

CALIFORNIA COASTAL COMMISSION

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Staff Report: July 20, 2000
Hearing Date: August 9, 2000
Commission Action:

**APPEAL STAFF REPORT
SUBSTANTIAL ISSUE DETERMINATION
AND DE NOVO HEARING**

APPEAL NO.: A-2-SMC-99-066

APPLICANT: David Lee

AGENT: Stan Field

LOCAL GOVERNMENT: San Mateo County

LOCAL DECISION: Approval with Conditions

PROJECT LOCATION: 2070 Cabrillo Highway, in the unincorporated Pescadero area of San Mateo County, APN 089-230-220.

PROJECT DESCRIPTION: Construction of a two-story, 6,500-square-foot single-family residence with attached four-car garage, 600-square-foot detached accessory building, lap pool, pond, gazebo with a spa, and driveway on a legal 84.49-acre lot; plus installation of a septic system and water pipeline.

APPELLANTS: Commissioners Sara Wan and Christina Desser, California Coastal Commission

SUBSTANTIVE FILE DOCUMENTS: See Appendix A

STAFF RECOMMENDATION: Substantial Issue Exists; Denial

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Exhibit

- 1 San Mateo County's Conditions of Approval
- 2 Commission Notification of Appeal

LIST OF CORRESPONDENCE

August 28, 1999	Letter from Ronald Schafer, California Department of Parks and Recreation to San Mateo County Planning Division
September 21, 1999	Letter from Damon DiDonato, Project Planner, San Mateo County to Ronald Schafer, California Department of Parks and Recreation
September 2, 2000	Letter from Lennie Roberts, Committee for Green Foothills to Damon DiDonato, Project Planner, San Mateo County
September 21, 1999	Letter from Damon DiDonato, Project Planner, San Mateo County to Lennie Roberts, Committee for Green Foothills
September 14, 1999	Letter from Brian L. Hinman to Stan Field
September 15, 1999	Letter from Stephanie Jennings and Paul Pfluke
September 16, 1999	Letter from The Bolings to Stan Field
September 20, 1999	Letter from Jon Kosek, to Stan Field
January 2000	Letter from Rosalind Carol
January 9, 2000	Letter from Alan DeMartini to the Coastal Commission
January 10, 2000	Letter from Peter J. Metropulos to the Coastal Commission
January 12, 2000	Letter from Robin Winslow Smith, Sequoia Audubon Society to the Coastal Commission
January 13, 2000	Letter from Rusty Areias, California Department of Parks and Recreation to Peter Douglas, Executive Director, Coastal Commission
January 24, 2000	Letter from Karen Maki to Sara Wan, Coastal Commission
February 1, 2000	Letter from Anna Neal to Sara Wan, Coastal Commission

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, and that the Commission hold a de novo hearing, because the appellants have raised a substantial issue with the local government's action and its consistency with the certified LCP.

San Mateo County (the County) approved with conditions a coastal permit for construction of a two-story, 6,500-square-foot single-family residence with attached four-car garage, 600-square-foot detached guest house, lap pool, pond, gazebo with a spa, and driveway, plus installation of a septic system and water pipeline on a legal 84.49-acre lot. The appellants contend that the project is not consistent with the visual resources policies of the County's LCP.

Commission staff analysis indicates that the appeal raises significant questions regarding whether the residence, as approved by the County, would be sited and designed to protect coastal views in the manner required by the policies of the certified LCP. Commission staff recommends that the Commission find that the project, as approved by the County, raises a substantial issue with regard to conformance with the visual resources policies of the County's LCP.

The Motion to adopt the Staff Recommendation of Substantial Issue is found in Section 3.0.

COASTAL PERMIT APPLICATION: DENIAL

The staff recommends that the Commission deny the coastal development permit for the proposed project on the basis that it is inconsistent with the visual resources policies of the County's certified LCP. In addition, staff concludes that to comply with the visual resources policies of the LCP, the project would have to be relocated and significantly redesigned. Thus, the existing project cannot now be conditioned to achieve consistency with the LCP and the applicant should reapply for a relocated, redesigned project. Staff emphasizes, however, that it is feasible to relocate and redesign the house to better comply with the certified LCP.

