

**CALIFORNIA COASTAL COMMISSION**

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# F11a

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49<sup>th</sup> Day: waived  
Staff: Jack Liebster  
Staff Report: November 19, 1999  
Hearing Date: December 10, 1999  
Commission Action:

STAFF REPORT: APPEAL

SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: County of San Mateo

DECISION: Approval with Conditions

APPEAL NO.: A-1-SMC-99-33

APPLICANT: Greg Ward, Jennie & Steve Loft

PROJECT LOCATION: Ocean Blvd. & Vassar Avenue, Princeton-By-The-Sea, San Mateo County; APNs 047-034-270, 047-034-280, 047-034-290

PROJECT DESCRIPTION: Construction of a three-story, 2,750-square-foot marine engineering facility and a 1,945-square-foot parking lot on three adjacent ocean front parcels totaling 7,910 square feet, and zoned "W/DR" (Waterfront/Design Review).

APPELLANTS: Coastal Commissioners Sara Wan and Pedro Nava

SUBSTANTIVE FILE DOCUMENTS: San Mateo Co. CDP #98-0077, PLN 1999-00043; San Mateo County Local Coastal Program.

SUMMARY OF STAFF RECOMMENDATION:

1. SUMMARY OF STAFF RECOMMENDATION: SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeal has been filed. The project provides for construction of a three-story, 2,750-square-foot marine engineering facility and a 1,945-square-foot parking lot on three adjacent ocean front parcels. The appellants contend that the project as approved is not consistent with the criteria and policies of the County of San Mateo's LCP concerning shoreline development and required geological investigations. Commission staff analysis indicates that there are significant questions regarding whether the project, as approved, is consistent with these policies. Therefore, staff recommends that the Commission determine that these contentions raise a substantial issue.

The Motion to adopt the Staff Recommendation of Substantial Issue is found on page 4.

2. SUMMARY OF STAFF RECOMMENDATION DE NOVO: APPROVAL WITH CONDITIONS

The staff recommends that the Commission approve with conditions a coastal development permit for the proposed project on the basis that, as conditioned by the Commission, the project is consistent with the City's certified LCP and with the public access and public recreation policies of the Coastal Act.

After the appeal was filed, the applicant engaged a registered engineer to evaluate the erosion hazards to the project. That review resulted in changes to the project design that eliminated a seawall incorporated into the project as approved by the County, and produced the engineer's finding that the project, as redesigned, would not be subject to beach erosion hazards and would not need additional shoreline protection. These changes are implemented by Special Condition 1. However, the findings also recognize that unexpected shoreline retreat that threatens development during the life of a structure may occur, and Special Condition 2 contains assumption of risk, waiver of liability indemnification agreement, and landowner obligations and responsibilities provisions consistent with such an unexpected event. Special Condition 2 also requires recordation of a deed restriction providing that no shoreline protective device shall be constructed now or in the future.

The Motion to adopt the Staff Recommendation of Approval with Conditions is found on page 10.

**STAFF NOTES:**

1. Appeal Process.

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

Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea or within three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff, or those located in a sensitive coastal resource area.

Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access and public recreation policies set forth in the Coastal Act.

The subject development is appealable to the Commission because the proposed development is located between the sea and the first public road paralleling the sea, and is also within 300 feet of the mean high tide line and the top of the seaward face of a coastal bluff.

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

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

2. Filing of Appeal.

The appellants filed an appeal to the Commission in a timely manner on May 18, 1999, within ten working days of receipt by the Commission of the City's issuance of the Notice of Final Action. The Notice of Final Local Action received in the Commission's offices on May 4, 1999. The Commission opened a public hearing on the project on June 8, 1999, and continued the matter in order to obtain the local record. In addition, the applicant granted a 49-day waiver on June 21, 1999 to allow time to develop and provide additional material for consideration prior to Commission action on the appeal.

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**PART ONE – SUBSTANTIAL ISSUE**

I. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

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

MOTION:

I move that the Commission determine that A-1-SMC-99-33 raises NO substantial issue with respect to the grounds on which an appeal has been filed pursuant to Section 30603 of the Coastal Act.

Staff recommends a NO vote. This will result in the adoption of the following resolution and findings. The Commission will then hear the application de novo. The motion passes only by affirmative vote of a majority of the Commissioners.

II. Findings and Declarations.

The Commission hereby finds and declares:

A. APPELLANTS' CONTENTIONS.

The Commission received from Coastal Commissioners Sara Wan and Pedro Nava, ("the appellants") appeals of the County of San Mateo's decision to approve the project. The County of San Mateo approved a coastal development permit to allow construction of a three-story, 2,750-square-foot marine engineering facility and a 1,945-square-foot parking lot on three adjacent ocean front parcels. The appellants' contentions involve inconsistency of the approved project with the City's LCP policies regarding shoreline development and geological investigation. The appellants' contentions are summarized below, and the full text of the contentions are included as Exhibit No. 9.

#### Shoreline Development and Geological Investigation

Appellants Wan and Nava contend the project as approved by the County of San Mateo is not consistent with LUP Policy 9.11 which requires that new development be located where "*beach erosion hazards are minimal and where no additional shoreline protection is needed*". The appeal contends that the findings adopted by the County indicate erosion hazards may be present and do not demonstrate that shoreline protection will not be required during the life of the project. LUP policy 9.10 requires "*the County Geologist or an independent consulting certified engineering geologist to review all building and grading permits in designated hazardous areas for evaluation of potential geotechnical problems and to review and approve all required investigations for adequacy...*" to assure compliance with the LUP policies. No geologic study was performed on the site to determine the conformance of the project with LUP Policy 9.11. For these reasons the appellants contend that the project as approved requires careful review for its potential impacts and inconsistencies with LUP Policy 9.10 and 9.11.

The Appellants also cite LUP Policy 9.16, which requires that "*all applications involving shoreline structures shall be accompanied by a report prepared by a certified engineering geologist or a soils engineer, as appropriate, which analyzes the effect the project will have on physical shoreline processes.*" The appellants contend the project involves a shoreline structure that was not analyzed as required by LUP Policy 9.16.

#### **B. LOCAL GOVERNMENT ACTION.**

The County of San Mateo Zoning Hearing Officer approved the subject application as PLN 1999-00043 on April 15, 1999, with conditions.

The Notice of Final Action was received by the Commission on May 4, 1999. Appeals of the local action were filed on May 18, 1999, and the Commission requested a copy of the local record from the City. The record was received by the Commission May 26, 1999 and the Commission opened and continued a hearing on the matter on June 8, 1999. In addition, the applicant granted a 49-day waiver on June 21, 1999 to allow time to develop

and provide additional material for consideration prior to Commission action on the appeal.

**C. PROJECT SETTING, DESCRIPTION, AND HISTORY.**

**1. Project and Site Description.**

As approved by the County of San Mateo, the project permits construction of a three-story, 2,750-square-foot marine engineering facility and a 1,945-square-foot parking lot on three adjacent ocean front parcels, measuring a total of 7,910 square feet. The County's action includes approval of a foundation that would act as a seawall if the shoreline retreated to that point.

The three parcels are located on the shoreline edge of the Princeton-by-the-Sea subdivision, in Pillar Point Harbor, just east of El Granada and north of Half Moon Bay. The parcels are currently vacant, and are situated between an unpaved public street, Vassar Ave. to the east, and a recently developed structure on the parcels to the west.

The property fronts on Ocean Boulevard, a paper street. When Princeton-by-the-Sea Subdivision was approved in 1908, Ocean Boulevard was a through street; tidal action has since caused portions of Ocean Boulevard to erode away leaving parcels that were on the north side of Ocean Boulevard exposed to the harbor. The County found in its approval that "only small portions of Ocean Boulevard were subjected to erosion in front of this particular project site." However, further investigation has shown that the area encompassed by County-owned Ocean Boulevard, has apparently had unpermitted fill placed upon it, creating what appeared to be a low bluff. (Exhibit 5 shows the location of possibly unpermitted fill on Ocean Boulevard). It does not appear that this fill extends on to the applicant's property.

Exhibit 5 shows the project site in profile. Exhibit 6 shows renderings of the structure as approved.

**D. SUBSTANTIAL ISSUE ANALYSIS.**

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

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

Appellants' Contentions That Raise a Substantial Issue.

The contentions raised in the appeal regarding conformance of the project as approved with LCP policies concerning shoreline development and geological investigation present potentially valid grounds for appeal in that they allege the project's inconsistency with policies of the certified LCP. The Commission finds that a substantial issue is raised with regard to these policies.

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

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

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

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

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

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development as approved by the City presents a

substantial issue with regard to the appellants' contentions regarding shoreline development and geological investigation.

Shoreline Development and Geological Investigation

The appellants contentions and applicable LUP policies are summarized in section II.A. above (Findings and Declarations, Appellants' Contentions) and are incorporated here by reference.

The County's "Geotechnical Hazards Synthesis Map" identifies the area in which the property lies as having "Low Coastal Cliff Stability," with potential shoreline erosion problems.

The County's action, however, failed to include in the record any indication that LUP policies 9.10 and 9.11 were addressed, and provided no evidence that a geologist had determined that beach erosion hazards were minimal and that no additional shoreline protection would be needed, as required by those policies. Instead, the County relied in part on the observation that only small portions of Ocean Boulevard on the "low bluff" in front of this particular site were subject to erosion. Apparently, the County was unaware that this "low bluff" appears to be unpermitted fill, rather than a natural bluff.

