3.

STAFF NOTES:

1. Procedures

On April 10, 1997, the Coastal Commission found that the appeal of San Mateo County's approval of this project raised a substantial issue with respect to the grounds on which the appeal had been filed, pursuant to Section 13115 of the Title 14 of the California Code of Regulations. As a result, the County's approval is no longer effective, and the Commission must consider the project de novo. The Commission may approve, approve with conditions (including conditions different than those imposed by the County), or deny the application. Since the proposed project is between the first public road and the sea, the applicable test for the Commission to consider is whether the development is consistent with San Mateo County's certified Local Coastal Program and with the public access and public recreation policies of the Coastal Act. Testimony may be taken from all interested persons at the de novo portion of the hearing.

2. Emphasis Added

Emphasis has been added to portions of policies throughout this report by **bolding**.

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:

The staff recommends that the Commission adopt the following resolution:

1. Motion:

I move that the Commission approve Coastal Development Permit No. A-1-SMC-97-13 subject to conditions.

2. Staff Recommendation of Approval:

Staff recommends a **YES** vote and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

3. Resolution to Approve Permit:

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, is in conformance with the certified San Mateo County LCP, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions: See attached.

III. Special Conditions:

1. Deed Restriction.

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director stating the following:

a. Future Development

Development on the entire parcel shall be limited to that described in Coastal Permit No. A-1-SMC-97-13, and any future improvements or other development as defined in Public Resources Code section 30106 will require an amendment to this permit, a new coastal development permit from the California Coastal Commission or from its successor agency, or a determination that neither is necessary; and

b. Deed Restriction

No development, as defined in section 30106 of the Coastal Act shall occur in the portion of the parcel west of the permitted building envelope and as generally shown on the map attached as Exhibit 9 to the Commission's findings for coastal permit application no. A-1-SMC-97-013

(Agricultural Deed Restriction) except for development permitted consistent with Policy 5.5a of the San Mateo County Certified LCP. All other development including the alteration of landforms, removal of vegetation, use of heavy machinery or equipment, or the erection of any structures is prohibited within the designated agricultural deed restriction area.

c. Priority of Agricultural Use

The entire parcel is partly comprised of, and is adjacent to, property that is or may be utilized for agricultural purposes. Residents of the parcel may be subject to inconvenience or discomfort arising from the use of agricultural chemicals, including herbicides, pesticides, and fertilizers, and from the pursuit of agricultural operations, including plowing, spraying, pruning, and harvesting, which occasionally generate dust, smoke noise, and odor. The San Mateo County certified Local Coastal Program establishes agriculture as a priority use on productive agricultural lands, and residents of adjacent property should be prepared to accept such inconvenience or discomfort from normal, necessary farm operations.

The deed restriction document shall include a legal description and a map exhibit, drawn to scale, of both the entire parcel and the restricted areas. The deed restriction document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Revised Site, Building, Septic and Drainage Plans.

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicants shall submit, for the Executive Director's review and approval, revised site, building, septic system and drainage plans that incorporate the following specifications:

- a. A main residence and garage, septic system, and driveway are permitted. No other structures or improvements are permitted on the subject parcel.
- b. The main residence shall be one story, or one story with a partial second story, and have a gross structural area (excluding the garage) of no more than 1,500 square feet and the attached garage shall be no larger than 440 square feet.

- c. The residence and attached garage shall be located within the designated 4,000-square-foot building envelope generally shown in Exhibit No. 8. The septic system and leachfield shall be located outside the portion of the property to be restricted by the Deed Restriction required by Special Condition No. 1(b).
- d. The residence and garage shall be designed to reflect a farmhouse architectural style as typified by the Vint residence (17300 Cabrillo Highway, Assessor Parcel Number 066-081-180), with simple shapes, a symmetrical positioning of windows and doors, steep roof lines, a shingle roof wood construction, white colored siding, and a dark colored roof.
- e. The driveway shall be colored or made of materials selected to blend in with the surrounding landscape. At a minimum, the driveway shall abut the northern property line of the subject parcel, and shall be combined with the adjacent driveway to the north, to minimize intersections with scenic Route 1 and reduce the amount of grading and soil coverage required.
- f. Runoff from roof downspouts and other drainage from the site shall be dispersed and diffused on the ground rather than concentrated in one location.
- g. The septic system plan shall be accompanied by written evidence that the plan has been reviewed and approved by the San Mateo County Environmental Health Divisions meeting all of the Division's specifications.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. Proposed changes to the approved final plans shall not occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Final Landscaping Plan.

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicant shall submit, for the Executive Director's review and approval, a final landscaping plan prepared by a qualified professional with expertise in the field of landscaping, such as a landscape architect, in accordance with the San Mateo County "Landscape Plan Guidelines -Minimum Standards." The plan shall provide for planting evergreen, drought-tolerant native or naturalized trees and/or shrubs, to screen the proposed development as seen from the State Highway One Scenic Corridor and the Cowell State Beach access trail. The trees shall be planted as a windrow along the southern part of the property line from a point 50 feet west of the edge of Highway One to a point parallel

to the westernmost end of the new residence. The trees shall be a minimum of five feet high when planted, must be spaced no farther than 10 feet from each other, must be of a type which maintains their lower branch structure through maturity, and must reach a mature height of at least 20 feet. The plan shall specify the type and mature heights of the trees to be planted.

The plan shall further include a tree maintenance program (e.g., pruning, fertilizing, watering, etc.) for newly planted trees and a tree replacement program on a one-to-one or greater ratio for the life of the project. The plan shall provide that any pruning or tree trimming will maintain the lower branch structure of the trees. The new trees and shrubs shall be planted within 60 days of completion of the project. The applicant shall notify the Executive Director in writing when the trees have been planted, and Commission staff shall verify the planting via a site visit or by examining photographs submitted by the applicant.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. Proposed changes to the approved final plans shall not occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Exterior Lighting.

Use of exterior light fixtures shall be minimized. Any exterior lighting that is necessary shall employ warm colors and shall be down cast, shielded, and cast away from Highway 1 and nearby residences.

5. Undergrounding of Utilities.

All utility service lines shall be placed underground.

6. Proof of Water Supply.

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicant shall submit, for the Executive Director's review and approval, evidence of a water service connection from the Coastsides County Water District adequate to serve the development from the Coastsides County Water District.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

1. PROJECT DESCRIPTION AND SETTING:

Since the hearing on substantial issue, the applicant has amended her application to change the precise location and design of the proposed house. As described by the applicant's agent's letter of March 4, 1998 (see

Exhibit 11), the project as currently proposed, consists of the construction of a two-story, 3,490-square-foot single-family residence, including a 448-square-foot, two car garage. The proposed residence is a Mediterranean-style structure, 28 feet high, 25 feet wide, and 77 feet long, excluding terraces and patios (see Exhibits 5 and 6, except that the garage as depicted there is now rotated 90 degrees to face east). The proposed house site is 155 feet west of the site approved by the County, as shown on Exhibit 12. The proposed driveway has been redesigned to undulate and runs approximately 2,385 feet from Highway 1 to the residence, with several emergency turnouts spaced along that distance, and an additional fire engine turnaround approximately 100 feet from the residence. The total area covered by the driveway surface would be approximately 47,700 sq.ft, or slightly more than one acre. The plans do not show landscaping along the driveway. Construction of the project would require approximately 350 cubic yards of grading. Finally, the project also includes the installation of a septic system and utility lines.

The parcel on which the project would be built is located on the west side of Highway 1 approximately 800 feet south of the Half Moon Bay city limits, on the rural side of the urban-rural boundary defined by the LCP. The approximately 4.88-acre blufftop parcel was created by deed in 1941. The parcel is a narrow 2,616-foot-long strip of the broad coastal terrace in the area. The parcel slopes up approximately 14 feet in elevation from Highway 1 for the first 300 feet before gently sloping down to the coastal bluff edge (Exhibit 4). There is a swale that drops approximately six feet directly east of the proposed house location (Exhibit 4). The parcel is 100 feet wide at Highway 1, and narrows to about 65 feet at a point approximately 1000 feet seaward of Highway 1. The parcel is immediately adjacent to the new Cowell State Beach accessway and trail which runs along its entire length to the south. The lands south of the accessway are in active, productive agricultural operations. The parcel itself consists of prime agricultural lands (please see section 4 below) covered with grass and brush. Two larger agricultural parcels lie to the north between the subject parcel and the Half Moon Bay urban-rural line. A new golf course has been constructed just over the rise across the City Limit line of Half Moon Bay.

2. LOCAL GOVERNMENT ACTION:

Applications for this project were submitted to the County of San Mateo on or about June 6, 1996. The applications included a Planned Agricultural Permit (PAD), a Coastal Development Permit (CDP), and an Architectural Review (ARC) approval.

The project was heard by the San Mateo County Planning Commission on October 9, 1996, at which time the Planning Commission continued the public hearing to November 13, 1996 to: (1) provide staff time to prepare a Negative Declaration, (2) review an alternate site location for the proposed residence, (3) provide a response to the Coastal Commission staff's letter of Oct. 3, 1996, and (4) address the Planning Commission's concern regarding whether or

not a connection to the existing water service line would set a precedent in other rural areas of the County.

At its second hearing on November 27, 1997, to comply with LCP Policy 8.5 (Structures), the Planning Commission required the proposed residence to be moved to an alternate site on the parcel approximately 400 feet west of Highway One (Alternate Location "C", Exhibit 4) and redesigned to be lower, less formal, and to blend in better with the area. The Planning Commission also considered "whether or not there was sufficient evidence to make a finding that not allowing a water connection for the proposed residence would constitute a taking of the applicant's property rights..." [but] "was not able to conclude...that 'denying the residential use would result in a taking of private property.'" (Exhibit 10, Staff Report to Board of Supervisors from Terry Burnes, Planning Administrator, February 11, 1997, pgs. 2-3.). On the question of approving the project, the Planning Commission "split two to two with one Commissioner recusing himself" (Exhibit 10).

The San Mateo County Board of Supervisors held a public hearing to review a local appeal of the Planning Commission approval on February 11, 1997 and voted 3 to 0 to approve the project with conditions (Exhibit 10). The principal substantive conditions did the following:

- (1) Reversed the Planning Commission's decision on the siting and design of the project, and required that (a) the residence be located to "Alternate Location A," approximately 2,000 feet from Cabrillo Highway (Highway 1), (b) the garage be rotated 90 degrees to face the garage door towards the east, and (c) the residence be redesigned to incorporate "a less formal design to blend in with the rural area including the use of earth tone colors (Exhibit 10, pg. 3, Condition 1);
- (2) Required a revised planting plan to provide additional plantings to "reduce or eliminate views of the proposed residence" as seen from Highway 1 and the Cowell State Beach access trail (Condition 6);
- (3) Required all utilities to be constructed underground (Condition 11);
- (4) Required recordation of a statement on the subject property acknowledging the priority of agricultural use on adjacent properties and that residents of the subject property should be prepared to accept such inconvenience or discomfort from normal, necessary farm operations; and
- (5) Required the applicant to pay in-lieu fees "based on the equivalent value of a viewing easement from the existing access trail to a viewing point on the coastal bluff,..." not to exceed \$5,000, and specifying that the applicant "agrees to grant a lateral easement...along the blufftop located in a manner that would provide for an eventual connection with trails to the North and South of the property." (Exhibit 10, pgs. 6-7, Condition 14).

3. COMMISSION DETERMINATION OF SUBSTANTIAL ISSUE

On February 14, 1997, the Commission received notice of the County's final local action. The County's approval of the project was then appealed to the Coastal Commission by the Committee for Green Foothills (CGF), and by Commissioners Areias and Calcagno on March 3, 1997, within 10 working days of the receipt of the notice of final local action.

After a public hearing on April 10, 1997, the Commission determined that the appeal raised a substantial issue regarding project's conformance with policies of the San Mateo County certified Local Coastal Program (LCP) because the project as approved by the County (1) failed to evaluate the project for its consistency with the LCP policies that limit conversion of prime agricultural lands; (2) would allow a water connection for a non-agricultural residential use in the rural area of the County where water connections are limited to agricultural uses; (3) did not cluster non-agricultural development in locations most protective of the agriculture on the site; and (4) was not clustered near existing development but would instead block views from the Scenic Highway and the adjacent Cowell State Beach access trail.

The Commission hereby incorporates by reference the Substantial Issue Findings adopted for Appeal A-1-SMC-97-013 on April 10, 1997.

4. PROTECTION OF COASTAL AGRICULTURE

The proposed house, landscaping and nearly half-mile long driveway would impermissibly convert agricultural land, and fail to cluster non-agricultural development in a location most protective of agriculture, inconsistent with LCP policies, including 5.1, 5.2, 5.5, 5.8, 5.15 and 1.8. However, as discussed further below, the special conditions attached to the permit will cluster development, reduce agricultural soil conversion, and protect the productivity of the agricultural soils so that the project, as conditioned, will be consistent with the County's certified LCP.

Local Coastal Program Policies

The LCP Agriculture Policies state in part:

5.1 Definition of Prime Agricultural Lands

Define prime agricultural lands as:

- (1) All land which qualifies for rating as Class I or Class II in the U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification, as well as all Class III lands capable of growing artichokes or Brussels sprouts...

5.2 Designation of Prime Agricultural Lands

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

5.3 Definition of Lands Suitable for Agriculture

Define other lands suitable for agriculture as lands on which existing or potential agricultural use is feasible, including dry farming, animal grazing, and timber harvesting.

5.5 Permitted Uses on Prime Agricultural Lands Designated as Agriculture

- a. Permit agricultural and agriculturally related development on prime agricultural lands. Specifically, allow only the following uses: (1) agriculture including, but not limited to, the cultivation of food, fiber or flowers, and the grazing, growing, or pasturing of livestock; (2) non-residential development customarily considered accessory to agricultural uses including barns, storage/equipment sheds, stables for farm animals, fences, water wells, well covers, pump houses, and water storage tanks, water impoundments, water pollution control facilities for agricultural purposes, and temporary roadstands for seasonal sale of produce grown in San Mateo County; (3) soil dependent greenhouses and nurseries; and (4) repairs, alterations, and additions to existing single-family residences.
- b. Conditionally permit the following uses: (1) single-family residences, (2) farm labor housing, (3) public recreation and shoreline access trails, (4) non-soil dependent greenhouses and nurseries, and (5) onshore oil and gas exploration, production, and minimum necessary related storage, (6) uses ancillary to agriculture, (7) permanent roadstands for the sale of produce, provided the amount of prime agricultural land converted does not exceed one-quarter (1/4) acre, (8) facilities for the processing, storing, packaging and shipping of agricultural products, and (9) commercial wood lots and temporary storage of logs.

5.6 Permitted uses on Lands Suitable for agriculture Designated as Agriculture

- a. Permit agricultural and agriculturally related development in land suitable for agriculture. Specifically, allow only the following uses: (1) agriculture including, but not limited to, the cultivation of food, fiber or flowers, and the grazing, growing, or

pasturing of livestock; (2) non-residential development customarily considered accessory to agricultural uses including barns, storage/equipment sheds, fences, water wells, well covers, pump houses, water storage tanks, water impoundments, water pollution control facilities for agricultural purpose, and temporary roadstands for seasonal sale of produce grown in San Mateo County; (3) dairies; (4) greenhouses and nurseries; and (5) repairs, alterations, and additions to existing single-family residences.