The Motion to adopt the Staff Recommendation of Denial is found in Section 1.0.

STAFF NOTES

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

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

PART 1 - SUBSTANTIAL ISSUE

1.0 STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

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

MOTION

I move that the Commission determine that Appeal No. A-2-SMC-99-066 raises NO substantial issue as to conformity with the certified Local Coastal Program 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. A No vote would result in the de novo consideration by the Commission of the appeal and in the adoption of the following resolution and findings. Approval of the motion would mean that the County permit is final. To pass the motion, a majority vote of Commissioners present is required.

2.0 FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

2.1 Local Government Action

On November 9, 1999, the San Mateo County Planning Commission approved with conditions Coastal Development Permit (CDP) PLN 1999-00296 (Lee) for construction of a two-story, 6,500-square-foot single-family residence and associated development as further described in Section 2.5 below. The approval includes 28 special conditions, as listed in Exhibit 1 (San Mateo County 1999b). Conditions 14, 17, and 18 address visual resources. Condition 14 requires the applicant to submit color and material samples for approval by the Planning Director, and that the colors and materials blend in with the surrounding soil and vegetative color of the site. Condition 17 requires that the applicant apply an anti-reflective window coating to the south-western facing windows on all structures. Condition 18 requires the applicant to record a deed restriction on the property regarding maintenance of screening vegetation, color of exterior materials, and minimization of lighting. The local appeal period ended on November 24, 1999 and there were no local appeals.

2.2 Appellants' Contentions

Commissioners Sara Wan and Christina Desser appealed the County of San Mateo's decision to approve the project. The appellants contend that the project is not consistent with the visual resources policies of the County's LCP. The appellants' contentions are summarized below, and the full text of the contentions is also included as Exhibit 2.

The appellants assert that the subject development, which is sited near the top of a hill within the scenic corridor of State Highway 1 and is visible from a State Scenic Road (State Highway 1) and Año Nuevo State Reserve, is inconsistent with San Mateo County Land Use Plan (LUP) visual resources policies 8.5, 8.17c, 8.18b, and 8.20. These policies include requirements that new development:

- be located where it is least visible from State and County Scenic Roads, is least likely to significantly impact views from public viewpoints, and is consistent with all other LCP requirements, but preserve the visual and open space qualities overall;
- be controlled "to avoid the need to construct access roads visible from State and County Scenic Roads";
- be located where screening minimizes the visibility of development from public roads; and
- be related in size and scale to adjacent buildings and landforms.

2.3 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 that 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 of a County approval that is not located between the sea and the first public road paralleling the sea are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program.

The project is appealable to the California Coastal Commission because it is not a principally permitted use. A single-family house is not a principally permitted use within the Planned Agricultural District (PAD), in which the project is sited, of San Mateo County's LCP.

2.4 Filing of Appeal

The Commission received the Notice of Final Action for the County's approval of the subject development on December 2, 1999. In accordance with the Commission's regulations, the 10-working-day appeal period ran from December 3 through December 16 (14 CCR Section 13110). The appellants (Commissioners Sara Wan and Christina Desser) submitted their appeal to the Commission office on December 16, 1999 (see Exhibit 2). On January 14, 2000, the Commission opened a hearing on the substantial issue determination for the appeal. The Commission continued the hearing, suspending final action on the appeal pending discussions between the applicant and staff.

2.5 Project Location And Site Description

The project approved by the County is located inland of Highway 1, about ten miles south of Pescadero, in the unincorporated portion of San Mateo County, California (Figure 1). The proposed building site is on the top of a southwest-facing hill overlooking Año Nuevo State Reserve (Figure 2). The Assessor's Parcel Number is 089-230-220 as shown on Figure 3. The property is rectangular, approximately 1,000 feet in width along the front and rear property lines and 3,000 feet in length along the side property lines.