In addition, no findings of consistency with LUP Policy 9.16 are contained in the County's approval, despite the fact that as approved, the project incorporates a foundation wall on the seaward side that is essentially designed as a seawall (shown in Exhibit 5). Contrary to LUP Policy 9.16, no engineering report analyzing the effect of this structure on physical shoreline processes was required.

For these reasons, the County's approval of the project raises an issue of consistency with Policies 9.10, 9.11 and 9.16 of the certified LCP. The Commission's findings with regard to these issues are discussed in greater detail in the DeNovo portion of this staff report. That discussion is incorporated.

Conclusion.

The Commission finds that, as discussed above, the appeal raises a substantial issue with respect to conformance of the approved project with the shoreline development and geological investigation of the LCP.

**PART TWO – DE NOVO ACTION ON APPEAL**

Notes

1. Procedure.

If the Commission finds that a locally approved coastal development permit raises a Substantial Issue with respect to the policies of the certified LCP, the local government's approval no longer governs, and the Commission must consider the merits of the project with the LCP de novo. The Commission may approve, approve with conditions (including conditions different than those imposed by the County), or deny the application.

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I. **MOTION, STAFF RECOMMENDATION DE NOVO, AND RESOLUTION:**

1. Motion:

I move that the Commission approve Coastal Development Permit No. A-1-SMC-99-33 pursuant to the staff recommendation.

2. Staff Recommendation of Approval:

Staff recommends a YES vote. This will result in 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 approves, 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 County of San Mateo LCP, is located between the sea and the nearest public road to the sea 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 impacts on the environment within the meaning of the California Environmental Quality Act.

II. **Standard Conditions:** See attached.

III. **Special Conditions:**

1. **Final Foundation Plans:**

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicant shall submit for the Executive Director's review and approval, final foundation plans prepared by a certified engineering geologist or soils engineer, that show the foundation supported upon piles consistent with the preliminary plan shown in Exhibit 7.

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.

2. **Assumption of Risk, Waiver of Liability Indemnification Agreement, and Landowner Obligations and Responsibilities:**

PRIOR TO THE ISSUANCE of the Coastal Development Permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that:

- (a) The landowner understands that the site may be subject to extraordinary geologic and erosion hazard and the landowner assumes the risk from such hazards;
- (b) The landowner unconditionally waives any claims of liability against the California Coastal Commission, its successors in interest, advisors, officers, agents, and employees for any damage from such natural hazards or arising out of any work performed in connection with the permitted project;
- (c) The landowner agrees to indemnify and hold harmless the California Coastal Commission, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project, including without limitation any and all claims made by any individual or entity or arising out of any work performed in connection with the permitted project;
- (d) The landowner agrees that any adverse impacts to property caused by the permitted project shall be fully the responsibility of the applicant;
- (e) The landowner shall not construct any bluff or shoreline protective devices to protect the subject structure or other improvements in the event that these structures are

subject to damage, or other natural hazards in the future, and shall waive all rights to construct such devices that may exist under applicable LCP provisions;

- (f) The landowner shall remove the structure and its foundation when shoreline retreat reaches the point where the structure is threatened. In the event that portions of the structure or other associated improvements fall to the beach before they can be removed from the shoreline, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowner shall bear all costs associated with such removal;
- (g) Any changes to the proposed project or other development as defined in Coastal Act Section 30106 shall require an amendment to this permit or an additional coastal development permit from the California Coastal Commission or its successor agency.

The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.

### **3. Conditions Imposed by Local Government**

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act.

## **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares as follows:

### **1. Incorporation of Substantial Issue Findings.**

The Commission hereby incorporates the Substantial Issue Findings above.

### **2. Project and Site Description:**

The applicant proposes to construct a three-story, 2,750-square-foot marine engineering facility and a 1,945-square-foot parking lot on three adjacent ocean front parcels.

### **3. Shoreline Development and Geological Investigation**

The relevant San Mateo County LUP policies provide as follows:

#### *9.10 Geological Investigation of Building Sites*

*Require the County Geologist or an independent consulting certified engineering geologist to review all building and grading permits in designated hazardous areas for evaluation of potential geotechnical problems and to review and approve all required investigations for adequacy. As appropriate and where not already specifically required, require site specific geotechnical investigations to determine mitigation measures for the remedy of such hazards as may exist for structures of human occupancy and/or employment other than those considered accessory to agriculture as defined in Policy 5.6. "Hazards areas" and "hazards" are defined as those geotechnical hazards shown on the current Geotechnical Hazards Synthesis Maps of the General Plan and the LCP Hazards Maps. A copy of the report of all geologic investigations required by the California Division of Mines and Geology shall be forwarded to that agency.*

**9.11 Shoreline Development**

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

**9.16 Geologic Reports for Shoreline Structures**

*Require that all applications involving shoreline structures shall be accompanied by a report prepared by a certified engineering geologist or a soils engineer, as appropriate, which analyzes the effect the project will have on physical shoreline processes.*

**Discussion.**

As discussed above, the project was approved by the County without the geotechnical investigations mandated by LUP Policy 9.10 to design the project to avoid and mitigate erosion hazards and demonstrate that no shoreline protections will be required, as prescribed by Policy 9.11.

Since the appeal was filed, however, the applicant has consulted with a registered geologist, Charles H. Hartsog, regarding the geotechnical stability of the proposed structure. Based on Mr. Hartsog's recommendations, the applicant now proposes a pile-supported foundation (shown in Exhibit 8). This plan eliminates the "built-in" seawall previously approved by the County (as shown in Exhibit 5). Special Condition No. 1 requires this design be implemented in project construction to avoid potential effects on shoreline processes, consistent with LUP Policy 9.16.

Mr. Hartsog also states "air photos indicate the shoreline recession at the property has been effectively controlled by the breakwater...the shoreline is not likely to recede or undermine the proposed structure during its estimated service life of 50 to 75 years. Furthermore, the structure is proposed to be pile supported indicating undermining would not be critical even if undermining did occur."

Based upon the conclusions of Mr. Hartsog's geotechnical investigation pursuant to LUP Policy 9.10, it is possible to find the project consistent with LUP Policy 9.11's standards that beach erosion hazards to the project are minimal and no additional shoreline protection will be needed for the project.

The Commission notes the subject site affords sufficient depth to place the structure further back from the shoreline as an extra safety measure against potential erosion. Staff discussed this possibility with the applicant. For several reasons (avoiding major redesign costs, maintaining parking, and reserving future development options) the applicant chose not to resite the structure, relying on the engineering geologist's opinion that the project is not at risk of shoreline erosion at its proposed site.

In the Commission's experience, however, geologists have no way of absolutely predicting if or when shoreline erosion on a particular site will take place, and cannot predict if or when a property may become endangered. Geologic hazards are episodic, and bluffs that may seem stable now may not be in the future. Even when a thorough professional geotechnical analysis of a site has concluded that a proposed development will be safe from shoreline retreat hazards, unexpected shoreline retreat episodes that threaten development during the life of the structure sometimes still do occur. Examples of this situation include:

- The Denver/Canter home at 164/172 Neptune Avenue in Encinitas. In 1984 the Commission approved construction of new house on a vacant blufftop lot (permit 6-84-461) based on positive geotechnical report. In 1993, the owners applied for a seawall to protect the home (permit application 6-93-135). The Commission denied the request. In 1996 (permit application 6-96-138), and again in 1997 (permit application 6-97-90) the owners again requested a seawall to protect home. The Commission denied the requests. In 1998, the owners again requested a seawall (permit application 6-98-39), and the Commission approved the request on November 5, 1998.
- The Bennett home at 265 Pacific Avenue, Solana Beach. In 1995, the Commission approved a request to construct a substantial addition to an existing blufftop home (permit 6-95-23). The minimum setback for the area is normally 40 ft.. However, the applicants agreed to waive future rights to shore/bluff protection if they were allowed to construct 25 ft. from bluff edge based on a favorable geotechnical report. The

Commission approved the request on May 11, 1995. In 1998, a substantial bluff failure occurred, and an emergency permit was issued for a seawall. The follow-up regular permit (#6-99-56) was approved by Commission on May 12, 1999. On August 18, 1999, the Commission approved additional seawall and upper bluff work on this and several other properties (permit #6-99-100).

- The McAllister duplex at 574 Neptune Avenue, Encinitas. In 1988, the Commission approved request to construct a duplex on vacant blufftop lot (permit #6-88-515) based on a favorable geotechnical report. By October 1999, failure of the bluff on the adjoining property to the south had spread to bluff fronting 574 Neptune. A request is pending for upper bluff protection (permit #6-99-114-G).

The Commission therefore attaches Special Condition No. 2, which requires recordation of a deed restriction whereby the landowner assumes the risks of extraordinary erosion and geologic hazards of the property and waives any claim of liability on the part of the Commission and agrees that no bluff or shoreline protective devices shall be constructed on the subject site.

This requirement is consistent with San Mateo County LUP policies 9.12 and 9.13, which state:

**9.12 Limiting Protective Shoreline Structures**

- Permit construction of shoreline structures such as retaining walls, groins, revetments, and breakwaters only in accordance with the following conditions when: (1) necessary to serve coastal-dependent uses, to protect existing development, or to protect public beaches in danger of erosion, (2) designed to eliminate or mitigate adverse impacts on local shoreline sand supply, and (3) non-structural methods (e.g., artificial nourishment) have been proved to be infeasible or impracticable...*

**9.13 Limiting Shoreline Structures on Sandy Beaches**

*To avoid the need for future protective devices that could impact sand movement and supply, prohibit permanent structures on the dry sandy beach except facilities necessary for public health and safety, such as lifeguard towers.*

The LCP limits construction of shoreline protective devices because they have a variety of significant impacts on coastal resources including adverse effects on sand supply, access, coastal views, and natural landforms.