- b. Conditionally permit the following uses: (1) single-family residences, (2) farm labor housing, (3) multi-family residences if affordable housing, (4) public recreation and shoreline access trails, (5) schools, (6) fire stations, (7) commercial recreation including country inns, stables, riding academies, campgrounds, rod wineries, (10) timber harvesting, commercial wood lots, and storage of logs, (11) onshore oil and gas exploration, production, and storage, (12) facilities for the processing, storing, packaging and shipping of agricultural products, (13) uses ancillary to agriculture, (14) dog kennels and breeding facilities, (15) limited low intensity scientific/technical research and test facilities, and (16) permanent roadstands for the sale of produce.

5.8 Conversion of Prime Agricultural Land Designated as Agriculture

- a. Prohibit conversion of prime agricultural land within a parcel to a conditionally permitted use unless it can be demonstrated:
- (1) That no alternative site exists for the use,...
 - (2) Clearly defined buffer areas are provided between agricultural and non-agricultural uses,
 - (3) The productivity of any adjacent agricultural land will not be diminished, and
 - (4) Public service and facility expansions and permitted uses will not impair agricultural viability, including by increased assessment costs or degraded air and water quality.

5.10 Conversion of Land Suitable for Agricultural Designated as Agriculture

- a. Prohibit the conversion of lands suitable for agriculture within a parcel to conditionally permitted uses unless all of the following can be demonstrated:
- (1) All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable;

- (2) Continued or renewed agricultural use of the soils is not feasible as defined by Section 30108 of the Coastal Act;
 - (3) Clearly defined buffer areas are developed between agricultural and non-agricultural uses;
 - (4) The productivity of any adjacent agricultural lands is not diminished;
 - (5) Public service and facility expansions and permitted uses do not impair agricultural viability, including by increased assessment costs or degraded air and water quality.
- b. For parcels adjacent to urban areas, permit conversion if the viability of agricultural uses is severely limited by conflicts with urban uses, the conversion of land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development, and conditions (3), (4) and (5) in subsection a. are satisfied.

5.15 Mitigation of Land Use Conflicts...

- b. Require the clustering of all non-agricultural development in locations most protective of existing or potential agricultural uses.
- c. Require that clearly defined buffer areas be provided between agricultural and non-agricultural uses.

Discussion

The parcel is Prime Agricultural Land, as that term is defined in Policy 5.1 of the certified LCP. According to the U.S. Department of Agriculture Soil Survey, San Mateo Area the parcel consists of the two soil types WmB2 and WmC2, which the Survey lists as Class III soils. These same soil types make up large parts of the Giusti Farms agricultural lands immediately to the south, usually farmed with artichokes and brussels sprouts (Jack Olsen, Farm Bureau Executive Administrator, oral communication, Mar. 12, 1997). This evidence establishes that the land of the Luchini parcel meets the definition of prime agricultural lands under Policy 5.1, as "Class III lands capable of growing artichokes or Brussels sprouts."

Moreover, the applicants own "Agricultural Evaluation" of the project indicates that, based on the soil conditions and climate of this location, growing brussels sprouts would produce a gross revenue of \$3,290.00 per acre annually (Exhibit 15, note 1), and a probable net operating annual income of \$323.83 per acre (\$123.83 plus the land rental value of \$200/acre - Exhibit 15, notes 2 and 3).

It must be understood that such an agricultural evaluation is not necessary for lands to be considered prime agricultural land in the certified LCP. Crop values, cultivation costs and other cost data used in this and similar analyses all change over time. Recognizing the changing nature of these factors, the LCP, as does the Coastal Act itself, focuses on the long-term value of the resource itself - the agricultural land and soils, and their intrinsic capability to raise food and fiber. As noted above, the subject parcel's soils meet the test for prime agricultural land. However, the applicant's agricultural evaluation confirms the agricultural potential of the land by calculating a positive probable annual net operating income of \$123.83 per acre. As noted, this figure includes a charge of \$200/ac. attributed to land rental cost. Thus, based on the applicants analysis, the land is worth \$200/acre/year in rental for agricultural use, in addition to the net agricultural profit of \$123.83 per acre for brussels sprouts production. To place these figures in context, the property is currently assessed at approximately \$15,000 for tax purposes. According to the applicant, property taxes are the only holding costs at \$172.70 per year, or about \$35.00 per acre.

The LCP designates and zones the parcel as agricultural land allowing related agricultural uses. The principally permitted and conditional uses allowed on prime agricultural lands are specified in Policy 5.5. The proposed development is consistent with Policy 5.5 as single-family residences are listed as a conditionally permitted use. Policy 5.8 establishes four criteria which must be met before prime agricultural land can be built upon ("converted"), for a conditionally permitted use. Failure to meet any one of these criteria requires that the proposed conversion be prohibited. The project as proposed is strictly for residential use, and would preclude virtually any agricultural use by displacing agricultural lands for the house, landscaping and the nearly half-mile long driveway. As discussed below, the project as proposed would convert agricultural land to a non-agricultural use, but fails to meet three of the criteria for permitting such a conversion. However, the Commission finds that a revised project which clusters the residential development next to existing houses at the east end of the property, and permanently protects the balance of the parcel for agriculture would be consistent with the LCP's Agriculture Policies.

Special Conditions 1 and 2 cluster the development and restrict the undeveloped portion of the parcel for agricultural uses permitted under Policy 5.5a of the certified LCP. Conserving the agricultural soils and reserving them only for permitted agricultural uses is the first and essential step in protecting the agricultural productivity of the site and nearby agricultural soils. It is much like the process that assured the re-invigoration of continued agriculture on the Giusti Farms/Cowell Ranch immediately to the south. When an agricultural conservation easement was placed on those lands, and they were made available for farming based on their agricultural, potential, agriculture was able to continue and flourish. In a similar fashion, permanently protecting the resource of agricultural soils on the subject parcel, will keep open the option of operating this parcel, along with portions of the neighboring parcels (one of which is already in agricultural

use) profitably for agriculture as market and agricultural water conditions evolve in the future. As discussed below, these special conditions make the project consistent with the specific policies of the LCP that require the protection of agricultural land and productivity.

The first of Policy 5.8's criteria to be evaluated is "That no alternative site exists for the use,..." There is no alternative site for the proposed use that does not convert prime agricultural land on the parcel as the entire parcel consists of prime agricultural land. The applicant has proposed to locate the residence as shown on Exhibit 12. However, this location would require a 2,385 foot driveway and the direct conversion of more than one acre of prime agricultural land. Instead, locating the house at a site closer to Highway 1 is an alternative that minimizes the conversion of prime agricultural land at a location nearer the eastern end of the parcel. The Commission attaches Special Conditions No. 1 and 2 which require a deed restriction and revised site plan locating the house at a site closer to Highway 1. This site requires a much shorter driveway, and much less coverage and conversion of agricultural soil.

Policy 5.8's second conversion criterion is that "Clearly defined buffer areas are provided between agricultural and non-agricultural uses." In this case, the Farm Bureau has recommended a 300-foot buffer zone be established between residences and fields to buffer residences from the effects of herbicide and pesticide spraying and other agricultural activities that can conflict with residential use. Specifically, San Mateo Farm Bureau Executive Director Jack Olsen has stated that cultivation of Brussel sprouts in the area relies on the application of the soil fumigant pesticide Telon II (the brand name for the chlorocarbon 1,3-dichloropropene) and that the state's Department of Pesticide Regulation does not permit the application of Telon II within a 300-foot buffer zone.

The applicant has revised the project (Exhibit 11) to move the proposed residence to a point 300 feet west of the nearest currently cultivated portion of the Cowell Ranch/Giusti Farms (Exhibit 12). However, the new location would do nothing to buffer potential future use of agricultural soils to the north, the buffer would not be clearly recognizable, and the additional length of the driveway would further convert agricultural soils on the subject property.

Because of the narrowness of the parcel and the size of the buffer that is needed (300-foot radius), it is difficult to locate the house in a manner that matches the boundary of the required buffer area with clearly defined landmarks at the site such as property lines, driveways, etc. For example, while the Cowell access path buffers to a certain extent the residence in its proposed location from the agricultural operation of the Giusti Farms operation on the adjoining property to the south, the narrow 20-foot-width of the Cowell access path is not nearly wide enough to provide a sufficient buffer. However, the necessary 300-foot buffer can be established at the site

in the manner that most closely relates the buffer to features on the ground by clustering the residence close to the residential farm houses on the parcel to the north, as required by Special Conditions No. 1 and 2. The buffer will be clearly defined to the west by the parcel's eastern property line and Highway One and on the north by the northern property line and the neighbor's house. This location will also result in a 300-foot buffer area that largely overlaps the one already necessary for the existing house, as shown in Exhibit 7.

Finally, as conditioned, this location will also significantly reduce the net amount of new area where potential future Brussel sprout production would be limited, as compared to the project as proposed. As such, this location will be "most protective of existing or potential agricultural uses" as required by Policy 5.15. It should be noted that this analysis of the impact of the Telon buffer area concerns only "potential agricultural uses" since none of the agricultural soils in the buffer areas surrounding either the proposed or conditioned site is currently in Brussel sprout production requiring application of Telon II. However, because of their similar soil requirements Brussel Sprouts are often grown as an alternative to artichokes, depending on market conditions.

Policy 5.8(a)(3), is the third conversion criterion. It requires that the **productivity of any adjacent agricultural land will not be diminished**. By locating a new residential use in the midst of what is now an open field of agricultural soils, the project as proposed by the applicant would diminish the productivity of adjacent agricultural land contrary to this Policy. As discussed above, the proposed location for the home would diminish the productivity of agricultural lands on adjacent parcels because of the need to separate the agricultural and residential uses. In addition, the proposed location would diminish the productivity of agricultural lands on the applicant's own parcel.

Special Conditions 1 and 2 limit the use of the bulk of the subject property to agriculture, greatly reduce the amount of agricultural land converted, and nestle the house largely within the agricultural buffers already present around existing homes. As conditioned, the project will protect the productivity of adjacent agricultural land consistent with the third conversion criterion specified in Policy 5.8(a)(3). In particular, the agricultural deed restriction required by Special Condition 1 precludes uses that could adversely affect the productivity of adjacent agricultural lands. Special Condition 1c. also carries out Policy 5.8(a)(3) by assuring that both the applicants and any future purchasers understand that agricultural uses have priority in the area and that agriculturists enjoy the "right to farm." without undue complaints from residents of adjacent property.

The fourth and final conversion criteria, Policy 5.8(a)(4), requires the Commission to find that public service and facility expansions and permitted uses will not impair agricultural viability. Although the proposed development would be connected to the public water supply system, serving the development with public water does not involve expanding public services and

facilities as a water main already exists on the property. This water main, which serves other properties in the immediate vicinity, runs across the east end of the applicant's parcel through an easement adjacent to Highway One. The applicant will simply need to hook up to the existing line. In addition, as discussed above, the permitted residential use of the site has been conditioned so as to avoid any impairment of the agricultural use of the property. Therefore, as conditioned, the project will not involve expansion of a public service or facility and permitted uses will not impair agricultural productivity consistent with the fourth conversion criteria specified in Policy 5.8(a)(4).

The project as conditioned additionally meets the requirement of LCP Policy 5.15(b) to cluster "non-agricultural development in locations most protective of existing or potential agricultural uses," because it sites the proposed residence next to the existing residential farmhouses on the adjacent parcels to the north. Policy 5.15c requires that clearly defined buffer areas be established between agricultural and non-agricultural uses. By protecting the agricultural soils and making them available for farming, Special Condition 1 ensures that the property is protected for agricultural uses with the residence being a conditionally permitted use of the agricultural parcel. Clustering the residence adjacent to the neighboring house allows it to largely fit within the pesticide buffer area already delineated around the existing house in a manner consistent with Policy 5.15c.

The Commission thus finds that the proposed development, as conditioned, will protect agricultural lands on both the subject and adjacent property consistent with the applicable Agriculture policies of the certified LCP.

5. PROTECTION OF VISUAL RESOURCES

Local Coastal Program Policies

San Mateo County LCP policies provide especially strong protection for the views and the existing character of the County's Rural Area. The LCP Visual Resources policies state in part:

8.5 Structures

Minimize the number of structures located in open fields and grassland areas; require that structures be designed in scale with the rural character of the region, and that they be clustered near existing natural or man-made vertical features.

8.15 Coastal Views

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

8.18 Location of New Development

Require:

- a. That new development be located, sited, and designed to fit the physical setting, so that its presence is subordinate to the pre-existing character of the site, enhances the scenic and visual qualities of the area, or maintains the natural characteristics of existing major water courses, established and mature trees, or dominant vegetative communities...**
- c. That private roads and driveways be shared, where feasible, to reduce the amount of grading, cutting and filling required to provide access.**

8.20 Scale

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

8.28 Definition of Scenic Corridors

Define Scenic Corridors as the visual boundaries of the landscape abutting a scenic highway and which contain outstanding views, flora, and geology, and other unique natural or man-made attributes and historical and cultural resources affording pleasure and instruction to the highway traveler.

8.29 Designation of Officially Adopted State Scenic Roads and Corridors

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

8.31 Regulation of Scenic Corridors in Rural Areas

- a. Apply the policies of the Scenic Road Element of the County General Plan.**
- b. Apply Section 6325.1 (Primary Scenic Resources Areas Criteria) of the Resource Management (RM) Zoning District as specific regulations protecting Scenic Corridors in the Coastal Zone.**
- c. Apply the Rural Design Policies of the LCP.**
- d. Apply the Policies for Landforms and Vegetative Forms of the LCP.**

- e. Require a minimum setback of 100 feet from the right-of-way line, and greater where possible; however, permit a 50-foot setback when sufficient screening is provided to shield the structure from public view.
- f. Continue applying special regulations for the Skyline Boulevard and Cabrillo Highway State Scenic Corridors.

SECTION 6325. SUPPLEMENTARY REVIEW CRITERIA FOR PRIMARY RESOURCE AREAS.

These supplementary review criteria shall apply to developments that fall within Primary Resource Areas as designated or defined in the Conservation and Open Space Element of the San Mateo County General Plan. These criteria are in addition to all other Development Permit Review Criteria.

SECTION 6325.1 PRIMARY SCENIC RESOURCES AREAS CRITERIA.

The following criteria shall apply within Scenic Corridors and other Primary Scenic Resource Areas as defined or designated in the Open Space and Conservation Element of the San Mateo County General Plan:

- (a) Public views within and from Scenic Corridors shall be protected and enhanced, and development shall not be allowed to significantly obscure, detract from, or negatively affect the quality of these views. Vegetative screening or setbacks may be used to mitigate such impacts...
- (c) Within a corridor, pathway pavements should be colored or selected to blend in with the surrounding landscape...
- (e) Curved approaches to Scenic Corridors shall be used in conjunction with native planting to screen access roads from view. Additional planting may be required where existing planting is considered insufficient. Planting shall be placed so that it does not constitute a safety hazard.
- (f) The number of access roads to a Scenic Corridor shall be minimized wherever possible. Development access roads shall be combined with the intent of minimizing intersections with scenic roads, prior to junction with a Scenic Corridor unless severely constrained by topography. Traffic loops shall be used to the maximum extent possible so that dead-end roads may be minimized...
- (g) Colors and plant materials shall be selected as necessary to minimize visual impact of development upon Scenic Corridors...
- (h) Selective clearing of vegetation which allows the display of important public views may be permitted.