The property is designated in the County's LUP as Agriculture and is zoned Planned Agricultural District (PAD). The proposed single-family dwelling complies with the PAD zoning of the lands within the coastal zone, which allows one density credit or one residential unit on the property. The PAD zone allows a maximum building height of 36 feet, which is the proposed height of the Lee house. Setbacks for the PAD require a front yard of 50 feet, side yards of 20 feet, and rear yard of 20 feet. A single-family residence

is not allowable as a principally permitted structure within the PAD, but may be allowed with the issuance of a Planned Agricultural Permit. The County determined that the project was in compliance with the substantive criteria for issuance of a Planned Agricultural Permit (Section 6355 of San Mateo County's Zoning Regulations). The substantive criteria address protection of agricultural uses on land in the PAD. The criteria includes minimizing encroachment on land suitable for agricultural use, clustering development, availability of water supply, preventing or minimizing division or conversion of agricultural land, and retention of agricultural land within public recreation facilities.

The elevation of the parcel ranges from approximately 160 feet above mean sea level (msl) along Highway 1 in the western portion of the parcel and 390 feet above msl in the eastern portion of the site along the boundary with Santa Cruz County. The property has flat to gradual slopes of approximately 10 percent on most of the parcel with a gradual uphill grade to the east, and steeper slopes of approximately 25 percent along a ravine that crosses the lot (see Figure 4). The proposed building site is on a flat terrace between 380 and 390 feet above msl.

The parcel is within the central region of the Coast Ranges Geomorphic Province, and is underlain by marine and continental sedimentary rock units that have been deposited, folded, faulted, and uplifted to form the Santa Cruz Mountains (Romig Consulting Engineers 1999). The active San Gregorio Fault crosses the parcel and lies parallel to and approximately 800 feet from Highway 1. The Alquist-Priola Special Studies Zone boundary extends approximately 250 feet south of the fault and approximately 600 feet north of the fault (Figure 5). The parcel is within an active seismic area and may be subject to strong ground shaking. The site also is located within an ancient landslide complex approximately 4,000 feet in length and 1,500 feet in width. Romig Consulting Engineers (1999) did not observe any indications of any recent activity of the slide, and concluded that the landslide movement has ceased, and would be unlikely to recur. The potential for liquefaction at the site is low (Romig Consulting Engineers 1999). The Commission's staff geologist has reviewed the Romig report and concurs with these conclusions.

Soils at the site are primarily Santa Lucia loam, with Lockwood loam soils in the western portion of the parcel between Highway 1 and the pond, and Dublin clay soils in the ravine. Most of the Santa Lucia soils pose slight to moderate erosion potential, with those in the southeastern portion of the lot posing moderate to high erosion potential. The erosion hazard of the Lockwood and Dublin soils is slight (US Department of Agriculture 1961). The 14 acres in which the Lockwood soils are found are considered prime agricultural soils.

The parcel includes diverse habitat types (Figure 6). Currently, a majority of the property is annual grassland with scattered shrubs and tree saplings due to earlier use of the site for agricultural activities. Riparian wetland, pond, and coastal scrub vegetation are found in the depressions. Eucalyptus forest borders the northern and eastern property boundaries

and mixed stands of Monterey pine and Douglas fir border the southern boundary. These habitats support many plant and wildlife species, including some special status species. One California red-legged frog, a federally-listed threatened species, was observed in the pond on the western portion of the property. A yellow warbler, a California Species of Special Concern, was also observed in the willows adjacent to the pond (Thomas Reid Associates 1999). Monarch butterflies, which are included in California Department of Fish and Game's Special Animals list, have been recorded within the Monterey pine grove just off the southeastern edge of the property. The eucalyptus and Monterey Pine woodland on the property provide potential roosting habitat for this species. The native Monterey pine, itself, is listed as a federal species of concern and a California Native Plant Society's List 1B species ("Plants Rare, Threatened, or Endangered in California and elsewhere"). The native range for Monterey pine is limited to the stands near Año Nuevo, including the one bordering the parcel, and three other isolated locations. The Año Nuevo stands are the northernmost extent of the native Monterey pine forests. These pines not only have a limited distribution but also are threatened by a fungus, pitch canker. The Año Nuevo stand, estimated to have once covered about 18,000 acres, has been reduced to approximately 1,500 to 2,000 acres (Staub, personal communication).