Policy 9.12 limits the approval of shoreline protection devices to the specified conditions. This project does not meet those conditions in that it is not a coastal-dependent use, not an existing development, and not a structure to protect public beaches in danger of erosion. Therefore, the project as originally designed to incorporate a seawall could not be approved consistent with Policy 9.12.

The Commission further finds that the proposed development could not be approved as being consistent with LUP policies 9.12 and 9.13 if projected shoreline retreat would affect the proposed structure and necessitate construction of a seawall to protect it. Since the applicant's registered geologist has determined that the project will not require a seawall during its 50 to 75 year lifetime, the project can be approved consistent with LUP policies 9.12 and 9.13.

Therefore, the Commission finds that the subject lot is an inherently hazardous piece of property, that the shorelines are clearly eroding, and that the proposed new development may result in a geologic hazard or may someday require a shoreline protective device, inconsistent with LUP policies 9.12 and 9.13. The Commission further finds that due to the inherently hazardous nature of this lot, the fact that no geology report can conclude with any degree of certainty that a geologic hazard does not exist, and the fact that the applicant has chosen not to place the structure further back from the shoreline as an extra safety measure against erosion hazards, it is necessary to attach Special Condition No. 2 requiring a deed restriction prohibiting the future construction of seawalls and waiving liability.

As noted above, some risks of an unforeseen natural disaster, such as an unexpected wave runup or erosion could result in destruction or partial destruction of the development approved by the Commission. When such an event takes place, public funds are often sought for the clean up of structural debris that winds up on the beach or on an adjacent property. As a precaution, in case such an unexpected event occurs on the subject property, the Commission attaches Special Condition No. 2(f), which requires the landowner to accept sole responsibility for the removal of any structural debris resulting from wave runup or erosion on the site, and agree to remove the structure should the shoreline retreat reach the point where the structure is threatened.

The Commission finds that Special Condition No. 2 is required to ensure that the proposed development is consistent with the LCP and that recordation of the deed restriction will provide notice of potential hazards of the property and help eliminate false expectations on the part of potential buyers of the property, lending institutions, and insurance agencies that the property is safe for an indefinite period of time and for further development indefinitely into the future, or that a seawall could be constructed to protect the development. Only as conditioned is the proposed development consistent with the LCP policies on shoreline development.

Special Condition 3 clarifies that the Commission approval of this project has no effect on the other conditions originally imposed in the County that are based on authority other than the Coastal Act.

The Commission thus finds that the proposed development, as conditioned, is consistent with the policies of the certified LCP regarding shoreline development, including LUP Policies 9.10, 9.11, 9.12, 9.13, and 9.16, as the proposed development will not result in the creation of any geologic hazards, will not have adverse impacts on the stability of the shoreline or on erosion, and the Commission will be able to review any future additions to ensure that development will not be located where it might result in the creation of a geologic hazard.

#### **4. California Environmental Quality Act (CEQA).**

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified 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.

As discussed above, the project has been mitigated to avoid significant impacts on shoreline erosion and geologic hazards. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The project, as conditioned, will not have a significant adverse effect on the environment, within the meaning of CEQA.

For purposes of CEQA, the lead agency for the project is the County of San Mateo. The County of San Mateo has determined the project is exempt under provisions of Section 15303 of the California Environmental Quality Act (Class 3, Construction of Small Structures).

#### **EXHIBITS**

1. Regional Location
2. Vicinity Map
3. Parcel Location

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4. Site Topography
5. Topographic Profile
6. Project Elevations
7. Pile Foundation design
8. County of San Mateo Notice of Final Action and Conditions of Approval
9. Appeal of Commissioners Wan and Nava

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.

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

SAN FRANCISCO CITY AND COUNTY

PACIFIC OCEAN

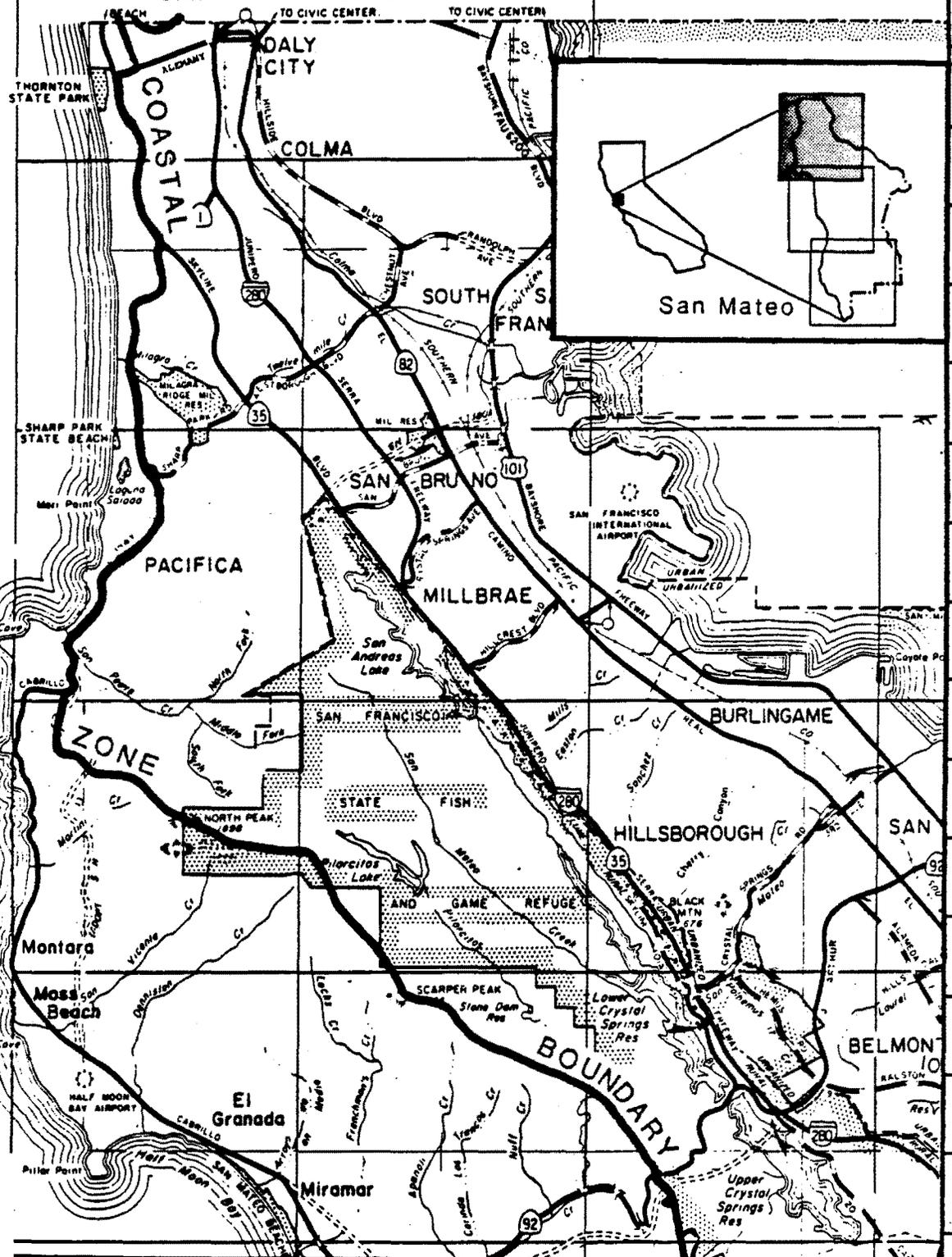
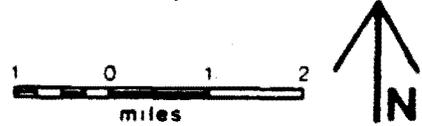
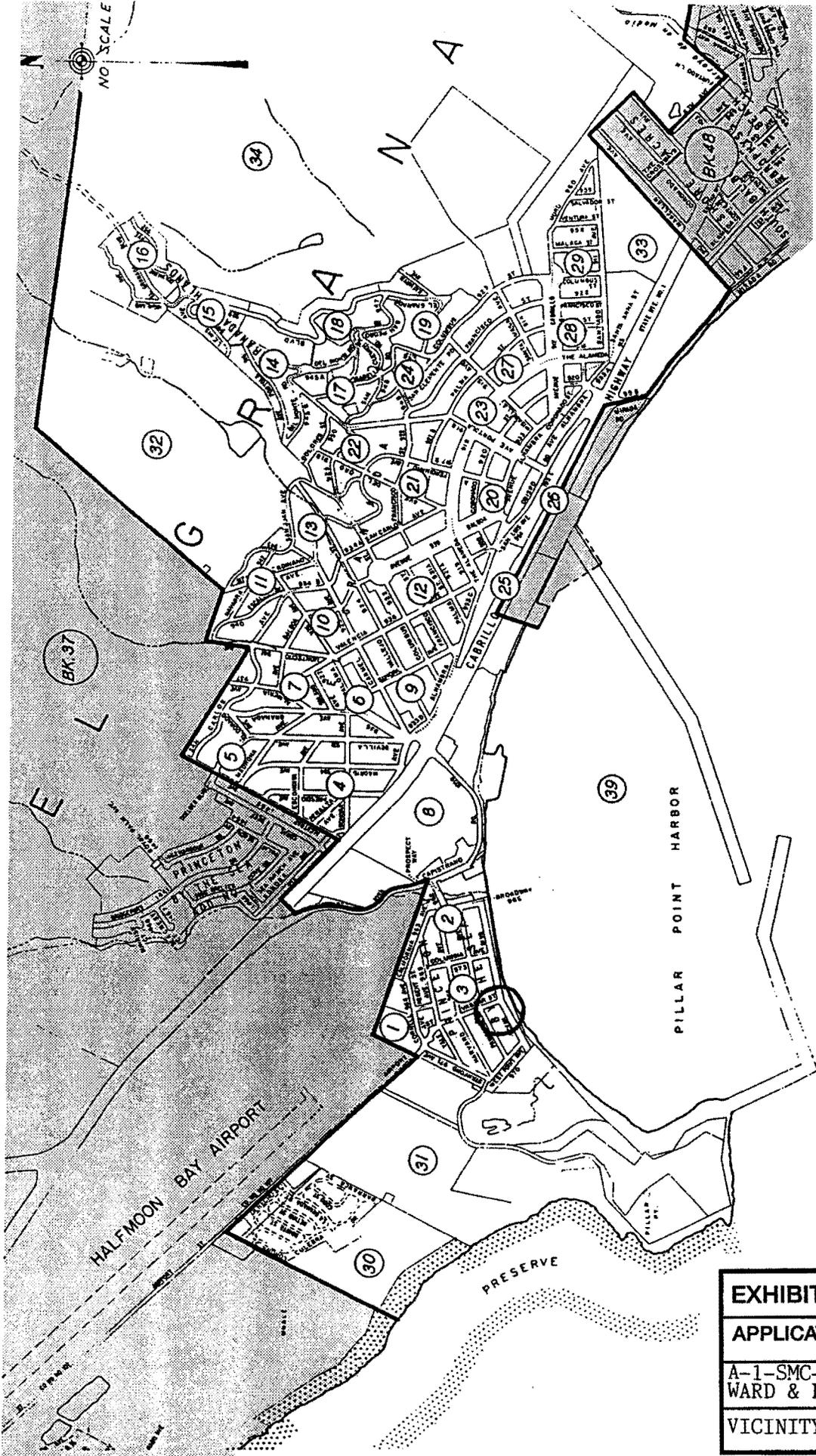