- (i) Scenic Corridor development should include vista points and roadside rests which provide an opportunity to view scenic amenities and natural features...
- (k) No development, with the exception of agricultural uses, shall be permitted on grass and/or brush land in Scenic Areas unless such development will be screened effectively from existing or proposed public viewing areas of Scenic Corridors...
- (m) No development shall be permitted to obstruct or significantly detract from views of any Scenic Area or Landscape Feature from a Scenic Corridor.
- (n) Screening as required under this section should not consist of solid fencing, rather it should be of natural materials of the area, preferably natural vegetation in conjunction with low earth berms.

Discussion:

The project site is within the LCP-designated Scenic Corridor shown on the LCP Scenic Roads and Corridors Map and specified in Policies 8.28 and 8.29. The general character of the project area is coastal rural and agricultural with occasional farm houses of modest size and scale sited close to the highway near the inland edge of the broad coastal terrace that supports agricultural fields. A few contemporary and older homes (one utilized as a Buddhist temple) on otherwise undeveloped large lots are located across the highway. Intermittent windrows and groves of trees, mainly cypress and eucalyptus, are located along both sides of the highway.

Development in the City of Half Moon Bay to the north of the project area on the other side of the city limit and urban/rural boundary line includes the new Ocean Colony golf course and associated development. The Commission recently conditionally approved a 5,800-square-foot manufactured "Butler" building at the southeast corner of the golf course area, with the provision that the building be fully screened from the Highway and the area to the north and south (including the area in the vicinity of the Cowell Ranch State Beach pedestrian access trail) with heavy plantings. (Permit A-1-HMB-7-60).

Existing development on the adjacent parcel to the north includes a cluster of farm buildings - a house and several outbuildings of various sizes - and a single small, white horse barn out in the field. A modestly-sized 2-story, 100-year old farmhouse sits on the parcel next to that. These structures are situated close to the Highway on the eastern portion of their lots, and are for the most part painted white. Several modestly-sized houses, including a twin of the 100-year old farmhouse, lie on the eastern side of the highway.

Immediately south of the project site is the Cowell State Beach parking lot and its pedestrian access trail from the highway to the beach. To the south of that lie the large, open agricultural fields of the Giusti Farms. The only

other structures west of the Highway in the area are about a mile south of the project site in the Giusti farm compound, which includes a small house.

The parcel itself is visible from Scenic Highway 1 predominantly from the south. The parcel makes up part of the grand sweep of open coastal terrace framed by the bluff-edge coastline and the ocean on the west and the hills and Montara Mountain on the north. The parcel and coastline are largely not visible from the Highway from the north or immediately adjacent to the property because Highway 1 is recessed into the terrain at this location.

The rural, scenic character of this part of the San Mateo coast is one of California's true treasures. The County LCP recognized this by crafting detailed policies to protect that character. To fully understand these policies it is helpful to review the LCP's Visual Resources Component Background discussion, excerpted in pertinent part below:

The San Mateo Coastside is a visual resource of great variety, grandeur, contrast, and beauty. It is characterized by the dramatic meeting of land and water on sandy beaches and rocky cliffs, broad coastal terraces on which grow fields of artichokes and Brussels sprouts ...

South of Half Moon Bay a rural character predominates. Along scenic Highway 1 stretch gently rolling grazing lands, productive agricultural benchlands ...

The individual qualities of its landscape features are woven to form the fabric which gives the San Mateo Coastside its distinctive character. Whether it is spectacular, like the view of the San Gregorio Valley from the Coast Highway as it winds its way down the hillside, or discrete, like an old Greek Revival style building in Pescadero, the combined mosaic of all its visual resources provide an enjoyable and enriching experience for all who partake of its scenic beauty.

Unfortunately, there has been a general trend of deterioration at work the last decade which has affected the visual quality of the Coastside. With the increase in population and associated development, many buildings have been erected which are not sensitive to their environmental setting and are not visually attractive. Views of the ocean have been blocked from public areas, such as roadways and vista points ...

When viewing the landscape of the Coastside, the basic image one sees is its landforms. For it is the topographic features such as mountains, hills, ridgelines, bluffs and cliffs, coastal terraces ..., that compose the structural system which is the viewscape. Any changes in landforms can therefore seriously affect the visual quality of the coastal scene. For this reason, the Coastal Act speaks directly to the issue by stating that alterations to landforms shall be minimized.

...

The wide, level coastal terrace which spans the distance between the ocean's edge and the mountain's rise is a prominent feature of the San Mateo Coastside. It is the primary area for the raising of agricultural crops, the grazing of cattle, and is a dominant landform that contributes to the coast's open character.

To help preserve this coastal characteristic, new development should not be located in open fields but, instead, should be placed near existing structures or adjacent to vertical natural features to maximize open space and be built in scale with the rural character of the area.

... structures should be designed to be complementary to and conform with the physical features of the site. This design issue becomes even more crucial in open rural areas where a single structure may dominate the scene and have a strong impact on the visual quality of the landscape. Structures should be clustered adjacent to landscape forms, either natural or man-made, where they can more easily blend into the coastal zone.

These concerns were reflected in the interrelated Visual Resource policies of the LCP. The project as proposed, however, is inconsistent with a large number of these policies. Contrary to Policy 8.5, the proposed house would rise up in isolation in the middle of an open, grassland field; the size and urban style design of the house are not in scale with the rural character of the area, and the house would not be clustered near existing development. Contrary to Policy 8.15, the house would substantially block important coastal views from the Cowell State Beach access trail recreation area and vista point, and from Scenic Highway One. Contrary to Policy 8.18, the house does not fit the physical setting, is not subordinate to the pre-existing character of the site, and does not enhance the scenic and visual qualities of the area. Contrary to Policy 8.20, the proposed house does not relate in size and scale to adjacent buildings; and, contrary to Policy 8.31, the house does not meet standards that apply to development in Scenic Corridors in rural areas as referenced by that policy.

The Commission finds that the house could be found consistent with the LCP if certain changes were made to the project. To reduce the visual impacts of the proposed development, and bring it into consistency with the LCP's visual resources policies, the Commission attaches Special Condition No. 2, requiring the applicant to submit revised site and project plans that relocate the proposed house to a specified building envelope at the eastern portion of the property, thereby clustering the proposed structure with existing adjacent development and reducing its potential visual impact. Re-siting the project to this location will eliminate the blockage of available views from Highway to the coastline and ocean as seen from the south, and will substantially reduce blockage of those views from the Cowell Beach access trail.

The project as conditioned is consistent with the requirement of Policy 8.5, for "minimizing structures in open fields and grassland areas." It also conforms to Policy 8.5's requirement for design in scale with the rural character and the closely related requirements of Policies 8.18 and 8.20. Policy 8.18 requires that "new development be located, sited, and designed to fit the physical setting, so that its presence is subordinate to the pre-existing character of the site, [and] enhances the scenic and visual qualities of the area." Policy 8.20 requires that structures relate in size and scale to adjacent buildings and landforms. These policies seek to protect the rural character of the area which is typified by the country farmhouse design of the houses and farm buildings on the two lots north of the subject parcel. The LCP Background document provides additional perspective on the intent of these policies. In discussing examples of the historic architectural style of the Coastside, the Background document (page 8.11) describes the early homes as built with "simple shapes, a symmetrical positioning of windows and doors, steep roof lines, wood construction and...painted white." This well describes the farmhouse architectural style of the key structures that define the character of the area, most notably the Vint residence one property to the north of the project site. On the other hand, the Background document has this to say about another architectural example that sounds remarkably like the subject project as proposed:

"...a Mediterranean style with stucco walls, arched windows, and a tile roof. Although distinctive in design, its style is more exotic than typical to the character of the surrounding landscape and should not be repeated in future construction."

To comply with Policies 8.5, 8.18 and 8.20, Special Condition No. 2 also reduces the size of the residence to 1940 square feet (1500 sq. ft. for the residence, 440 sq. ft. for the garage), and requires redesign to a white, farmhouse style reflecting the design of nearby structures. These changes would reduce the project's visual impacts and bring it into scale with the rural character of the region and adjacent buildings. Most of the houses in the immediate vicinity of the project are of this modest scale. The 100 year old Vint farmhouse one property to the north is about 1475 sq. ft., as is its twin across Highway 1. The Navarro house next door, at 3000+ sq. ft., is an anomaly with its larger size, but it must also be noted that this larger size is commensurate with both its parcel size and frontage along Highway 1, which are five times that of the subject parcel.

As required by Policy 8.18, the smaller house clustered next to existing development, will also be subordinate to the distinct rural character of the site, which is typified by small clusters of building near the Highway, and beyond them, a broad sweep of agricultural fields and grassland unbroken by significant man-made features. The project is also conditioned to bring it into conformity with Policies 8.15 and 8.31. Policy 8.15 prevents development from substantially blocking views to and along the shoreline from, among other locations, coastal roads, vista points and recreation areas. Policy 8.31 also addresses views within the LCP-designated State Scenic Highway Corridor and

requires that proposed development also be consistent with the Scenic Road Element of the County's General Plan.

In this case, the policies, criteria and regulations incorporated by reference in Policy 8.31 which are relevant to this project include General Plan Policies 4.58, 4.55, and 4.56. General Plan policy 4.58, Views, (Exhibit 16) provides "to the extent practicable, locate development in scenic corridors so it does not obstruct views from scenic roads or disrupt the visual harmony of the natural landscape." Scenic Road Element policy 4.55, "Building Setbacks," seeks to prevent the obstruction of important views by setting buildings back from the road right-of-way. In this case, the important views are of the open coastal terrace and unobstructed shoreline and ocean. Finally scenic Road Element policy 4.56, "Cluster Development," provides "in scenic corridors, discourage high density clustering or grouping of residential uses which are highly visible from the road." The clustering of the project as specified by Special Condition 2 is neither "high density," nor, as discussed above, "highly visible from the road."

As conditioned, the project is consistent with Policies 8.15 and 8.31 and the General Plan policies cited in 8.31 because the house would be set back up to 400 feet from the highway so that, when seen from the scenic highway to the south, it would be silhouetted against existing development rather than the important views on the property. From the north the house would be completely screened from view by the existing neighboring structures. Looking east from the Scenic Highway immediately adjacent to the property, no coastline or other important views are visible because Highway 1 is recessed into the terrain at his location, and the highway's berm would also almost completely shield the house from view.

This result is in sharp contrast to the project as proposed, which would jut up to block a portion of the view of the shoreline from Highway One south of the site as roughly illustrated in Exhibit 13. The house in the location proposed by the applicant would have an even greater impact on views to and along the shoreline from the adjacent Cowell State Beach access trail and its vista point. The proposed house would be in the direct line of sight of recreational trail users for almost the entire length of the trail, progressively looming up to block a greater part of their field of vision as they approach the shoreline. The proposed house would also be located about 300 feet from the trail at its closest point, and would have a dominating presence for trail users. At the vista point area, the house would substantially block views along the shoreline bluffs to the north, in conflict with Policy 8.15. In addition to the visual impacts of the house, the driveway, covering a third of the width of the property for a half a mile, would significantly add to the project's visual intrusion, diminishing, rather than enhancing the area's important scenic and visual qualities, contrary to Policy 8.18.

Special Condition 2e requires the driveway to be colored so as to blend into the existing landscape, consistent with Section 6325.1 (c) and (g):

SECTION 6325.1

(c) Within a corridor, pathway pavements should be colored or selected to blend in with the surrounding landscape...

(g) Colors and plant materials shall be selected as necessary to minimize visual impact of development upon Scenic Corridors...

Special Condition No. 2e also requires that the driveway be located to abut the northern property line, and if possible combined with the neighbor's existing driveway at that location in order to comply with Policy 8.18(c) which requires that "driveways be shared, where feasible..." and Section 6325.1(f), which requires:

(f) The number of access roads to a Scenic Corridor shall be minimized wherever possible. Development access roads shall be combined...

The parcel survey submitted by the applicant shows that the existing driveway to the north actually encroaches on the applicant's property (Exhibit 12). A mutual agreement to combine driveways could simultaneously resolve this encroachment and achieve consistency with the LCP. Failing such an agreement, locating the new driveway to abut the property line would nevertheless have the practical effect of combining the access to the Highway 1 Scenic Corridor as required by the LCP.

Special Condition No. 3 requires a landscaping plan and maintenance program that provides for the planting evergreen vegetation to screen the project and mitigate the visual impacts to the Highway One Scenic Corridor and the Cowell State Beach access trail as required by Section 6325.1 (a) and (k). Screening of the project from critical viewpoints in such a fashion will create a new windrow of trees at the site, visually compatible with the intermittent tree windrows already present along the highway.

To further reduce the impacts of the proposed development on visual resources, the Commission attaches Special Condition No. 4, which limits the visual impact of any exterior lighting that is necessary, and Special Condition No. 5, which requires that all utilities be placed underground.

Conclusion

There are few places along the San Mateo coast that more strongly warrant careful planning of development to assure compliance with the LCP's visual resources policies. Within the past few years, public and private organizations have invested nearly \$6,000,000 in the acquisition, planning and management of the Cowell Ranch immediately adjacent to the project site precisely to protect the area as a showcase and enduring example of the beauty

and special character of the working farms and open terraces of the San Mateo Coastside. These efforts have so far succeeded magnificently. Walking the Cowell Beach trail to the sea, enveloped in the wide open vistas along rich, productive farmlands, is a truly outstanding coastal access experience. These are precisely the values that the LCP policies seek to protect. The project as conditioned would protect these values; the project as proposed would not.

The Commission thus finds that the proposed development, as conditioned, is consistent with the LCP Visual Resources Policies.

6. PROVISION OF WATER SERVICE

The project as proposed would allow connection to urban water services for a non-agricultural use outside the urban-rural boundary contrary to the LCP's policies, including policies 2.14, and 2.37. However, as conditioned, the project qualifies as an agricultural use that can be served with public water in the rural area, consistent with the LCP.

Local Coastal Program Policies

The LCP Public Works Policies state in part:

2.14 Establishing Service Area Boundaries

- *a. Confine urban level services provided by governmental agencies, special districts and public utilities to urban areas, rural service centers and rural residential areas as designated by the Local Coastal Program on March 25, 1986.**
- *b. Redraft the boundaries of special districts or public utilities providing urban level services to correspond to the boundaries of urban areas, rural service centers and rural residential areas established by the Local Coastal Program.**
- *c. Allow exceptions to a. and b. when all alternatives have been fully explored and a special district or public utility is required to maintain some rural land within its boundaries in order to continue a service to its customers which is (1) otherwise consistent with the policies of the Local Coastal Program, (2) maintains the rural nature of undeveloped areas, particularly the use and productivity of agricultural land, (3) maintains the present level of service to existing users in undeveloped areas, and (4) where an illegal situation or great hardship would be created by detachment from a special district or public utility.**

- d. Require, when a special district or public agencies maintains rural lands within their boundaries that the special district or public agency divide the districts into rural and urban zones. Make boundaries of the urban zone, where urban level services are provided, correspond to the boundaries of urban areas and rural service centers established by the Local Coastal Program. Include the rest of the district in the rural zone. Restrict the activities in rural zones to those which are consistent with the maintenance of the rural nature of the area and all other policies of the Local Coastal Program. Lower the user costs in the rural zone to reflect the lower level of service and minimize growth inducement.