An archaeological survey of the northeastern portion of the parcel and along a proposed water pipeline was conducted by a professional archaeologist in June and July of 1999, as recommended by the California Historical Resources Information Center at Sonoma State University. No prehistoric cultural materials or historic materials were found. Two locations for trenching could not be surveyed because of dense vegetation, and the consultant recommended that a professional archaeologist be present to monitor the unsurveyed areas when excavation begins (San Mateo County 1999a).

2.6 Project Description

The project approved by the County consists of construction of a two-story, 6,500-square-foot single-family residence with attached four-car garage, 600-square-foot detached guest house, lap pool, pond, gazebo with a spa, and driveway, plus installation of a septic system and water pipeline on a legal 84.49-acre lot (Figures 7 through 10: first and second floor plans). The County-approved garage, utilities, lap pool, gazebo, patios, and decks, which comprise an additional 7,990 square feet of floor space, are not included in the 6,500 square feet of living space. The approved pond, walkway, and cultivated garden comprise another 18,500 square feet of developed area. Therefore, the gross square footage of developed area is 33,090, not including the driveway of 9,600 square feet, including two-foot shoulders. The table below presents each aspect of the proposed project and the associated square feet.

Table 1. Area of Proposed Residence and Associated Appurtenances

Residence and Appurtenances	Square Feet
Ground floor	5,000
Second floor	1,500
Accessory building	600
Garage	1,500
Utilities	800
Pool	160
Gazebo	250
Patios	4,500
Decks	780
Pond	7,500
Walkway	1,000
Cultivated garden	10,000
TOTAL	33,590

Source: Field 2000a.

At its highest elevation from natural grade, the house would be approximately 36 feet in height (Figure 11). A water line and septic system are proposed on-site, and an existing well¹ would be used. Access to the site is provided by an existing private access road from Highway 1 that serves several properties on the hill. A driveway would be extended from the shared road to the proposed house. The approved residence, guesthouse, and gazebo have redwood siding and dark gray roofing materials and are of a modern design.

2.7 Substantial Issue Analysis

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

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

The two contentions raised in the appeal present potentially valid grounds for appeal in that they allege the projects' inconsistency with policies of the certified LCP.

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

¹ An application to drill an agricultural well on the parcel was filed on July 1997 (File No. CDP 97-0015). A well permit was issued from County Environmental Health Division (Permit Number 13016) in November 1997. The well was certified at 15 gallons per minute. In May 1998 the County approved an application to convert the agricultural well to a domestic well (File No. CDP 97-0071).

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. 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 County presents a substantial issue.

2.7.1 Allegations that Raise Substantial Issue

The Commission finds that the appeal raises a substantial issue with respect to conformance of the approved project with the visual and scenic resource policies of the San Mateo County certified LCP.

The appellants assert that the subject development, which is sited near the top of a hill within the scenic corridor of State Highway 1 and is visible from a State Scenic Road (State Highway 1) and Año Nuevo State Reserve, is inconsistent with San Mateo County LUP visual resources policies 8.5, 8.17c, 8.18b, and 8.20. These policies are presented below.