EXHIBIT NO. 1  
 APPLICATION NO.  
 WARD & LOFT  
 A-1-SMC-99-033  
 TIONAL LOCATION

LOCATION MAP





cd5\index47w, jan. 98 rp

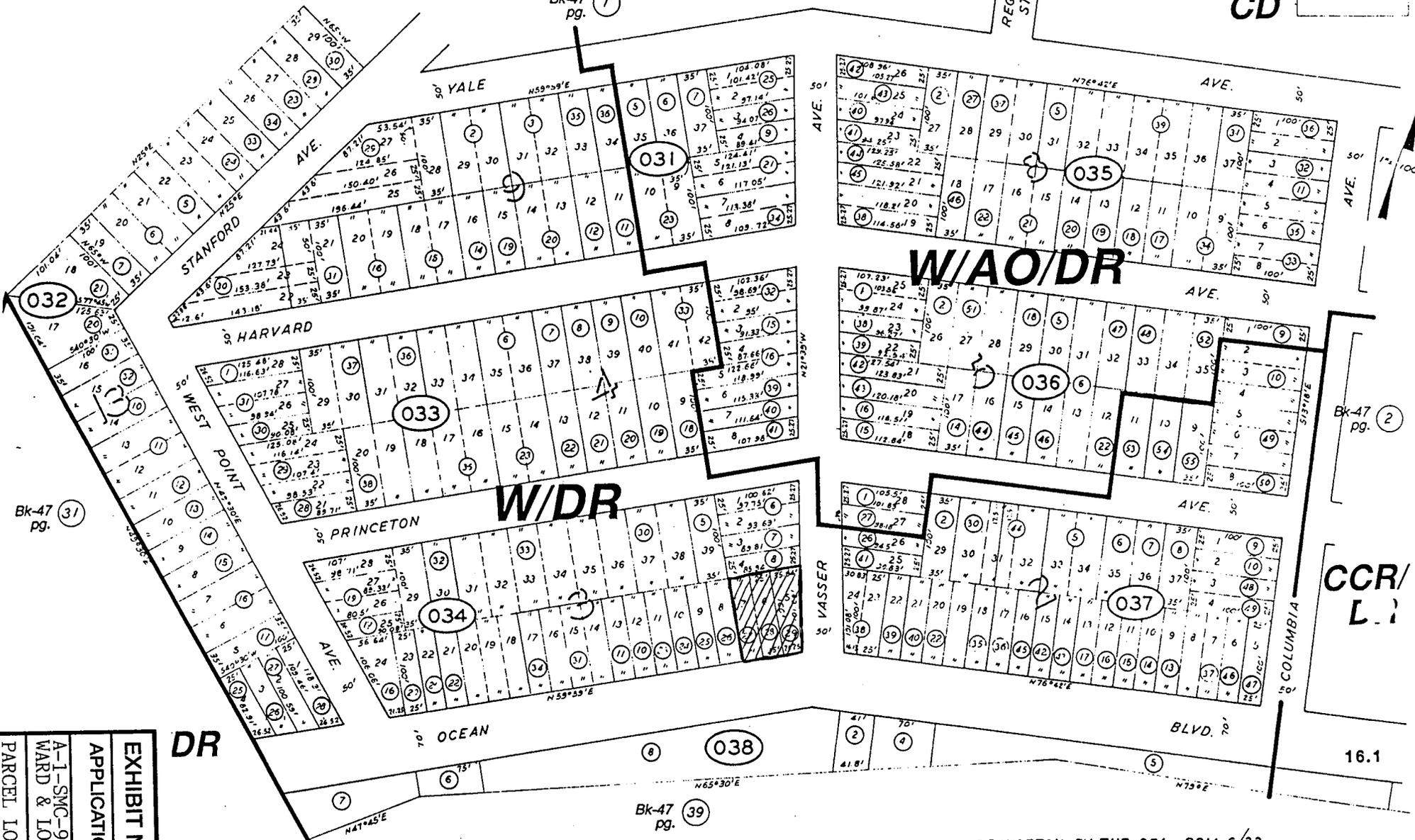
EXHIBIT NO. 2
APPLICATION NO.
A-1-SMC-99-33 WARD & LOFT
VICINITY MAP

TAX CODE AREA

ALL CD 47-3

Bk-47 pg. 1

REGENT ST.



Bk-47 pg. 31

Bk-47 pg. 2

Bk-47 pg. 39

EXHIBIT NO. 3
APPLICATION NO.
A-1-SMC-99-33
WARD & LOFT
PARCEL LOCATION

ISSUOR'S MAP COUNTY OF SAN MATEO, CALIF

PRINCETON BY THE SEA RSM 6/32

2-2A-83 Update 1/98

EXHIBIT NO. 4  
 APPLICATION NO.  
 A-1-SMC-99-33  
 WARD & LOFT  
 SITE TOPOGRAPHY

BOUNDARY AND TOPOGRAPHY MAP

FOR:  
 JENNIE AND STEVE LOFT  
 158 TARAVAL STREET  
 SAN FRANCISCO, CA 94116  
 PHONE 415-661-4733

SURVEY:  
 JOSEPH R. BENNE  
 799 MAIN STREET  
 HALF MOON BAY, CA  
 650-726-9727

GEOTECHNICAL:  
 PGSOFTS INC.  
 301 ROSE COURT  
 BURLINGAME, CA

LEGEND

- WV WATER VALVE
- UL UTILITY POLE
- SM SEWER MANHOLE
- IP FOUND 3/4" IRON PIPE L.S. #3544
- IS SET 3/4" IRON PIPE L.S. #3544
- RD RECORD DATA
- BH BORE HOLE
- WM WATER METER
- SS SANITARY SEWER LINE
- FL FLOW LINE



NOTE:  
 TOPOGRAPHY BY STANDARD FIELD METHODS  
 TOPOGRAPHICAL FEATURES ACCURATE TO 5  
 TWO FEET, CONTIGUOUS AREAS TO 2 ONE  
 HALF CONTIGUOUS AREAS.

BENCHMARK  
 CORNER OF ENGINEERS BENCH MARK AT THE  
 INTERSECTION OF PRINCETON AVE. AND  
 VASSAR AVE. ELEV. 7.86' MSL

TEMPORARY BENCHMARK  
 1/4" IN CORNER ON TOP OF THE PINE  
 HEDGEMAN AT THE NORTHEAST CORNER  
 OF THE INTERSECTION OF PRINCETON AVE.  
 AND VASSAR AVE. ELEV. 12.86' MSL

SQUARE FOOTAGES:  
 THREE STORY CONVENTIONED = 3768 SQ. FT.  
 TWO STORY CONVENTIONED = 2584 SQ. FT.  
 TOTAL CONVENTIONED = 6352 SQ. FT.  
 ENTRY STAIRWELL = 194 SQ. FT.  
 TOTAL SQUARE FOOTAGE = 6546 SQ. FT.