2.37 Service Area Boundaries

As a condition of expansion of water facilities, require water service providers to:

- a. Revise district boundaries to include within those boundaries only those areas proposed for urban development by the LCP and rural areas within the existing Coastside County Water District Service Area which have existing water connections for floriculturists.
- b. Permit new connections to the water system only within district boundaries.
- c. Divide the district into rural and urban zones.
 - (1) Make the boundaries of the urban zone correspond to the urban boundary and the boundary of rural residential areas established by the LCP.
 - (2) Allow water connections for all types of users within urban zone.
 - (3) Designate the parts of the district outside the urban zone as the rural zone.
 - (4) Permit new water connections to only floriculturist and agriculture within the rural zone...

Discussion

Policy 2.14(a.) confines urban level services provided by public utilities only to urban areas, designated rural service centers and designated rural residential areas, and does not allow extension of such service to rural areas. Policy 2.14(d) requires special districts or public agencies to restrict activities in rural zones to those which are consistent with the

maintenance of the rural nature of the area and all other policies of the Local Coastal Program. As a condition of expansion of water facilities, Policy 2.37(b) permits new water connections "only within district boundaries," and Policy 2.37(c)(4) restricts new water connections to only floriculturist and agriculture and designated historical structures, not new residential development, within the rural zone.

The applicants have not succeeded in locating a well water supply on the parcel, and propose to connect to the Coastsides County Water District (CCWD). An existing water main serving other properties in the immediate vicinity runs across the east end of the applicant's parcel through an easement adjacent to Highway One. However, the parcel is in the rural area outside both the urban boundary and the current boundary of the Coastsides County Water District. Residential development of a parcel outside these boundaries as proposed can be found inconsistent with the policies 2.14(a), 2.14(d) and 2.37(c)(4) and the exceptions specified in 2.14(c)

The project as proposed could undermine the stability of the urban/rural boundary, which is essential to preserving coastal agriculture, sensitive habitats, and the rural character of the San Mateo County coastline. Policy 2.14 and 2.37 are key parts of how the certified LCP carries out the Coastal Act Section 30250 mandate that new residential, commercial, and industrial development be located in existing developed areas. Although the subject property is near the City of Half Moon Bay, it is separated from the City limits and the LCP designated urban/rural boundary line by parcels that are zoned and, to varying extents, used for agriculture. The Vint property, one lot north of the subject parcel, for example, has regularly been cultivated for hay, with portions producing peas and fava beans (Muriel Vint, personal communication, 1/28/98; see Exhibit 7 evidencing tilled soils). Allowing water connections outside of the urban boundary to serve residential development not related to agriculture could weaken the LCP's urban/rural boundary and increase urban development in rural coastal areas contrary to the Policies 2.14 and 2.37 of the LCP and Section 30250 of the Coastal Act.

Policy 2.37(b), permits new connections to the water system only within district boundaries. The project parcel is outside the CCWD boundaries. However the CCWD is currently providing service to the adjacent properties which were connected to CCWD service prior to the certification of the LCP and its urban boundary. These include the Vint, Navarro and Giusti Farms/Cowell Ranch adjacent to the Luchini Property and the Theravada Buddhist Society parcel across Highway One. (The other parcel across the highway, a 340 acre agricultural parcel, is not served by the line). The District has provided water service to these specific properties as within the district's service area boundary in the rural zone (see Exhibit 18). Therefore, the Commission finds that in this instance, where the adjacent properties are traversed by the CCWD water line, the subject property, can be considered within the rural zone of the CCWD boundary within the meaning of Policy 2.14d. and 2.37b. To ensure consistency with these Policies, the Commission attaches Special Condition 6.

In addition, Policy 2.14(c) provides limited exceptions to policy 2.14(a) only when: [a] "all alternatives have been fully explored and" [b] "a special district or public utility is required to maintain some rural land within its boundaries in order to continue a service to its customers." As stated above in Section 4, the Coastside County Water District water main actually crosses the applicant's property, thereby making unnecessary any extension of existing service facility.

However, any new development to be served by the CCWD on the subject property must, as required by 2.14, "maintain rural land" and be "consistent with the maintenance of the rural nature of the area and all other policies of the Local Coastal Program," and, as required by Policy 2.37c.(4), must be for floriculture or agriculture uses. Policy 2.37(c), authorizes "new water connections" in the rural zone of the Coastside County Water District only for agricultural and floricultural uses, and designated historical structures, not for residential uses. To bring the proposed development into consistency with the LCP's Public Works and water supply policies, the Commission attaches Special Conditions No. 1, requiring the applicant to provide a new site plan reducing the conversion of agricultural land and to record a deed restriction protecting the agricultural soils of the property for agricultural use. By so providing for agricultural use of the property, potentially in conjunction with adjacent properties, the use of the property can be considered agriculture, for which a new water connection is permitted under Policy 2.37c.(4).

Conclusion

The project as conditioned to maintain agricultural resources, to provide for agricultural use, and to protect the rural nature of the area, is consistent with policies 2.14 and 2.37, and preserves the stability of the urban/rural boundary, a key component of the LCP's provisions to preserve coastal agriculture, sensitive habitats, and the rural character of the San Mateo County coastline.

Therefore, for each of the reasons described above, the Commission finds that the project as conditioned is consistent with the certified LCP.

7. LOCATING AND PLANNING NEW DEVELOPMENT

Local Coastal Program Policies

The LCP Locating and Planning New Development Policies state in part:

*1.8 Land Uses and Development Densities in Rural Areas

- a. Allow new development (as defined in Section 30106 of the California Coastal Act of 1976) in rural areas only if it is demonstrated that it will not: (1) have significant adverse impacts, either individually or cumulatively, on coastal resources and (2) diminish the ability to keep all prime agricultural land and other land suitable for agriculture (as defined in the Agriculture Component) in agricultural production.

Discussion

This parcel is designated as both Agriculture and rural land, and is outside the urban/rural boundary.

Policy *1.8(a) allows new development in rural areas only if it is demonstrated that it will not: (1) have significant adverse impacts, either individually or cumulatively, on coastal resources and (2) diminish the ability to keep all prime agricultural land and other land suitable for agriculture in agricultural production.

Contrary to Policy *1.8(a)(2), the proposed location of the house, landscaping and extensive driveway would take up and convert much more agricultural land than an alternate location closer to the road, as described in Finding 4 above. Moreover, the proposed location of the house in the middle of the lot limits the potential of combining at least portions of the lot with the agricultural land on adjacent parcels to facilitate renewed agricultural use of the soils. As described above, the approved project would also have adverse impacts on coastal visual resources, contrary to Policy *1.8(a)(1).

To reduce the impacts of the proposed development on agricultural land and visual resources, and thereby bring the project into consistency with Policy *1.8 of the certified LCP, the Commission attaches Special Conditions 1 through 6. For each of the reasons described in the individual sections above, the Commission finds that the project as conditioned is consistent with the certified LCP.

8. PUBLIC ACCESS

Coastal Act Sections 30210, 30211, and 30212 address the provision of maximum public access. Section 30210 states that maximum access and recreational opportunities shall be provided consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Section 30211 states that development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Section 30212 states that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, adequate access exists nearby, or agriculture would be adversely affected.

The San Mateo County LUP includes a number of policies regarding standards for providing and maintaining public access, including the following:

LOCATIONAL CRITERIA

10.11 Agricultural Areas

- a. For development of land whose primary use will be agriculture, require the establishment of vertical and/or lateral access to beaches only when: (1) Policy 10.30 requires it, and (2) no established vertical or lateral access exists...

DEVELOPMENT STANDARDS FOR PROTECTING ADJACENT LAND USES

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.

ROLE OF SAN MATEO COUNTY IN ACQUIRING, DEVELOPING, MAINTAINING, AND REGULATING PUBLIC ACCESS

10.30 Requirement of Minimum Access as a Condition of Granting Development Permits

- a. Require the provision of shoreline access for any private or public development between the sea and the nearest public road.
- b. Base the level of improvement and development of access support facilities at a site on the Locational Criteria and Development Standards Policies and the Site Specific Recommendations contained in Table 10.6.
- c. Base the responsibility and requirements of the property owner for the provision of this access on: (1) the size and type of development, (2) the benefit to the developer, (3) the priority given to the type of development under the Coastal Act and (4) the impact of the development, particularly the burden the proposed development would place on the public right of access to and use of the shoreline. Determine the minimum requirements according to the following: ...

- (2) For small to medium developments (i.e., single family residences, all minor land divisions, barns over 5,000 sq.ft., small greenhouses), not specifically exempted from shoreline access requirements by Policy 10.2, require the offering or granting of a vertical and/or lateral access consistent with the policies of this component, to either a public agency or private group acceptable to the County for improvement and maintenance.

10.31 Requirement of Additional Access as a Condition of Granting Development Permits

Require additional access areas, improvements or operation and maintenance beyond the minimum when a project decreases the existing or potential public access to the shoreline by: (1) removing or infringing upon an area which historically has been subject to public use without permission or effective interference by the owner and/or (2) decreasing the amount of sandy beach by building seawalls, etc., and/or (3) removing future recreation opportunities by committing lands suitable for recreational development to uses which are not assigned priority for use of oceanfront land by Section 30222 of the Coastal Act.

Policy 10.30c.(2) would normally require the provision of access. However, under Coastal Act Section 30212, and under LCP Policy 10.11 for land whose primary use will be agriculture, as would be the case for the project as conditioned by Special Condition 1, access is not required when access already exists nearby. As the adjacent Cowell State Beach Access Trail is already a major operating public accessway, the Commission finds that no requirement for additional public access is warranted.

However, Coastal Act Sections 30210, 30211, and 30212 and LCP Policy 10.31(1) require that development not interfere or infringe on existing access opportunities. As extensively discussed above in the Visual Resources section, the size and location of the house as proposed is so visible and so out of character with its surroundings, that it would severely degrade the public access experience that is currently afforded by the trail. The house with its landscaping and its extensive driveway would be in full view of users of the Cowell State Beach access trail virtually throughout the length of the trail. The Commission therefore attaches Special Conditions No. 2 and 3 requiring that the proposed house be relocated and redesigned to mitigate these conflicts with public access.

In materials submitted on December 17, 1997, the applicants contended that the house should not be relocated to the eastern end of the property because the house in this location would "require a variance from the side yard setback" and "would be wedged between the Navarro building, the [Cowell Beach] public

parking lot and, most undesirably, a permanent latrine" [presumably referring to the paved portable toilets installed in the Cowell Beach parking lot].

Since these comments predated this staff recommendation, these concerns may have stemmed from an incomplete understanding of the Special Conditions. A full 20 foot setback (the applicable County standard) is provided between the Navarro property line and the building envelope as conditioned. The 40 foot wide building envelope itself can accommodate additional setback if the applicant desires to so design the house. This part of the parcel is 35 ft. (more than 50%) wider than the proposed location. Relocating the house here gives the applicant greater design flexibility for the house overall. The building envelope, as conditioned, is also well away from the parking lot and its facilities - far more than the 10 foot privacy standard specified in LUP Policy 10.27. In addition, the landscaping provided by Special Condition No. 3 will not only screen the house from the accessway, it will also screen the parking lot from the house.

Coastal Act Section 30211 and LCP Policy 10.31 address prescriptive rights. Although there is a faint pathway across the site at the blufftop edge, there is no evidence currently available of substantial public use that could give rise to prescriptive rights. Moreover, the project as conditioned does not interfere with any possible existing public use of the site, as development would not be located near the blufftop where the faint trail exists. Finally, Special Condition No. 1a., providing for Commission review of any future development of the site, assures that the Commission will have the opportunity to review any future development proposed near the blufftop for its potential impact on prescriptive rights.

The Commission thus finds that, as conditioned, the proposed development with the proposed amendment will not be located where it will result in conflicts with potential public access, consistent with the public access policies of the Coastal Act and the County's LCP. The Commission further finds that, as conditioned, the proposed development, which does not include any additional provisions for public access, is consistent with the public access policies of the Coastal Act and the County's LCP as there already exists a public access trail immediately adjacent to the subject parcel.

8. California Environmental Quality Act (CEQA).

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned to be found consistent with the policies of the San Mateo County LCP. Mitigation measures have been imposed to minimize all adverse environmental effects. These measures include: (1) recordation of a deed restriction to protect the agricultural lands on the site and require that any changes in the density or intensity of the project be reviewed and approved by the Commission; (2) submittal of final site plans relocating the house and driveway to a building area that protects agricultural lands, visual resources, and public access; (3) submittal of final landscaping plans to protect visual resources and public access facilities. Additional conditions protect visual resources by requiring that all exterior lighting be down cast, shielded, and directed away from Highway 1; and that all utilities be placed underground.