The development site approved by the County is on the top of a southwest-facing hillside east of Highway 1, in the unincorporated Pescadero area of San Mateo County. This portion of the coast is very sparsely developed, with grazing and row crops occurring on the coastal shelf surrounded by forested lands. The coastal mountains provide a dramatic backdrop to the coastline, rising to elevations of about 1,450 feet. The mountains have dense stands of conifers and shrubs in the drainages and on the upper slopes, but are otherwise covered with grasses that are green in the winter and spring and a golden color in the summer. It is one of the most spectacular, scenic coastal areas in San Mateo County. The California Department of Parks and Recreation's brochure for Año Nuevo State Reserve describes the reserve and vicinity as follows:

Fifty-five miles south of San Francisco and the Golden Gate, a low, rocky, windswept point juts out into the Pacific Ocean. The Spanish maritime explorer Sebastian Vizcaino named it for the day on which he sighted it in 1603 - Punta de Año Nuevo - New Year's Point.

Today, the point remains much as Vizcaino saw it from his passing ship - lonely, undeveloped, wild. Elephant seals, sea lions, and other marine mammals come ashore to rest, mate, and give birth in the sand dunes or on the beaches and offshore islands. It is a unique and unforgettable natural spectacle that hundreds of thousands of people come to witness each year.[Emphasis added]

There are very few structures visible from Highway 1 and the State Reserve within approximately ten miles of the site. The two closest developments that are visible from Highway 1 are farm buildings relatively near the highway. The buildings associated with the berry farm to the south are screened by topography and vegetation so that mostly just the rooftops are visible. The buildings to the north are mostly farm buildings that are very different from the proposed development. The 6,000 square-foot Boling residence is inland (to the southeast) of Lee at APN 057-061-17 on 14 acres. The Boling house is located within the view corridor of the Highway, but its visibility is tempered somewhat by its greater inland distance and relatively narrower view corridor between the house and the highway as compared to the proposed Lee house. In fact, the existence of this Boling house helps to provide a benchmark for understanding the potential for adverse impact from such large residential development within this critical viewshed area. The most prominent structure visible from within the Park is the Año Nuevo visitors center itself. However, the visitors center approximates a large agricultural barn and is compatible with the overall Park ethic. Therefore, the Lee house would be the first very large residence not associated with agriculture in the immediate area that would be readily visible from the highway, and would be visible from distance views at Año Nuevo State Reserve.

The parcel ranges in elevation from approximately 160 to 390 feet above mean sea level (msl). The proposed building site is located on a flat grassland terrace between 380 and 390 feet above msl. Much of the property is located within the Highway 1 and Año Nuevo State Reserve viewshed, with one of the most prominent locations being the top of the hill upon which the proposed development would be located.

In its County-approved location on top of the hill, and given its large size and two-story height, the approved development would be visible to vehicles traveling south and north on Highway 1. The viewshed of the proposed project site is presented in Figure 12. The house extends 256 feet across facing Highway 1 and Año Nuevo State Reserve, while the depth of the house is 36 feet at its widest.

The approved house site would also be visible from trails in Año Nuevo State Reserve. State Reserves are the highest level of protection classification of the California State Park System. The Public Resources Code describes State Reserves as “consisting of areas of embracing outstanding natural and scenic characteristics of statewide significance” (California Department of Parks and Recreation 2000). In addition, Año Nuevo Point is designated as a National Natural Scenic Landmark. Año Nuevo State Reserve currently is visited by over 200,000 people from around the world annually with more expected in the future (California Department of Parks and Recreation 2000, Enge 1999). Visitors to the Reserve come to see the thousands of elephant seals that breed there as well as to enjoy pristine coastal views looking inland that are not possible from many locations along the coast (Enge 1999). The proposed site is visible from numerous locations on the main public trail in the Reserve. It is also visible from the Outdoor Education road/trail coming in from Año Nuevo point and from the dunes near the Wildlife Protection Area Trail. According to California Department of Parks and Recreation, from the Reserve “visitors view pristine coastal mountains with no current intrusive visual impacts” (California Department of Parks and Recreation 2000).

As discussed further below, the Commission finds that the project as approved by the County raises a substantial issue with regard to consistency with a number of LCP policies regarding protection of visual and scenic resources.