PARKING LOT = 1945 SQUARE FEET  
 APN # 047-034-270,280,290  
 ZONING = W/DR

SITE PARAMETERS:  
 LOT SQUARE FOOTAGE = 7910 SQ. FEET  
 ALLOWABLE (BUILDING) @ 60% COVERAGE = 4746 SQ. FT.  
 ACTUAL FOOTPRINT (BUILDING) SQUARE FOOTAGE = 2750 SQ. FT.  
 MAX. ALLOWABLE HEIGHT FROM FINISHED GRADE = 36 FEET  
 ACTUAL FINISHED HEIGHT OF BUILDING = 35'-6"

REV	DATE	BY	APP	DESCRIPTION	REV	DATE	BY	APP	DESCRIPTION

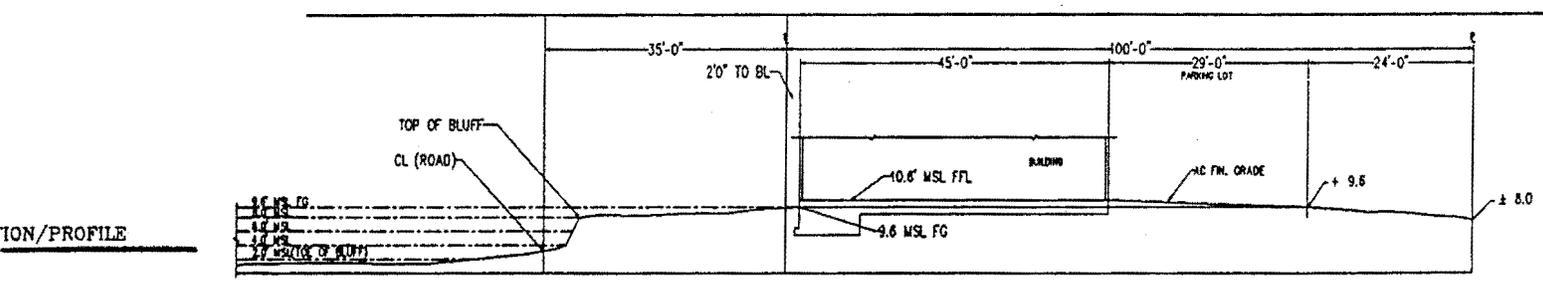
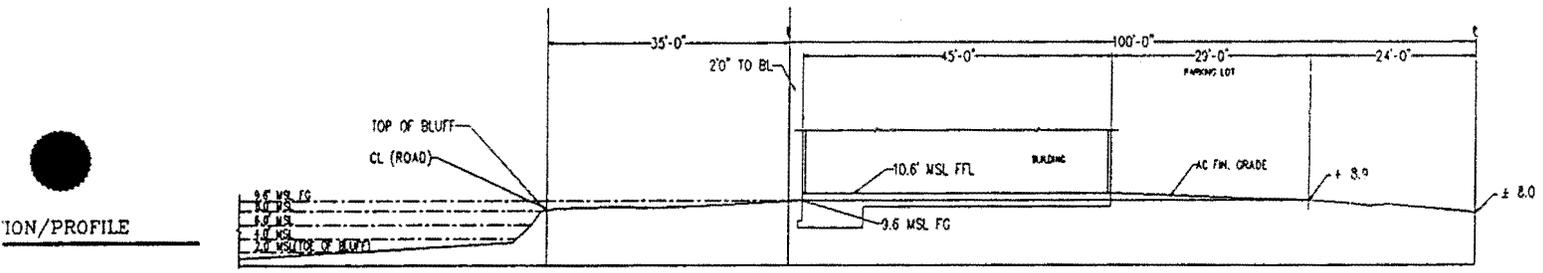
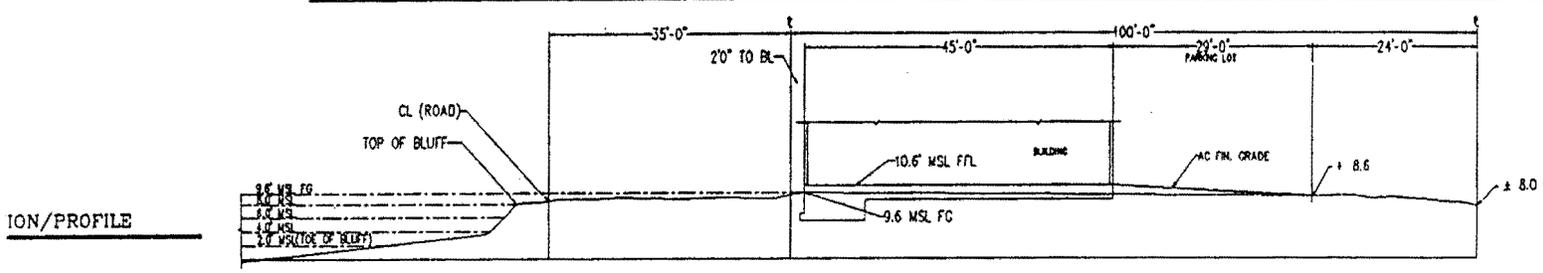
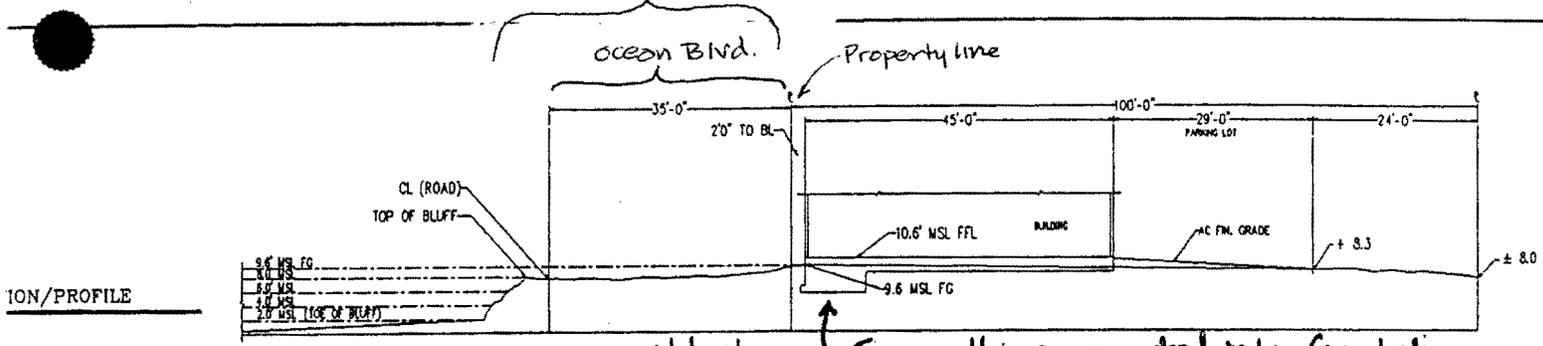
DESIGNED BY GRW	A-1
DRAWN BY GRW	
CHECKED BY JLS	
IN CHARGE BY	

**TOPOGRAPHY/PLOT MAP**  
 G.WARD, ASSOCIATE AIA  
 RESIDENTIAL/COMMERCIAL DESIGN & ENGINEERING SERVICES  
 BOX 3053, MOSS BEACH, CA 94038 650-712-0497

**NEW MARINE ENGINEERING RATIONALE**  
 JENNIE & STEVE LOFT  
 158 TARAVAL STREET  
 SAN FRANCISCO, CA  
 SITE: PRINCETON, CA

CADD FILE NO TOPD.1	CADD DATE 11/01/99
SCALE 1" = 10'	ACTIVITY CODE
DWG NO A-1	REV/PAGE NO A   A-1

Possible Unpermitted Fill

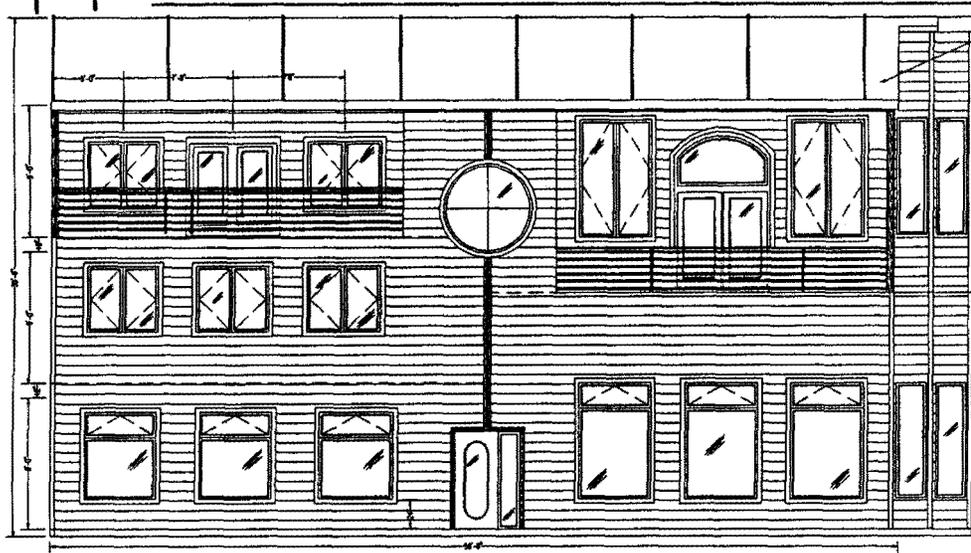


					DESIGNED BY GRV	A-1.1	TOPOGRAPHY/PROFILES G.WARD, ASSOCIATE AIA RESIDENTIAL/COMMERCIAL DESIGN & ENGINEERING SERVICES BOX 3053, MOSS BEACH, CA.94038 650-712-0497	NEW MARINE ENGINEER JENNIE & STEVE 158 TARAVAL S. SAN FRANCISCO SITE: PRINCETO
					DRAWN BY GRV			
REV	DATE	BY	SUB	APP	DESCRIPTION	DATE		