As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified effects can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

EXHIBITS

1. Regional Location Map
2. Site Location Map
3. Parcel Map
4. Site Plan
- 4A. Alternative Locations
5. Residence Plan
6. Residence Elevations
7. Aerial
8. Conditioned Building Envelope
9. Agricultural Deed Restriction Map
10. Final Local Action/Conditions of Approval
11. Letter from Mr. Luchini Revising Project
12. Site Topography
13. Project View from Highway One
14. Project View from Vicinity of Vista Point
15. Agricultural Evaluation
16. Visual Quality Policies of the General Plan
17. Example of Farmhouse Architectural Style.
18. CCWD Service to Rural Zone

ATTACHMENT A

Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

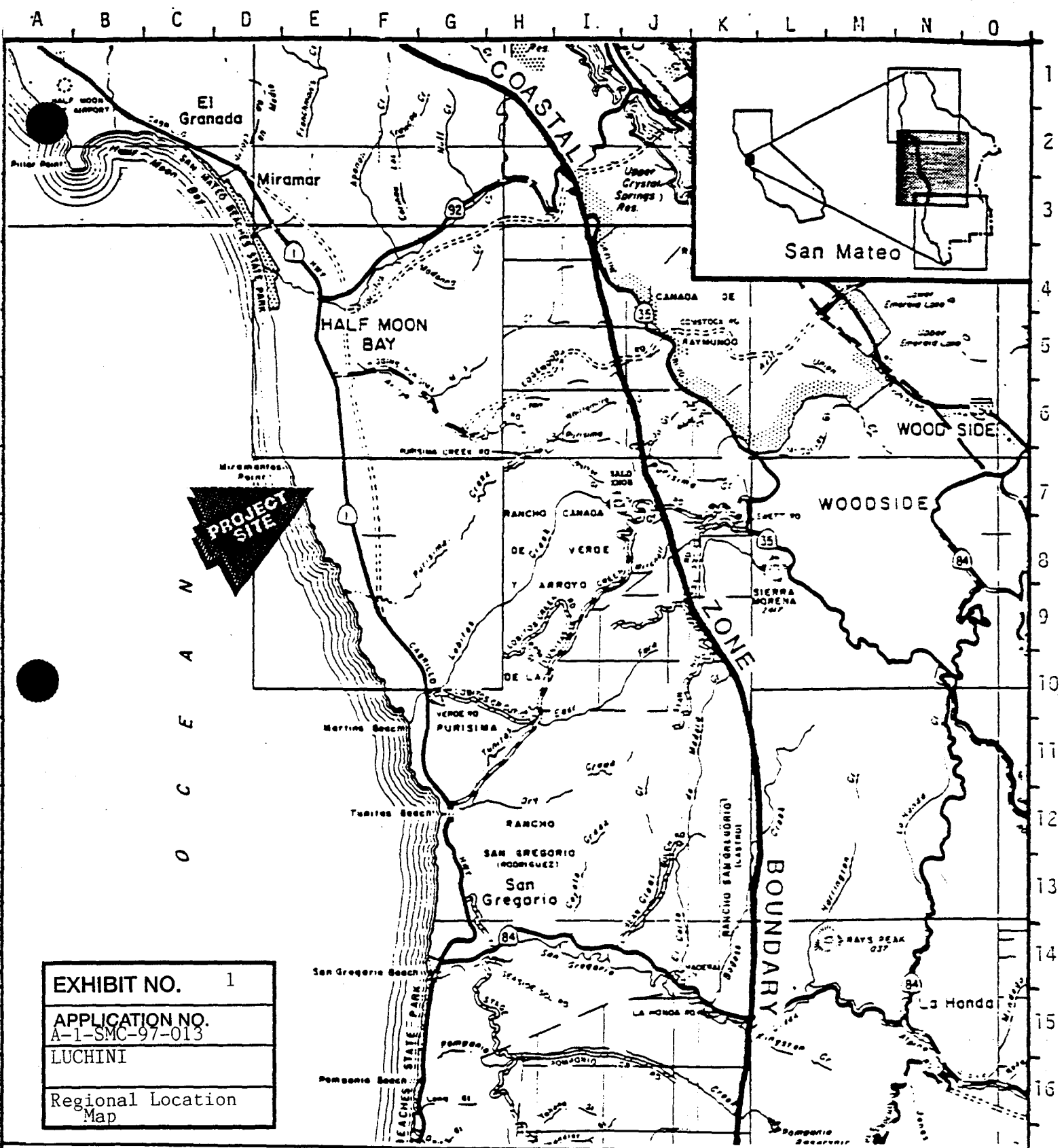
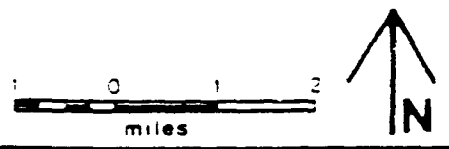
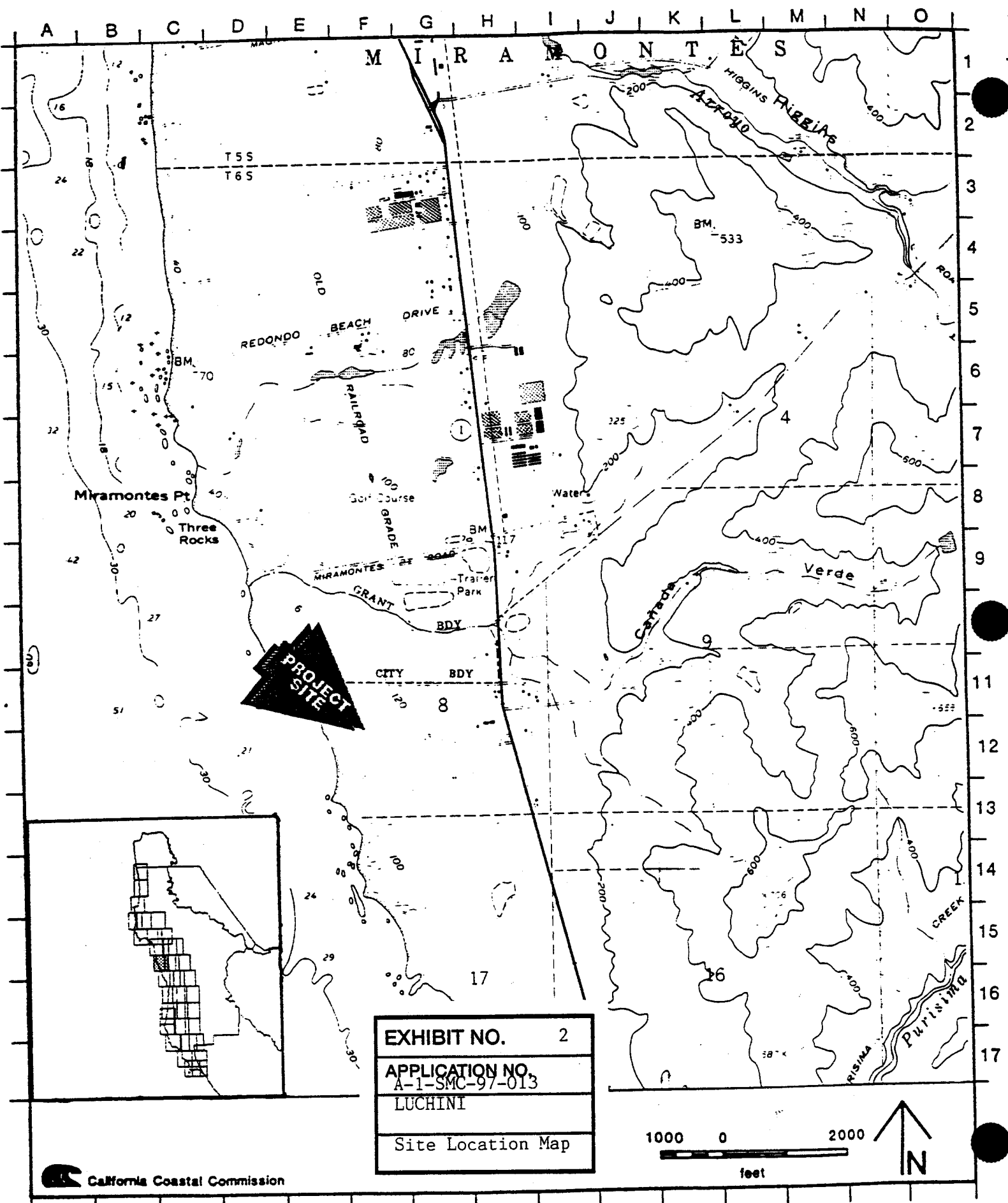


EXHIBIT NO.	1
APPLICATION NO.	A-1-SMC-97-013
LUCHINI	
Regional Location Map	

LOCATION MAP





MIRAMONTES
POINT

340,000 N

EXHIBIT NO. 3

APPLICATION NO.

A-1-SMC-97-013

LUCHINI

Parcel Map



EEL ROCK

State Access Trail

Potential Viewshed

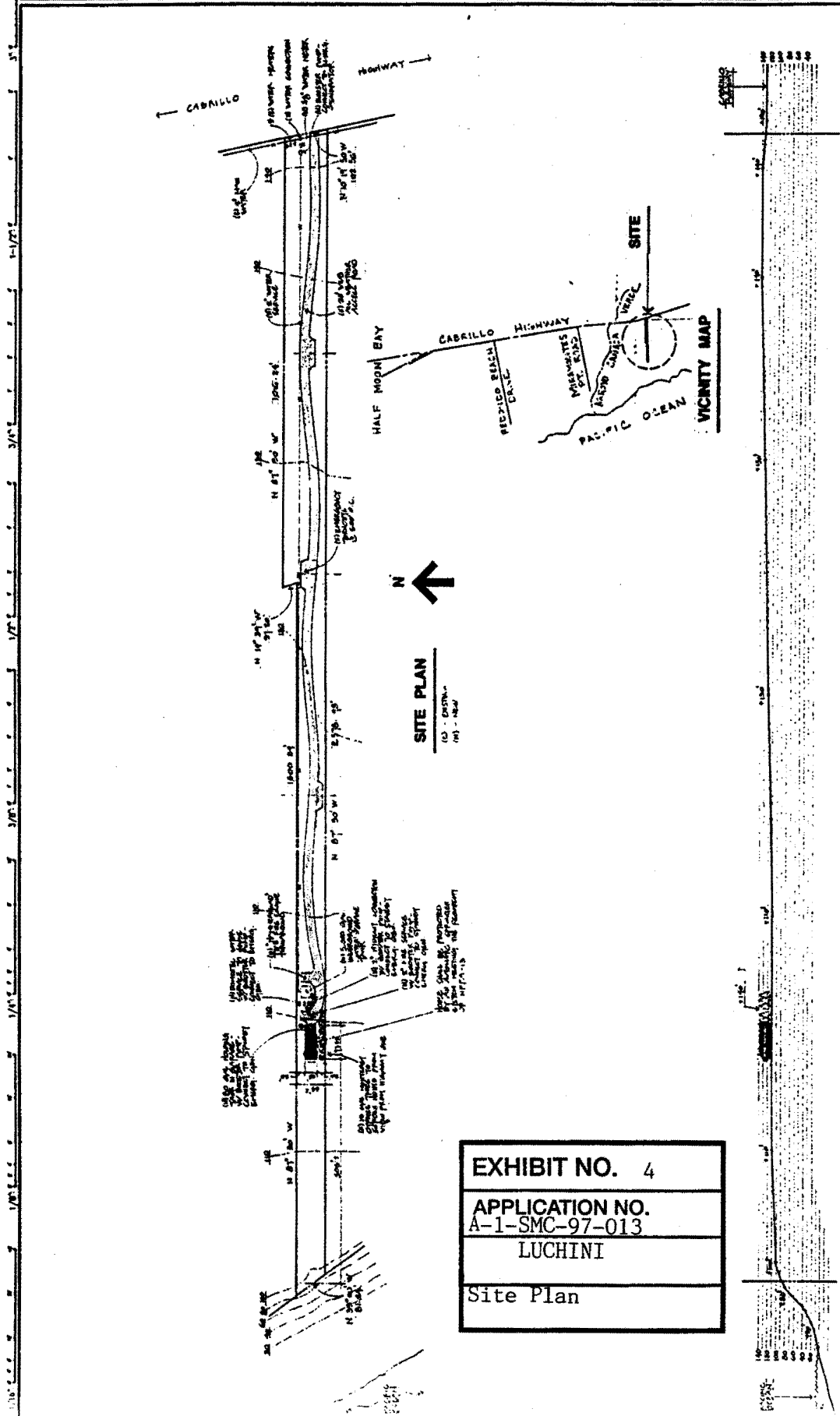


San Mateo County Zoning Hearing Officer Meeting

Applicant: Gombiner / Luchini

File Numbers: PAD 96-0010

Attachment: C



Alternative Site Plan Locations

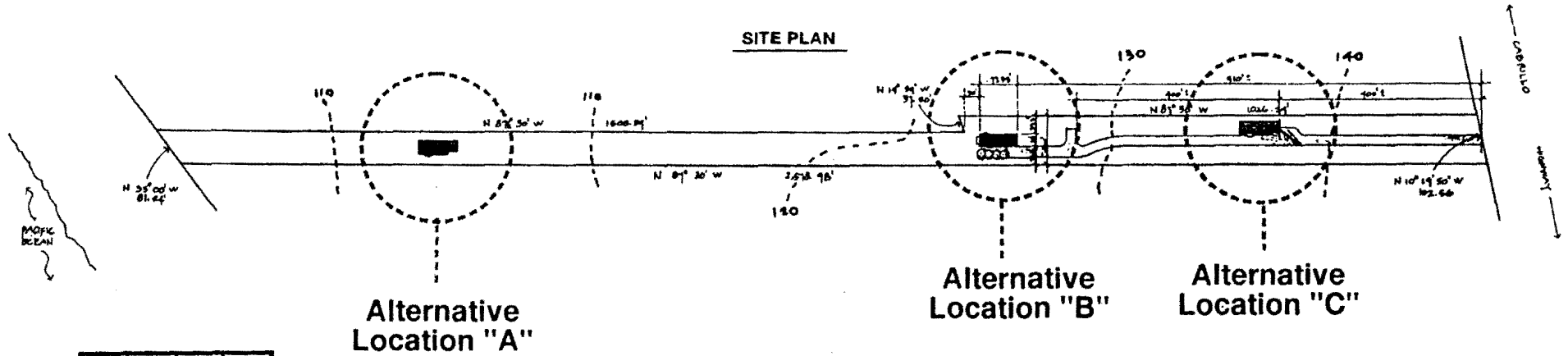
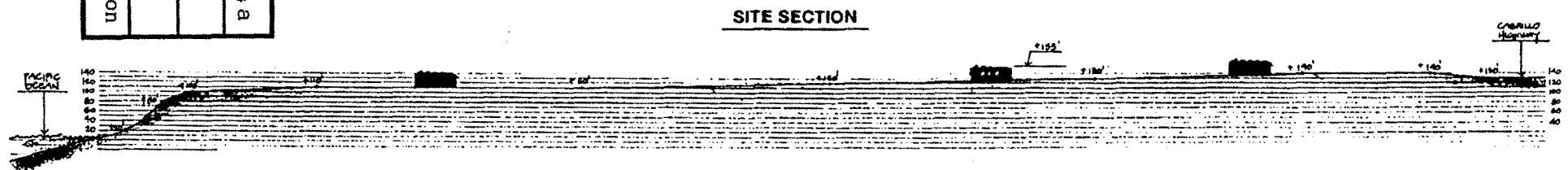
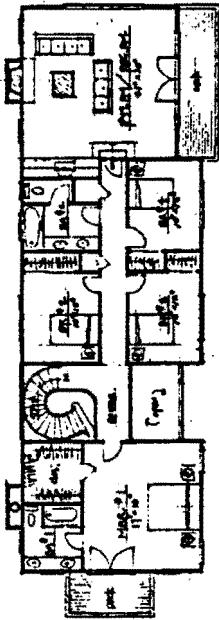