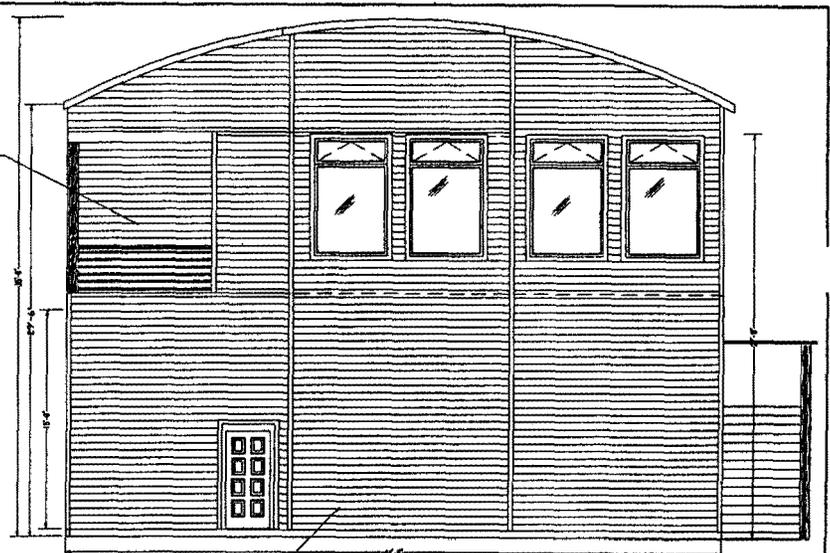
Location of Ocean Blvd. and possible unpermitted fill off project site.  
Original foundation plan

EXHIBIT NO. 5
APPLICATION NO.
A-1-SMC-99-33 WARD & LOFT
TOPOGRAPHIC PROFILE

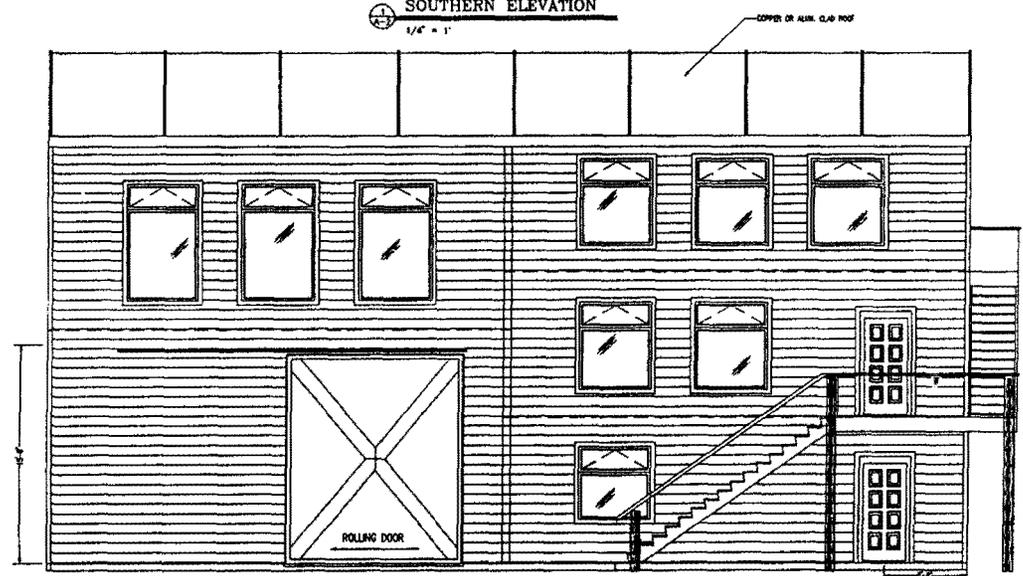
EXHIBIT NO. 6  
 APPLICATION NO.  
 A-1-SMC-99-033  
 G.R. WARD & LOFT  
 PROJECT ELEVATIONS



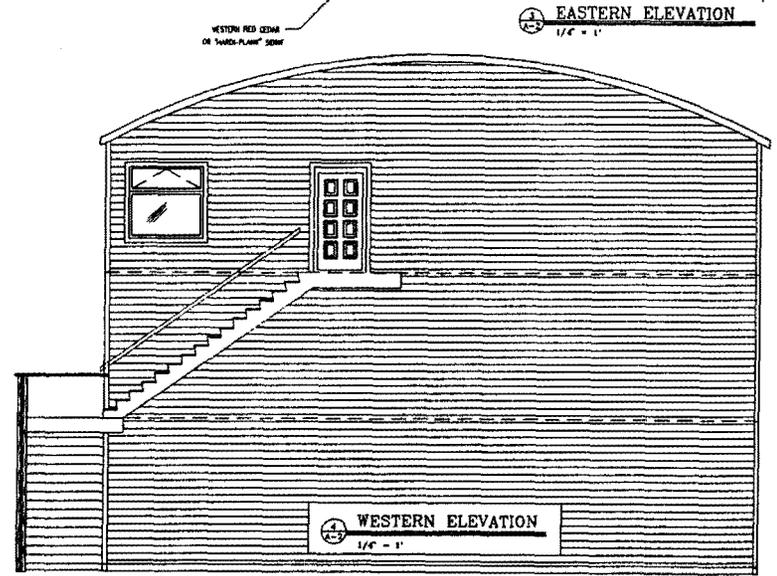
1  
 SOUTHERN ELEVATION  
 1/4" = 1"



2  
 EASTERN ELEVATION  
 1/4" = 1"



3  
 NORTHERN ELEVATION  
 1/4" = 1"



4  
 WESTERN ELEVATION  
 1/4" = 1"

A-2

ELEVATIONS

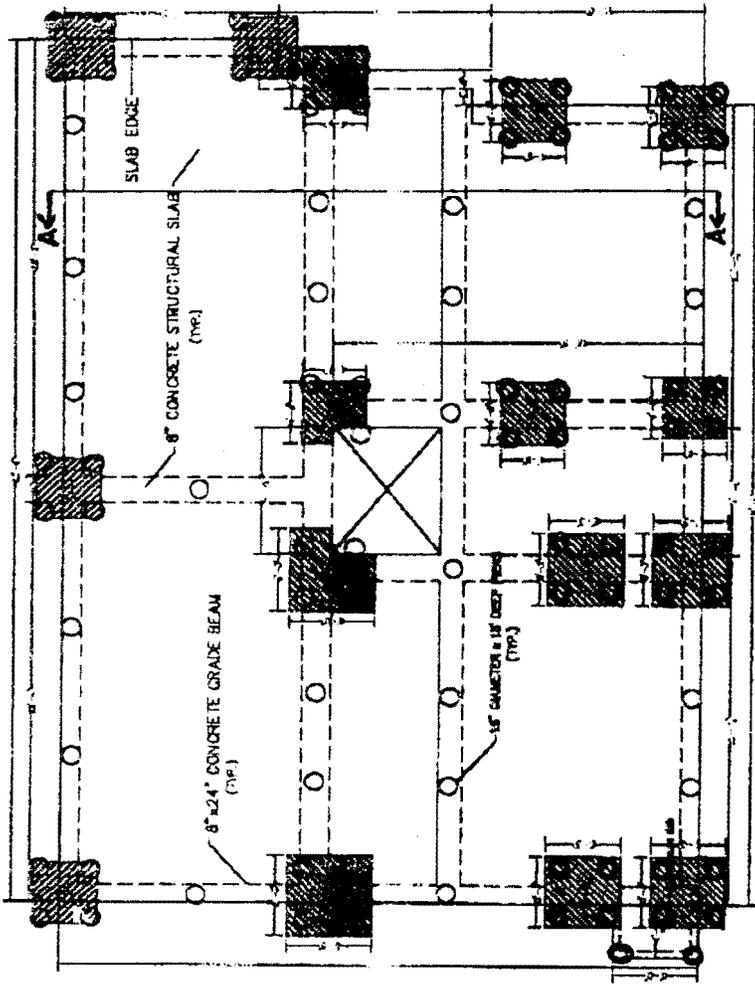
G.R. WARD, ASSOCIATE AIA  
 RESIDENTIAL/COMMERCIAL DESIGN & ENGINEERING SERVICES  
 BOX 3053, MOSS BEACH, CA 94038 650-712-0497

MARINE ENGINEERING FACILITY  
 JENNIE & STEVE LOFT  
 158 TARAVAL STREET  
 SAN FRANCISCO, CA

CADD FILE NO	CADD DATE
SCALE	10/29/98
CONTRACT NUMBER	ACTIVITY CODE
DWG NO	REV/PAGE NO
A-2	A/A-2

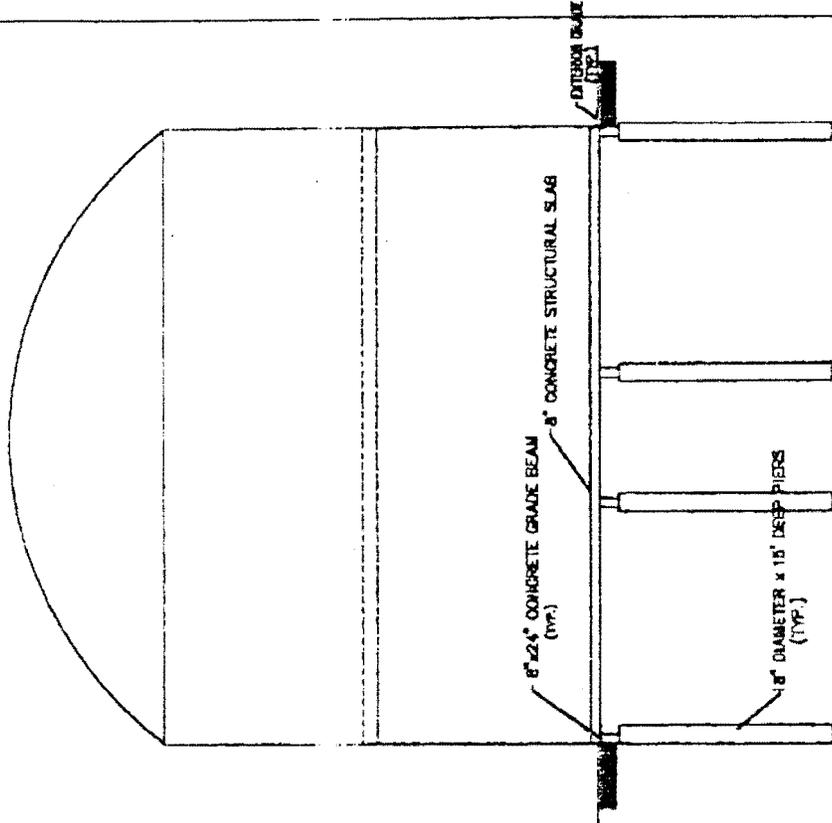
REV	DATE	BY	APP	DESCRIPTION	REV	DATE	BY	APP	DESCRIPTION

DESIGNED BY	DATE
DRAWN BY	DATE
CHECKED BY	DATE
IN CHARGE	DATE



CONCEPTUAL FOUNDATION PLAN  
1/8" = 1'-0"

Ocean Blvd.



SECTION A-A  
1/8" = 1'-0"

EXHIBIT NO.	7
APPLICATION NO.	
A-1-SMC-99-33 WARD & LOFT	
PILE FOUNDATION DESIGN	

CONCEPTUAL FOUNDATION PLAN  
G. R. WARD ASSOCIATE AIA  
REGISTERED PROFESSIONAL ENGINEER & ARCHITECT  
1001 10TH STREET, SUITE 1000, SAN FRANCISCO, CA 94103  
TEL: 415.774.1100 FAX: 415.774.1101

S-1

DATE: 10/15/99  
DRAWN BY: J. WARD  
CHECKED BY: G. R. WARD  
SCALE: AS SHOWN  
PROJECT: WARD & LOFT  
SHEET NO.: 7 OF 11

New Pile Foundation Plan

# San Mateo County Environmental Services Agency

Planning and Building Division ■ 455 County Center ■ Redwood City  
California 94063 ■ Planning: 650/363-4161 ■ Building: 650/599-7311 ■ Fax: 650/363-4849

04/30/1999

NOTICE OF FINAL LOCAL DECISION  
Pursuant to Section 6328.11.1(f) of the San Mateo County Zoning Regulations

## CERTIFIED MAIL

California Regional Coastal Commission  
45 Fremont Street  
Suite 2000  
San Francisco, CA 94105

RECEIVED  
MAY 04 1999  
CALIFORNIA  
COASTAL COMMISSION

Attn: Jack Liebster

File No. : PLN1999-00043

Applicant/Owner Name: GREG WARD / STEVE LOFT

The above listed Coastal Development Permit was conditionally approved by the County of San Mateo on 04/15/1999. The County appeal period ended on <sup>4/29/99</sup> Local review is now complete.

This permit IS appealable to the California Coastal Commission; please initiate the California Coastal Commission appeal period.

This permit IS NOT appealable to the California Coastal Commission.

If you have any questions about this project, please contact BETSY ARDEN at (650) 363-4161.

Betsy Arden  
BETSY ARDEN  
Project Planner

EXHIBIT NO. 8
APPLICATION NO. (Page 1 of 6)
A-1-SMC-99-33 WARD & LOFT
SMC NOTICE OF FINAL ACTION & CONDITIONS APPROVAL



Planning and Building Division

**County of San Mateo**

Mail Drop PLN122 · 455 County Center · 2nd Floor · Redwood City  
California 94063 · Telephone 650/363-4161 · Fax 650/363-4849

**Board of Supervisors**

Rose Jacobs Gibson  
Richard S. Gordon  
Mary Griffin  
Jerry Hill  
Michael D. Nevin

**Director of  
Environmental Services**  
Paul M. Koenig

**Planning Administrator**  
Terry L. Burnes

Please reply to: **Betsy Arden**  
**(650) 363-1829**

April 21, 1999

Mr. Greg Ward  
P.O. Box 3053  
Moss Beach, CA 94038

Dear Mr. Ward:

**SUBJECT:** Coastal Development Permit,  
Use Permit, File No. PLN 1999-00043  
Corner of Vassar Avenue and Ocean Avenue  
APNs: 047-034-270; -280; -290

**RECEIVED**  
APR 27 1999

CALIFORNIA  
COASTAL COMMISSION

On April 15, 1999, the Zoning Hearing Officer considered your request for a Coastal Development Permit and a Use Permit pursuant to Sections 6328.4 and 6287 respectively of the County Zoning Regulations to construct a new marine engineering facility in unincorporated Princeton.

Based on information provided by staff and evidence presented at this hearing, the Zoning Hearing Officer made the findings appropriate for this project and approved this project subject to the following conditions.

**FINDINGS**

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

1. That the project, as described in the application and accompanying materials required by Zoning Regulations 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.
2. That the project conforms to the specific findings required by policies of the San Mateo County Local Coastal Program.

Mr. Greg Ward  
April 21, 1999  
Page 2

3. Where the project is located between the nearest public road and the sea, 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).

Regarding the Use Permit, Found:

4. That the establishment, maintenance, and/or conducting of the proposed use will not, under the circumstances of this particular case, be detrimental to the public welfare or injurious to property or improvements in the said neighborhood.

For the Environmental Review, Found:

5. That this project is exempt from environmental review under Section 15303 of the California Environmental Quality Act (construction of small structures).

CONDITIONS OF APPROVAL

Planning Division

1. This approval applies only to the proposal, documents and plans described in this report and submitted to and approved by the Zoning Hearing Officer on April 15, 1999. Minor revisions or modifications 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.
2. This use permit shall be valid for five (5) years following this date of approval. The use permit is subject to administrative reviews one year (April 2000) and three years (April 2002) from the date of final approval for compliance with the conditions of approval.

The use permit is for the types of uses identified in this report, marine engineering/research. Any modification to this use shall require an amendment to this use permit. If the applicants wish to renew this use permit, they shall apply for renewal six months prior to expiration.

3. Per the regulations of Section 6121.4, *Landscaping*, a planter or landscaped area of at least four (4) feet wide shall be provided adjacent to all street rights-of-way. The applicant shall submit a landscape plan for review by the Planning Division prior to building permit issuance. The goal of the landscape plan is to ensure that adequate landscaping is identified (type and size) and located on the project site. All approved landscaping shall be installed prior to the Building Inspection's final approval of the building permit. The applicant shall submit a \$500 landscape surety deposit in the form of a Certificate of Deposit which shall be held for two full growing seasons and shall be released only upon confirmation that all required landscaping has survived.

Mr. Greg Ward  
April 21, 1999  
Page 3

4. Height verification shall be required at various stages during construction and confirmed in writing at each stage by the project engineer. The site plan shall show:
  - a. The benchmark elevation point as established by a licensed land surveyor or engineer. This benchmark point must be located so that it will not be disturbed by construction activities. The datum point shall be used during construction to verify the elevation of the finished floors relative to the site's existing natural grade.
  - b. The natural grade elevations at a minimum of four significant corners of the structure's footprint.
  - c. The elevations of the proposed finished grades, where applicable.
  - d. The ridgeline elevation of the highest point on the roof.
5. The applicant shall ensure that if during construction any evidence of prehistoric or historic archaeological resources or human remains is uncovered or encountered, then all excavations within 30 feet shall be halted and the applicant shall hire a qualified, licensed archaeologist to assess the situation and recommend appropriate measures. The applicant shall report to the County Planning Division in writing what these recommended measures are and shall strictly follow these measures before continuing and during all construction activities.
6. The outdoor storage of any miscellaneous materials, articles, equipment or scrap associated with the permitted use shall be screened from view by a 6-foot high solid wood, masonry or cyclone fence with wooden slats, dense landscaping, or a combination of fencing and landscaping materials.
7. The applicant shall revise and submit to the Planning Division at the time of application for a building permit a site plan showing the location and design of the trash enclosure, screened from view as stipulated in Condition #6.
8. The applicant shall submit exterior color and material samples to the Planning Division for review and approval by the Planning Director prior to issuance of the building permit.
9. All utilities to the building shall be placed underground.
10. During project construction, the applicant shall, pursuant to Section 5022 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site into storm drain systems and water bodies by:
  - a. Using filtration materials on storm drain covers to remove sediment from dewatering effluent.

Mr. Greg Ward  
April 21, 1999  
Page 4

- b. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15.
  - c. Removing spoils promptly, and avoiding stockpiling of fill materials, when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
  - d. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to the storm drain system or water body.
  - e. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
  - f. Limiting and timing applications of pesticides and fertilizer to avoid polluting runoff.
11. The Coastal Development Permit shall be valid for one year from the date of approval. Any extension of this permit shall require submittal of a request for permit extension and payment of applicable extension fees no less than thirty (30) days prior to expiration.