EXHIBIT NO.	4 a
APPLICATION NO.	A-I-SMC-97-013
LUCHINI	
Site Plan & Section	





2ND FLOOR PLAN

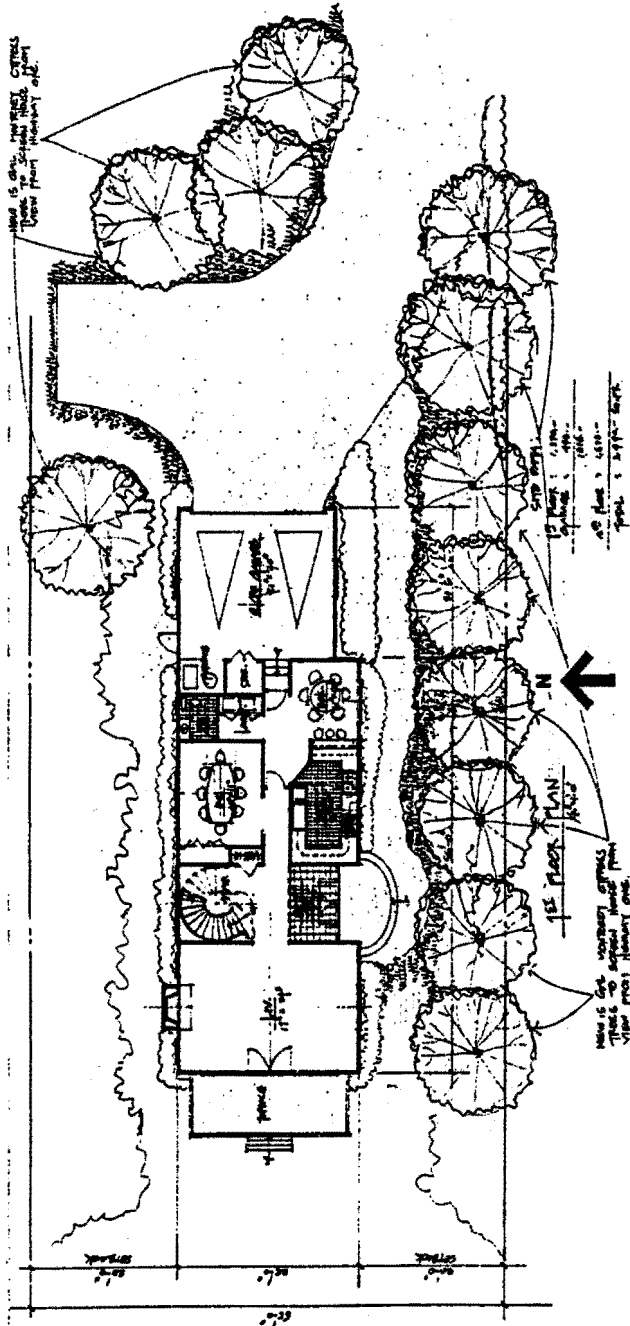


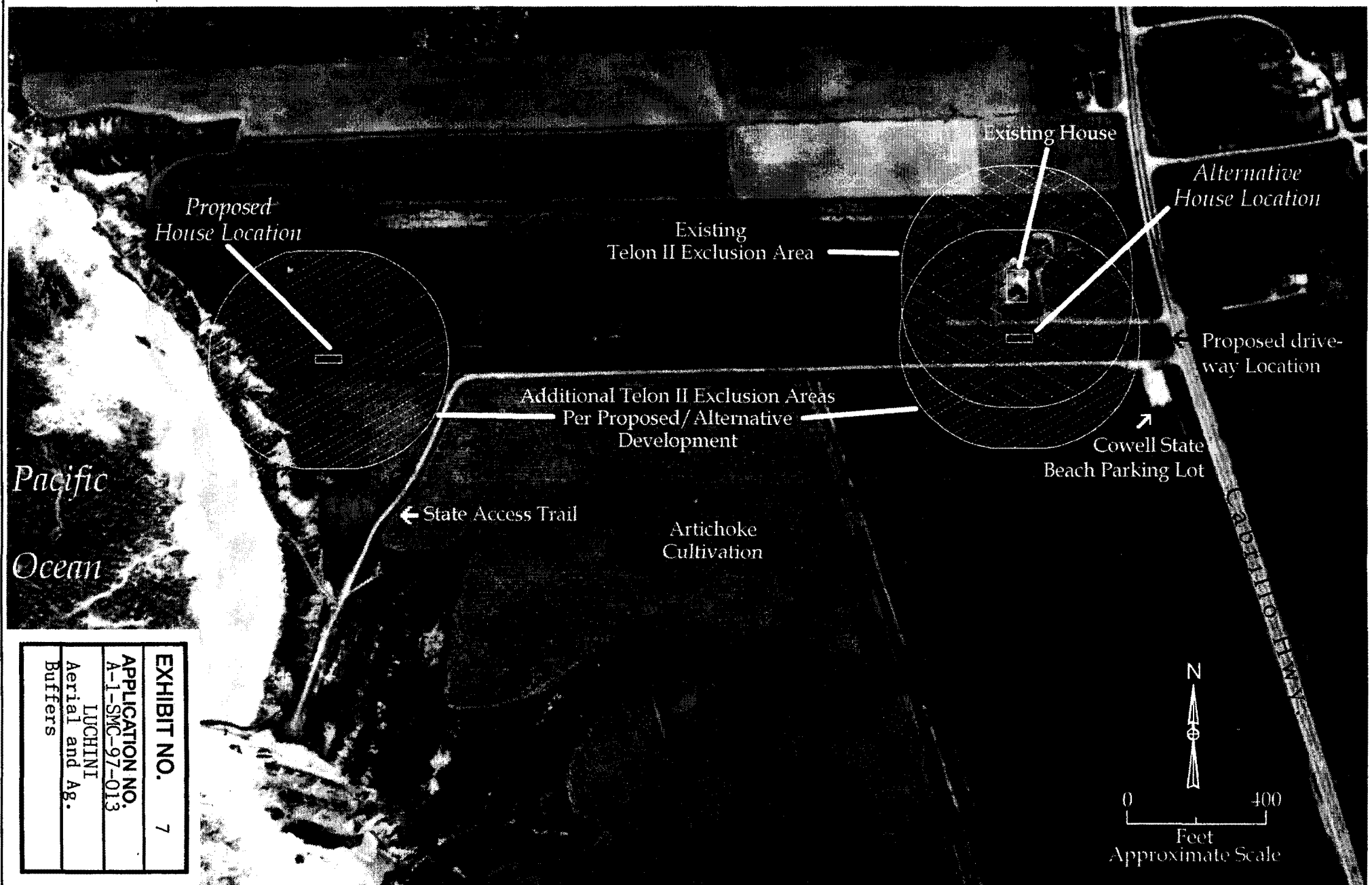
EXHIBIT NO. 5

APPLICATION NO.
A-1-SMC-97-013

LUCHINI

Residence Plan

A-1-97-13 (Gumbinger and Luchini), San Mateo County



All Locations Approximate. For Illustrative Purposes Only.

Photo Source: 1993 California Department of Boating and Waterways,
Flightline 128, Frame 10, 4/19/93.
Original Scale: 1:12,000

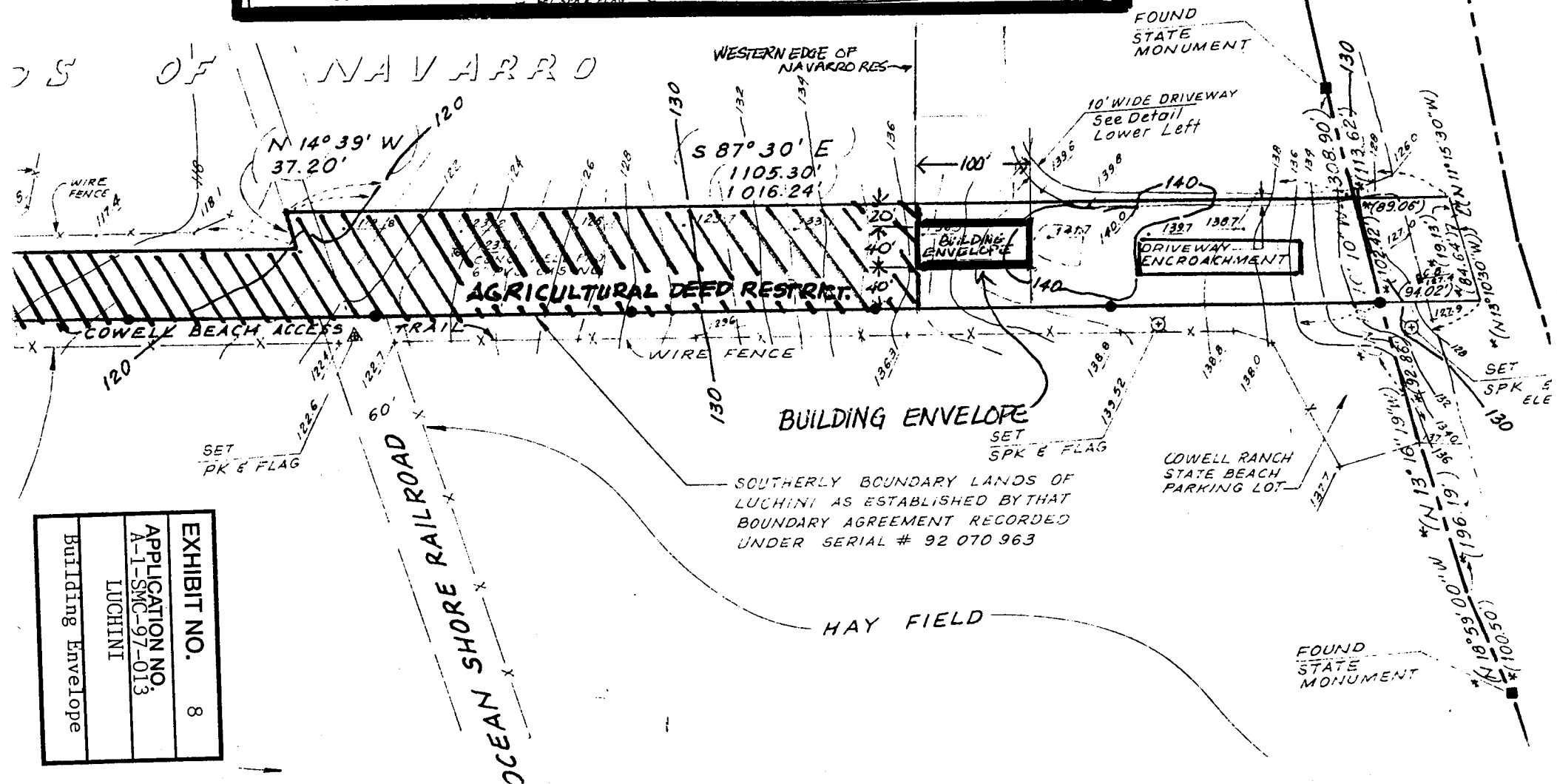
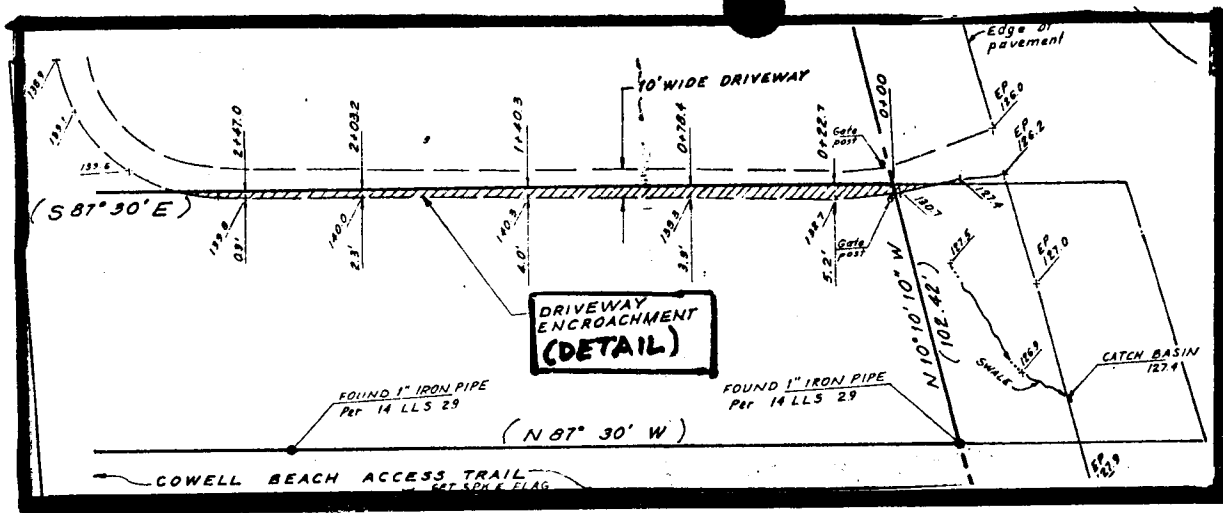


EXHIBIT NO.	8
APPLICATION NO.	A-1-SMC-97-013
Building Envelope	LUCHINI

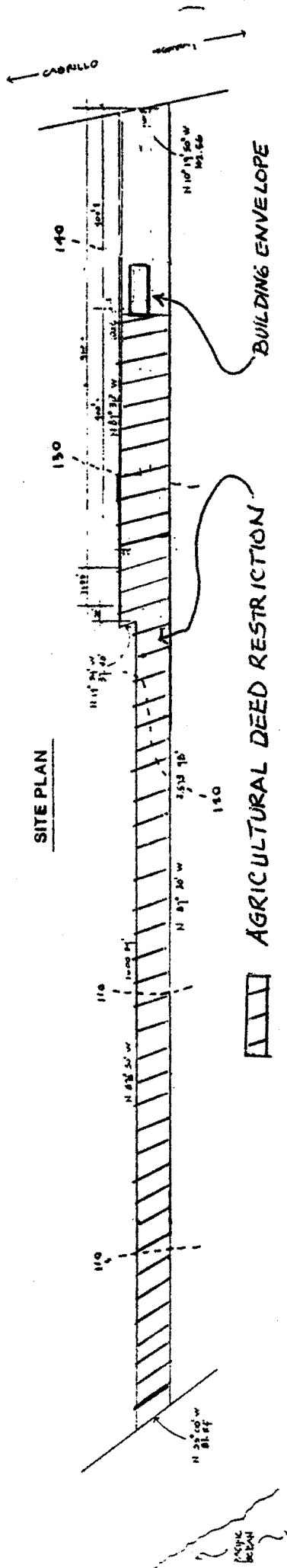


EXHIBIT NO.	9
APPLICATION NO.	A-1-SMC-97-013
LUCHINI	
Agricultural Deed	
Restriction	



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

Board of Supervisors
Ruben Barrales
Mary Griffin
Tom Huening
Ted Lempert
Michael D. Nevin

Director of
Environmental Services
Paul M. Koenig

Planning Administrator
Terry L. Burr

Please reply to:

Jim Eggemeyer
(415) 363-1930

February 19, 1997

Joe and MaryAnne Luchini
#1 Nob Hill Circle
San Francisco, CA 94108

Subject: Request for: Planned Agricultural Permit, File #PAD 96-0010
Coastal Development Permit, File #CDP 96-0027
Architectural Review, File #ARC 96-0011
Location: Half Moon Bay (Unincorporated)
APN: 066-081-080

Dear Mr. and Mrs. Luchini:

On February 11, 1997, the San Mateo County Board of Supervisors considered your request of: (1) a Planned Agricultural Permit and a Coastal Development Permit, pursuant to Section 6353 and 6328.4 of the Zoning Regulations; and (2) Architectural Review pursuant to the State Streets and Highways code Section 261, to construct a single-family residence at a site west of Cabrillo Highway.

Based on the information provided by staff and evidence presented at this hearing, the Board of Supervisors approved your request, made the following findings, and adopted conditions of approval as follows:

FINDINGS

That the Board of Supervisors:

Regarding the Negative Declaration, Found:

1. That the Negative Declaration is complete, correct, adequate, and prepared in accordance with the California Environmental Quality Act and applicable State and County Guidelines.

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To	From	
Co.	Co.	
Dept.	Phone #	
Fax #	Fax #	

EXHIBIT NO. 10

APPLICATION NO.
A-1-SMC-97-013LUCHINI
Board of SupervisorsFindings
(page 1 of 8 pages)

Joe and MaryAnne Luchini

Subject: Request for Planned Agricultural Permit, File #PAD 96-0010, Coastal Development Permit, File #CDP 96-0027, Architectural Review, File #ARC 96-0011

February 19, 1997

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2. That, on the basis of the Initial Study and comments received thereto, and testimony presented and considered at the public hearing, there is no substantial evidence that the project, if subject to the mitigation measures contained in this Negative Declaration, will have a significant effect on the environment.
3. That the Negative Declaration reflects the independent judgment of San Mateo County.

Regarding the Coastal Development Permit, Found:

4. That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program.
5. That the project conforms to the specific findings required by policies of the San Mateo County Local Coastal Program, particularly those findings relating to the conversion of lands suitable for agriculture.
6. That the project is located between the sea and the first public road, and that the project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code).
7. That the number of building permits for construction of single-family residences issued this year does not exceed 125.
8. That denying the residential use would result in the taking of private property as it is (a) unlikely that a viable commercial agricultural operation could be maintained on the property, even with the water connection, due to the size and irregular shape of the parcel, (b) no other economic viable use other than agriculture could be made of the property without a water connection, (c) all the types of uses identified in the Planned Agricultural District (PAD) zoning district, for the types of soils on this project site (lands suitable for agriculture), would require water to be a viable use, and (d) the possibility of purchase of the subject parcel by the adjoining parcels to the north and south has been explored and no interest has been shown.

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Joe and MaryAnne Luchini

Subject: Request for Planned Agricultural Permit, File #PAD 96-0010, Coastal Development Permit, File #CDP 96-0027, Architectural Review, File #ARC 96-0011

February 19, 1997

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9. That the agricultural viability study for the project identifies artichokes and Brussels sprouts as the only viable crops, based on the soil conditions and climate of this location, that these types of crops are heavily water dependent, and that the probable net operating annual income would be approximately \$600.00.
10. That the proposed structure, as conditioned, conforms to the specific San Mateo County Local Coastal Program Policy 8.5 requiring the structure to be designed in scale with the rural character of the region and clustered with the existing natural or manmade vertical features.

Regarding the Planned Agricultural District Permit. Found:

11. That, on the basis of information contained in the staff report and as conditioned, the project conforms with the plans, policies, requirements and substantive criteria for issuance of a Planned Agricultural Permit in Section 6355 of the Zoning Regulations.

Regarding Architectural Review. Found:

12. That the proposed structures are in compliance with the standards for Architectural and Site Control within the Cabrillo Highway Scenic Corridor.

CONDITIONS OF APPROVAL

Planning Division

1. The applicant shall relocate the proposed residence to a location referred to in this report as "Alternative Location A," located approximately 2,000 feet (+/- 50 feet) from Cabrillo Highway. The applicant shall redesign the proposed residence to: (a) rotate the proposed garage location 90 degrees to have the garage door facing East; and (b) provide a less formal design to blend in with the rural area; including the use of earth tone colors. The applicant shall submit the revised site plan to the Planning Director for review and approval prior to issuance of the building permit.
2. This Coastal Development Permit shall be valid for one year from the date of final approval.

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Joe and MaryAnne Luchini

Subject: Request for Planned Agricultural Permit, File #PAD 96-0010, Coastal Development Permit, File #CDP 96-0027, Architectural Review, File #ARC 96-0011

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3. The applicant shall apply for and be issued a building permit prior to the start of construction.
4. This approval applies only to the proposal as described in this report and materials submitted for review on June 17, 1996, December 18, 1996, and as amended by Condition of Approval #1 above. Minor adjustments to the project may be approved by the Planning Director if they are consistent with the intent of and in substantial conformance with this approval.
5. The applicant shall paint the structure with colors which blend with the surrounding natural grasslands. Exterior color samples, including roof material samples (no larger than approximately 4 square inch samples for walls and trim), shall be submitted to the Planning Counter for review and approval by the Planning Director prior to the issuance of the building permit. The applicant shall include the file/case number with all color samples. Color verification by a building inspector shall occur in the field after the applicant has painted the structure an approved color but before the applicant schedules a final inspection.
6. The applicant shall submit a revised planting plan to provide additional shrub and tree plantings to reduce or eliminate views of the proposed residence as seen from the State Scenic Highway and as seen from the Cowell State Beach access trail. The applicant shall submit the landscape plan in accordance with the "Landscape Plan Guidelines - Minimum Standards" for review and approval by the Planning Director. The plan shall also address minimizing the disturbance of soil and vegetation during construction of the house and driveway and the restoration of all disturbed areas through revegetation with plant materials which are compatible with the surrounding vegetation. The plan shall include an irrigation plan. Plans for landscape areas equal to or greater than 5,000 sq. ft. must be in compliance with the "Landscape Documentation Guidelines." Upon submittal of the landscape plan, the applicant shall pay a review fee based on the fee schedule in effect at that time.
7. A performance surety deposit shall be required of the applicant to guarantee installation of the approved landscape plan. The amount of the surety will be determined as part of the landscape plan review. The surety shall be either a letter of assignment or a certificate of deposit. The surety will be released upon faithful completion of the landscaping installation to the satisfaction of the Planning Director. To release the surety, the applicant shall arrange with Planning staff for a site visit.

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Joe and MaryAnne Luchini

Subject: Request for Planned Agricultural Permit, File #PAD 96-0010, Coastal Development Permit, File #CDP 96-0027, Architectural Review, File #ARC 96-0011

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8. The applicant shall install the approved landscaping prior to requesting a final inspection for the building permit.
9. Upon release of the performance surety, a maintenance surety shall be posted by the applicant with the Planning and Building Division for a period of two (2) years. The amount of the surety will be determined as part of the landscape plan review. The surety will be released upon inspection of the landscaping to the satisfaction of the Planning Director. To release the surety, the applicant shall arrange with Planning staff for a site visit.
10. If the proposed structure is designed within 18 inches of the maximum allowable height, height verification shall be required as indicated below.

Height Verification

- a. The applicant shall provide "finished floor elevation verification" to certify that the structure is actually constructed at the height shown on the submitted plans. The applicant shall have a licensed land surveyor or engineer establish a baseline elevation datum point in the vicinity of the construction site. The applicant shall maintain the datum point so that it will not be disturbed by the proposed construction activities until final approval of the building permit.
- b. This datum point and its elevation shall be shown on the submitted site plan. This datum point shall be used during construction to verify the elevation of the finished floors relative to the existing natural grade or to the grade of the site (finished grade).
- c. Prior to Planning approval of the building permit application, the applicant shall also have the licensed land surveyor or engineer indicate on the construction plans: (1) the natural grade elevations at the significant corners (at least four) of the footprint of the proposed structure on the submitted site plan, and (2) the elevations of proposed finished grades.
- d. In addition, (1) the natural grade elevations at the significant corners of the proposed structure, (2) the finished floor elevations, (3) the topmost elevation of the roof, and (4) garage slab elevation must be shown on the plan elevations and cross-section (if one is provided).

Joe and MaryAnne Luchini

Subject: Request for Planned Agricultural Permit, File #PAD 96-0010, Coastal Development Permit, File #CDP 96-0027, Architectural Review, File #ARC 96-0011

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- e. Once the building is under construction, prior to the below floor framing inspection or the pouring of the concrete slab (as the case may be) for the lowest floor(s), the applicant shall provide to the Building Inspection Section a letter from the licensed land surveyor or engineer certifying that the lowest floor height, as constructed, is equal to the elevation specified for that floor in the approved plans. Similarly, certifications on the garage slab and the topmost elevation of the roof are required.
- f. If the actual floor height, garage slab, or roof height, as constructed, is different than the elevation specified in the plans, then the applicant shall cease all construction and no additional inspections shall be approved until a revised set of plans is submitted to and subsequently approved by both the Current Planning Section and the Building Inspection Section.

- 11. All utilities must be constructed underground.
- 12. The building plans shall show all proposed exterior light fixtures. The use of exterior light fixtures must be minimized. Where necessary, fixtures which shield glare and employ warm colors will be required.
- 13. The owner of the property shall record the following statement with the County Recorder's Office on the subject property prior to requesting a final inspection on the building permit:

This parcel is adjacent to property utilized for agricultural purposes. Residents of the parcel may be subject to inconvenience or discomfort arising from the use of agricultural chemicals, including herbicides, pesticides, and fertilizers, and from the pursuit of agricultural operations, including plowing, spraying, pruning and harvesting, which occasionally generate dust, smoke, noise, and odor. San Mateo County has established agriculture as a priority use on productive agricultural lands, and residents of adjacent property should be prepared to accept such inconvenience or discomfort from normal, necessary farm operations.

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- 14. That the applicant shall pay in-lieu fees for the provision of public access as allowed under LCP Policy 10.32(e), prior to the issuance of the Certificate of Occupancy. The fee amount shall be set by the Planning Director prior to the issuance of the building permit, shall be based on the equivalent value of a viewing easement from the existing access

Joe and MaryAnne Luchini

Subject: Request for Planned Agricultural Permit, File #PAD 96-0010, Coastal Development Permit, File #CDP 96-0027, Architectural Review, File #ARC 96-0011

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trail to a viewing point on the coastal bluff, and shall not exceed \$5,000.00. In addition the applicant agrees to grant a lateral easement meeting the requirements of the Local Coastal Program, along the bluff top located in a manner that would provide for an eventual connection with trails to the North and South of the property.

Department of Public Works

15. Prior to the issuance of the building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance #3277.
16. At the time of building permit submittal, the applicant shall submit a driveway "plan and profile," to the Department of Public Works, showing the driveway access to the parcel (garage slab) complying with County standards for driveway slopes (not to exceed 20%) and to County standards for the driveways (at the property line) being the same elevation as the center of the access roadway. When appropriate, this plan and profile shall be prepared from elevations and alignment shown on the roadway improvement plans. The driveway plan shall also include and show specific provisions and details for both the existing and the proposed drainage patterns and drainage facilities.
17. Any work performed within the State right-of-way (ROW) will require an encroachment permit from CalTrans. A completed application, a fee of \$420.00 more or less, environmental documentation, and five sets of plans should be submitted to the following address:

G. J. Battaglini, District Office Chief
CalTrans District 4
Maintenance Services and Permits
P.O. Box 23660
Oakland, CA 94623-0660

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Half Moon Bay Fire

18. The applicant shall comply with all posting, access, smoke detector, water storage, and other fire safety requirements imposed by the Half Moon Bay Fire Protection District.

Joe and MaryAnne Luchini

Subject: Request for Planned Agricultural Permit, File #PAD 96-0010, Coastal Development Permit, File #CDP 96-0027, Architectural Review, File #ARC 96-0011

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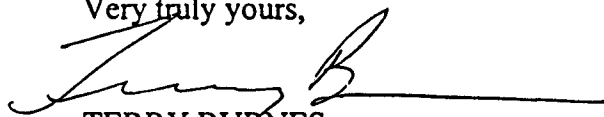
Any interested party may appeal the County's approval of this Coastal Development Permit to the California Coastal Commission North Coast District Office. They may be reached at 415/904-5267.

A project is considered approved when the appeal period has expired and no appeals have been filed.

If you have any questions on this matter, please contact the Project Planner, Jim Eggemeyer, at 415/363-1930.

Thank you for your courtesy and cooperation.

Very truly yours,



TERRY BURNES
Planning Administrator

cc: Department of Public Works
County Geotechnical Section
Assessor, Chief Deputy
Bill Cameron, Building Inspection
CDF/Rex Buthman
Stan Low, Environmental Services
Planning Director, City of Half Moon Bay
Half Moon Bay Fire Protection District
Coastside County Water District
Paul Gumbinger
Lennie Roberts
Carmel Navarro
David Hayes, Coastal Conservancy
Jack Liebster, North Coast Coastal Commission
Jack Olsen
Jim Rourke
Mary Hobbs
Kenneth Dickerson

EXHIBIT NO.	10
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Luchini Investment Group

=1 Nob Hill Circle
San Francisco, California 94108

(415) 399-9556

March 4, 1998

Mr. Jack Liebster
Coastal Planner
California Coastal commission
North Coast Area
45 Fremont, Suite 2000
San Francisco, California 94105-2219

NOISSIWWOD TISSY
4120170

866L 9 6 80W

RE: Appeal # A-1-SMC-97-013

Dear Mr. Liebster,

In response to your telephone inquiries issued through my representative, J.R. Rodine, we offer the following statements:

In an effort to establish water usage on the property, it is our intention to obtain a water meter (through normal market procedures) after the CCWD approves a water connection.

We would prefer to locate our home in one of two identified locations. The primary and most desirable building site is located 155 feet west of the location approved by the San Mateo Board of Supervisors. By approving this as the selected building site, the home should not be visible from the Scenic Coast Highway, ocean vistas should not be impeded and the home would be excluded from the 300 foot Telson radius zone. The secondary site is that which has already been approved by the San Mateo Board of Supervisors and is identified on the topographical map provided by Mr. Joseph Bennie, Surveyor. This secondary site is also depicted by Paul Gumbinger's architectural plans dated April 9, 1997.

Since this is a de Novo hearing, we would like to formally express our desire to construct our home with a "Mediterranean Style" exterior as originally proposed. We believe that such construction is not only aesthetically pleasing, but also typical of California's Spanish influence.

Thank you for your efforts in this matter. We are hopeful of attaining an April hearing before the Coastal Commission.