#### Building Inspection Section

12. The applicant shall obtain a building permit and comply with all Building Code and Building Inspection regulations.

#### Half Moon Bay Fire Protection District

13. The Half Moon Bay Fire District has identified the Ocean Boulevard and Vassar Avenue project as one that requires the formation of a Community Facilities District (CFD) as a condition of project approval. Commercial buildings over 5,000 sq. ft. are required to comply with this measure as a condition of approval. The CFD is formed by petition to the Fire District and is tied to the amount of anticipated revenue from the development through the normal property tax process. It is basically an insurance policy for the District in that the CFD will kick in only if the tax revenues from the property fall drastically. This requirement should take place as a mitigation measure for new construction within the boundaries of the Half Moon Bay Fire District.

#### Granada Sanitary District

14. The applicant's project must meet County definition of a priority use for this commercial area. The project will qualify for priority sewer and water capacity upon construction of a priority land use permitted in this zone.

Mr. Greg Ward  
April 21, 1999  
Page 5

Any interested party aggrieved by the determination of the Zoning Hearing Officer may appeal this decision to the Planning Commission within ten (10) days from the date of determination, by completing an application and paying an appeal fee of \$169. The appeal period for this project will end on April 29, 1999.

This item is also appealable to the California Coastal Commission. An additional Coastal Commission ten (10) working day appeal period will begin after the County appeal period ends. The County and Coastal Commission appeal periods run consecutively, not concurrently, and together total approximately one month. A project is considered approved when these appeal periods have expired and no appeals have been filed.

Very truly yours,



William R. Rozar  
Zoning Hearing Officer  
WRR/zhd0415j.ltp

cc: Public Works  
Building Inspection  
California Coastal Commission  
Half Moon Bay Fire Protection District  
Granada Sanitation District  
Steve and Jennie Loft  
MCCC  
Princeton Citizens Advisory Committee

# CALIFORNIA COASTAL COMMISSION

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



## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

### SECTION I. Appellant(s)

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

<u>SARA WAN</u>		
<u>22350 Carbon Mesa Road</u>		
<u>Malibu, CA 90265</u>	<u>( 310 )</u>	<u>456-6605</u>
Zip	Area Code	Phone No.

### SECTION II. Decision Being Appealed

1. Name of local/port government: San Mateo County

2. Brief description of development being appealed: See attached

3. Development's location (street address, assessor's parcel no., cross street, etc.): Corner of Vassar Avenue and Ocean Avenue, Princeton, APNs 047-034-270, -280 and -290 (San Mateo County)

4. Description of decision being appealed:

a. Approval; no special conditions: \_\_\_\_\_

b. Approval with special conditions: X

c. Denial: \_\_\_\_\_

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

### TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-1-SMC-99-033

DATE FILED: May 18, 1999

DISTRICT: North Coast

H5: 4/88

<b>EXHIBIT NO. 9</b>
<b>APPLICATION NO.</b> (Page 1 of 5)
A-1-SMC-99-33
WARD & LOFT
APPEAL OF COMMISSIONERS WAN AND NAVA

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

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

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

6. Date of local government's decision: April 15, 1999

7. Local government's file number (if any): PLN1999-00043, CDP 98-0077

SECTION III. Identification of Other Interested Persons

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

a. Name and mailing address of permit applicant:

<u>Greg Ward</u>	<u>Jennie &amp; Steve LOFT</u>
<u>P.O. Box 3003</u>	<u>158 Taraval, San Francisco, CA 94116</u>
<u>Moss Beach, CA 94038</u>	<u>Tel.No. (415) 661-4733</u>
<u>(Tel.No. (650) 712-0497</u>	

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

- (1) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (2) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (3) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (4) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECTION IV. Reasons Supporting This Appeal

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

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

SEE ATTACHED.

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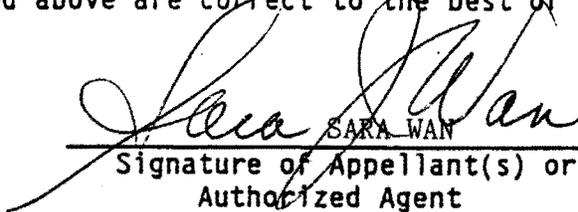
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Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal,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

**SECTION V. Certification**

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

  
SARA WAN  
Signature of Appellant(s) or  
Authorized Agent

Date May 18, 1999

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

**Section VI. Agent Authorization**

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

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

Date \_\_\_\_\_

## A-1-SMC-99-033 Ward-Loft Appeal

### Section II, No. 2:

The applicant proposes to construct a three-story, 2,750 sq.ft. marine engineering facility and a 1,945 sq.ft. parking lot on three adjacent ocean front parcels in unincorporated Princeton. Marine research is a use allowed in the "Waterfront" (W) Zoning District subject to an approved use permit.

### Section IV

The project as approved by the County of San Mateo does not conform to the standards set forth in the County of San Mateo's certified Local Coastal Program, and thus raises a substantial issue, as detailed below.

LUP policy 9.11 states:

#### Shoreline Development

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

The area in which the project is located is not an area where "beach erosion hazards are minimal." In fact there is significant evidence of erosion in the area. The County's Geotechnical Hazards Synthesis Map identifies the area as having "Low Coastal Cliff Stability," and states that no structures should be located within 50 feet of the bluff top. This project, according to the County, is within 37 feet of the bluff top. This information is evidence that beach erosion is not "minimal" in this area as specified in Policy 9.11, and raises an issue of conformity to this policy.

Policy 9.11 also requires that new development be located where no additional shoreline protection is needed. The findings adopted by the County do not demonstrate that such shoreline protection will not be required during the life of the project. No geologic study was performed on the site to demonstrate that shoreline protection will not be required. In addition, there is evidence that the development would in part be located on unpermitted fill that appears to have been placed in areas that were previously eroded or threatened by erosion. If this unpermitted fill was not present, or were removed, the development may well require shoreline protection. No definitive evidence was provided in the County's findings to demonstrate that, given this situation, locating this development as approved is consistent with Policy 9.11's requirement that the development be located where no additional shoreline protection is needed.

In addition, LUP policy 9.10 states:

Geological Investigation of Building Sites

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

"Hazards areas" and "hazards" are defined as those geotechnical hazards shown on the current Geotechnical Hazards Synthesis Maps of the General Plan and the LCPP Hazards Maps.

In this case, a substantial issue is raised because the site is in a designated hazardous area identified in the LCP Hazard Maps, but no geologist review was required prior to the approval of the CDP.

LUP policy 9.10 states:

Geologic Reports for Shoreline Structures

Require that all applications involving shoreline structures shall be accompanied by a report prepared by a certified engineering geologist or a soils engineer, as appropriate, which analyzes the effect the project will have on physical shoreline processes.

This parcel is a shoreline parcel, or would be but for unpermitted fill seaward of it. The project was approved without a report analyzing the effect on shoreline processes as required by policy 9.10, thus raising a substantial issue.

**CALIFORNIA COASTAL COMMISSION**

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



# F 11b

Filed: November 10, 1999  
Staff: Jack Liebster-SF  
Staff Report: November 17, 1999  
Hearing Date: December 10, 1999  
Commission Action:

**STAFF REPORT: APPEAL****SUBSTANTIAL ISSUE**

LOCAL GOVERNMENT: County of San Mateo

LOCAL DECISION: Approved with conditions

APPEAL NUMBER: A-2-SMC-99-63

APPLICANT: COASTSIDE COUNTY WATER DISTRICT

PROJECT LOCATION: Unincorporated El Granada, San Mateo County, from San Clemente Road south along Columbus Street, Moro Ave., Ventura Ave., and terminating at Santiago Ave.

PROJECT DESCRIPTION: Replacement of 3,200 lineal feet of an existing 10-inch welded steel water transmission line with a 16-inch ductile iron water line (El Granada Pipeline Replacement Project), to be constructed predominantly in County street right-of-ways between San Clemente Road and Santiago Ave.

APPELLANTS: Ric Lohman,  
Coastal Commissioners Mike Reilly  
and Christina Desser;

SUBSTANTIVE FILE DOCUMENTS: San Mateo County CDP PLN1999-192; San Mateo County Local Coastal Program.

STAFF RECOMMENDATION:

The staff recommends that the Commission OPEN AND CONTINUE the public hearing to determine whether substantial issue exists with respect to the grounds on which the appeal has been filed for the following reasons:

Pursuant to Section 30621 of the Coastal Act, an appeal hearing must be set within 49 days from the date an appeal of a locally issued coastal development permit is filed. The appeal on the above-described decision was filed on November 10, 1999. The 49<sup>th</sup> day falls on December 29, 1999. The only meeting within the 49-day period is December 7-10, 1999. In accordance with the California Code of Regulations, on November 12, 1999, staff requested all relevant documents and materials regarding the subject permit from the County, to enable staff to analyze the appeal and prepare a recommendation as to whether a substantial issue exists. The regulations provide that a local government has five working days from receipt of such a request from the Commission to provide the relevant documents and materials. The County has not had time to prepare the local records. Thus, the County permit file information had not been received as of the day of the mailing of staff reports to the Commission and interested parties on items on the Commission's December meeting agenda. Therefore, the requested information was not received in time for the staff to review the information for completeness or prepare a recommendation on the substantial issue question. Consistent with Section 12112 of the California Code of Regulations, since the Commission did not receive the requested documents and materials, the Commission must open and continue the hearing open until all relevant materials are received from the local government.

The proper motion is:

1. Motion:

I move that the Commission open and continue the public hearing to determine whether substantial issue exists with respect to the grounds on which the appeal has been filed for Appeal No. A-2-SMC-99-63.

2. Staff Recommendation of Approval:

Staff recommends a YES vote. The motion passes only by affirmative vote of a majority of the Commissioners present.