Sincerely,

Joseph D. Luchini

cc: Dickerson
Gumbinger
Rodine

EXHIBIT NO.	11
APPLICATION NO.	A-1-SMC-97-013
	LUCHINI
	Revised Proposed
	Project

PROPOSED HOUSE

EXHIBIT NO. 13

APPLICATION NO.
A-1-SMC-97-013

LUCHINI
Project View from
Highway 1

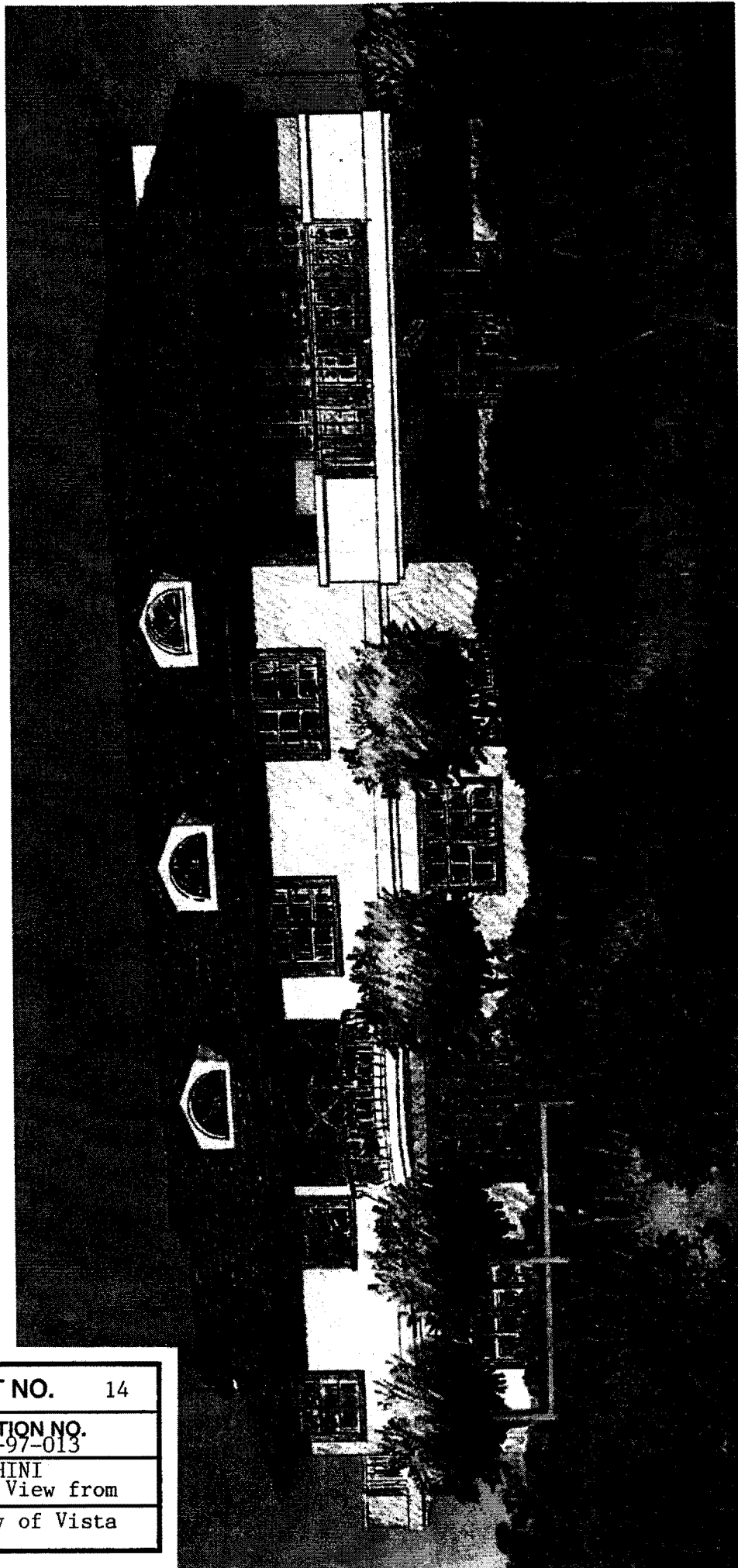


EXHIBIT NO. 14

APPLICATION NO.
A-1-SMC-97-013

LUCHINI
Project View from
Vicinity of Vista
Point

AGRICULTURAL EVALUATION

Subject Parcel: Luchini

Geographic Information:

Parcel: A narrow, irregular strip containing 4.8 acres

Dimensions: 100 feet wide at easterly boundary (Hwy 1)
65 feet wide at westerly boundary (cliffs overlooking ocean)

Terrain: Natural drainage slopping approximately 20 feet westerly (to ocean)

Boundaries: North - fence line separating Navarro property
South - fence line adjacent to State Beach trail
East - fence line parallel to Hwy 1 (100 feet wide)
West - lands end, cliffs (65 feet wide)

Soils: Conducive to highest, best dollar producing product:
brussels sprouts or artichokes

Economic analysis taken from data supplied by the State Agricultural Bureau and the University of California Agricultural Studies. Cost-specific data has been provided by the State of California Agricultural Bureau.

Bureau Study - Calculation to Plant & Harvest 1 Acre at 100% Capacity:

NOTE 1

Gross Revenue:	\$3,290.00
Less Allowance for farm equipt. Roads (10%)	(329.00)
Allowance for Spoilage (2%)	(65.00)

Adjusted Gross Revenue per acre brussels sprouts \$2,886.00

Expenditures:

Cultural	793.74
Materials	666.00
Overhead	497.73*
Depreciation	51.90
Harvest	752.80

Total Hard Cost/Acre (2,762.17)

NOTE 2

Probable Net Operating Income/Acre	\$ 123.83
------------------------------------	-----------

NOTE 3

* Includes land rental of \$200

Costs do not include such variables as boxing or transportation

NOTES ADDED

EXHIBIT NO.	15
APPLICATION NO.	A-1-SMC-97-013
LUCHINI	
Agricultural	
Evaluation	

SITE PLANNING FOR RURAL SCENIC CORRIDORS

4.55 Building Setbacks

- a. Prevent the obstruction of important views by setting buildings in rural scenic corridors back from the road right-of-way, unless topographic features or the size of the site makes it infeasible or unnecessary.
- b. Consider a variety of setbacks; however, establish minimum distance.

4.56 Cluster Development

In scenic corridors, discourage high density clustering or grouping of residential uses which are highly visible from the road.

4.57 Tree and Vegetation Removal

- a. Allow the removal of trees and natural vegetation when done in accordance with existing regulations.
- b. Prohibit the removal of more than 50% of the tree coverage except as allowed by permit.

4.58 Views

To the extent practicable, locate development in scenic corridors so it does not obstruct views from scenic roads or disrupt the visual harmony of the natural landscape.

4.59 Outdoor Lighting

Minimize exterior lighting in scenic corridors and, where used, employ warm colors rather than cool tones and shield the scenic corridor from glare.

4.60 Roads and Driveways

- a. Design and construct new roads, road improvements and driveways to be sensitive to the visual qualities and character of the scenic corridor, including such factors as width, alignment, grade, slope, grading and drainage facilities.

4.15P & 4.16P

- b. Limit number of access roads connecting to a scenic road to the greatest extent possible.
- c. Share driveways where possible to reduce the number of entries onto scenic roads.

4.61 Parking and Paved Areas

Integrate paved areas with their site and landscape and/or screen them to reduce visual impact from the scenic corridor.

4.62 Storage Areas

Screen areas used for the storage of equipment, supplies or debris by fencing, landscaping or other means so they are not visible from scenic roadways, trails, parks, and neighborhoods.

4.63 Utilities in State Scenic Corridors

- a. Install new distribution lines underground.
- b. Install existing overhead distribution lines underground where they are required to be relocated in conjunction with street improvements, new utility construction, etc.
- c. Consider exceptions where it is not physically practical due to topographic features; however, utilities should not be substantially visible from any public road or developed public trail.

4.64 Utilities in County Scenic Corridors

- a. Install new distribution lines underground.
- b. Consider exceptions for certain circumstances including, but not limited to, financial hardship, topographic conditions or land use conflicts.

EXHIBIT NO.	16
APPLICATION NO.	A-1-SMC-97-013
LUCHINI - Visual Quality Policies of the General Plan (page 2 of 3 pages)	

4.65 Large Scale Power Transmission Lines

Encourage P.G. & E. to mitigate the adverse visual impact created by large scale power transmission lines.

4.66 Fences

Encourage fences which minimize visual impact.

4.67 Mobilehomes

Prohibit mobilehomes on permanent foundations in scenic corridors.

4.68 Rural Scenic Corridor District

Regulate the architectural and site design of structures within scenic corridors by using a consolidated set of design standards.

EXHIBIT NO.	16
APPLICATION NO.	A-1-SMC-97-013
LUCHINI - Visual Quality Policies of the General Plan (page 3 of 3 pages)	

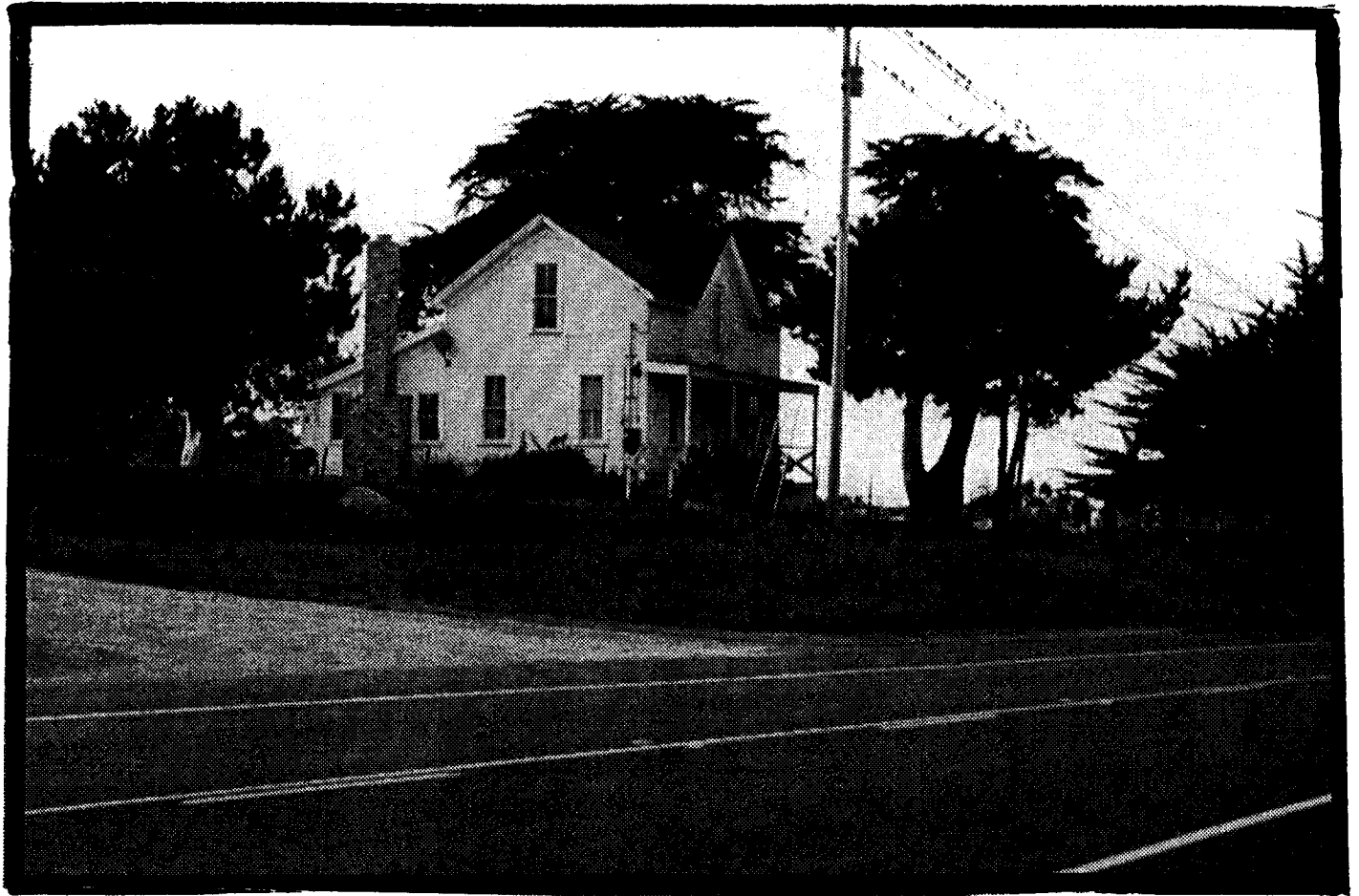


EXHIBIT NO.	17
APPLICATION NO.	A-1-SMC-97-013
LUCHINI	
Farm House	
Architectural Style	

MEMORANDUM

TO: BILL ROZAR
S. M. COUNTY PLANNING DEPT.

FROM: ROBERT R. RATEBORNE
GENERAL MANAGER, COASTSIDE CO. WATER DIST.

DATE: November 21, 1995

RE: CCWD SERVICE TO RURAL ZONE

This memo is to follow up a discussion that you had with Glenna Lombardi recently. I will attempt to answer your questions and have prepared a little map to help explain what the current situation is.

- 1) It is true that the CCWD provides water service to either side of Mr. Luchini's property.
- 2) The CCWD will provide service where the City or County authorizes that service can be provided in accordance with the LCPs.
- 3) For (new) service for priority land uses in the Rural Zone, the District has not historically been authorized by the County to provide either priority or non-priority water service. My recollection is that Mike Murphy provided guidelines about this issue several years ago. Where there is existing service to floraculture/agriculture customers in the Rural Zone, including residential use incidental to ag operations, the County has authorized additional service connections or capacity to be received from the District. An example the Counties refusal to allow the CCWD to provide water service to a customer, for domestic use in the Rural Zone (along Hwy 92), is the request of Lance Kastle, approximately 4 years ago.
- 4) Existing customers in the Rural Zone had water service prior to adoption of the LCPs and did not have priority connections per se. They did not exist prior to LCP adoption. Where additional capacity has been sold (Ron Bongard's Nursery along Hwy 92 is one example that comes to mind), the County approved the CCWD request to provide a priority connection. The District does not make any determination with respect to specific water use once the approval to serve a customer is received from the County.
- 5) Kim Powleson's letter of April 6, 1994 was clear direction from the County to the applicant and the District regarding water service to Mr. Luchini's property.

Bill, please call me once you have had an opportunity to review this memo.

EXHIBIT NO.	18
APPLICATION NO.	A-1-SMC-97-013
LUCHINI - CCWD	
Service to Rural	
Zone	
(page 1 of 3 pages)	

CONTRACT NO. W. M. M. V. K.

CITY OF HALF MOON BAY

Pacific
Ocean

CANADA
COVE

Half Moon Bay City Limit

RURAL ZONE

Sindel
Res.

CASTRO
Res.

Sindel
Res.

HMB City Limit

NAVARRO - RES.

LUCHINI 066-581-080

RURAL
ZONE

HIGHWAY #1 - NORTH

Private Water Line

GUISTI

Agriculture

EXHIBIT NO.	18
APPLICATION NO.	A-1-SMC-97-013
LUCHINI - CCWD Service to Rural	
Zone (page 2 of 3 pages)	

PPR
W/21/95

Environmental Services Agency
Planning and Building Division



☒ **Planning Division** - 415/363-4161 • FAX 363-4849

☐ **Building Inspection Section** - 415/363-4601 • FAX 363-4849

County of San Mateo

Mail Drop 55RC1-00 • 580 Hamilton Street, 2nd Floor • Redwood City • California 94063

BOARD OF SUPERVISORS
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Paul M. Koenig

Planning Administrator
Terry L. Burnes

April 6, 1994

David Cline
Coldwell Banker
40 North Cabrillo Highway
Half Moon Bay, CA 94019

Dear Mr. Cline:

SUBJECT: Potential of Water Connection for APN 066-081-080

I am writing in response to your fax inquiry dated March 30, 1994. You have asked whether the owners of the above-listed parcel would be able to connect to a water line which runs past the property along Cabrillo Highway. While the property is currently vacant, a single-family residence is anticipated. I regret to inform you that the County's Local Coastal Program (LCP) does not permit such a water connection.

Our research indicates that the water line is a private water extension (dating from the 1940s) running south from the Coastside County Water District (CCWD) meters at the Half Moon Bay City limit. The Half Moon Bay City limit is coterminous with the County's urban/rural boundary and the CCWD boundary. The subject parcel is within the rural area of the unincorporated County and is outside of the water district.

The Public Works Component of the LCP in Policy 2.14 (General - Establishing Service Area Boundaries) and Policy 2.37 (Specific - Water Service Area Boundaries) permits new connections only within the district boundaries. A copy of this Component with highlighted policies is enclosed for your reference.

Feel free to contact me should you have any further questions.

Sincerely,


Kimberly A. Powleson
Senior Planner

KAP:fc - KAPE0611.AFN

Enclosure

cc: David Meyer, CCWD
Susan Heiser, Project Planner: COC 94-0001

EXHIBIT NO.	18
APPLICATION NO.	A-1-SMC-97-013
LUCHINI - CCWD	Service to Rural
Zone	(page 3 of 3 pages)