LUP Policy 8.5: Development Where Visible from a Scenic Road and Public Viewpoint When Alternatives Exist

A substantial issue exists concerning the conformity of the proposed development with LUP Policy 8.5, which states:

Require that new development be located on a portion of a parcel where the development (1) is least visible from State and County Scenic Roads, (2) is least likely to significantly impact views from public viewpoints, and (3) is consistent with all other LCP requirements, best preserves the visual and open space qualities of the parcel overall. Where conflicts in complying with this requirement occur, resolve them in a manner which on balance most protects significant coastal resources on the parcel, consistent with Coastal Act Section 30007.5.

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

The proposed single-family home is sited at the highest point of the property affording panoramic views of the coast. As sited at this location on the property, the proposed

development would be highly visible from Highway 1, which is a state scenic road, and from Año Nuevo State Reserve. The property, which comprises 84.48 acres, includes two intermediate ridge lines and existing, mature trees and other vegetation that block views of some portions of the property from the highway and the reserve. Consequently, it appears that the property contains potential alternative building sites that are less visible from the highway and reserve. The findings for the County's approval of the project include an analysis of one potential alternative site, stating:

The proposed development would be less visible if it were constructed on the steep slopes of a vegetated drainage ravine, 450 feet west of the proposed location. However, construction in the ravine presents a conflict between LCP Sensitive Habitat Policies and LCP Visual Resource Policies, as the ravine has been identified in the Biological Report as a potential habitat for the Monarch butterfly, and the California red-legged frog. Staff believes that development in the proposed location best resolves the conflict between the sensitive habitat and visual resource policies of the LCP, because on the balance, it most protects significant coastal resources on the parcel.

The Commission finds that the appeal raises substantial issues of conformity of the approved project with LUP Policy 8.5 concerning siting of the development because the County only considered one alternative site when other potentially less visible alternatives exist.

In addition to the alternative site considered by the County, the 84.48-acre lot contains other potential alternative building sites that would be less visible from the highway and the reserve. In fact, as further discussed in section 3.3.3, for purposes of any de novo consideration of the project by the Commission, the applicant has re-sited the development approximately 215 feet to the south of the site approved by the County to better screen the structures behind existing trees. In addition, the County did not consider the feasibility of locating the development lower on the property behind the first (westernmost) intermediate ridge. Based on a Commission staff site visit, it appears that development sited at this location would be less visible than the approved project. Because potential less visible alternative building sites on the property were not considered, the County's findings that the development is least visible from State and County Scenic Roads and is least likely to significantly impact views from public viewpoints as required by LUP Policy 8.5, is not supported by the evidence in the record.

Contrary to the conclusion reached by the County, with appropriate design and mitigation measures, locating the development on the slope above the ravine is a potentially less environmentally damaging feasible alternative. As further discussed in section 3.3.3, development located on the slope above the ravine would be approximately 1,080 feet from the pond on the lower portion of the site that provides aquatic habitat for the federally threatened California red-legged-frog. Typically, the USFWS requires a maximum buffer of 300 feet to protect aquatic habitat of the California red-legged frog. Thus, the alternative building site would be more than three times the required distance from the pond. Groundwater seeps drain into the ravine during the wetter times of the year. As such, the ravine may be characterized as either an intermittent stream or a

wetland. LUP Policy 7.11 establishes a 30-foot buffer around intermittent streams and a 100-foot buffer from wetlands. Even assuming the large footprint and sprawling design of the project as approved by the County, development at this alternative location would be 175 feet up-slope from the ravine. Thus, whether the ravine is considered a riparian corridor or a wetland, an adequate buffer in accordance with the LCP standards would exist to allow development at this location. An alternative design with a smaller footprint would allow for an even larger buffer. As discussed further in Section 3.3.3 of this report, additional biotic investigations would need to be undertaken to determine whether or not this and any other alternative sites are native Monterey Pine forest habitat.

The County also rejected the alternative building site on the basis that the biological report identifies the ravine as a potential habitat for Monarch butterflies. The Monarch butterfly is included in the California Department of Fish and Game's Special Animals List. In accordance with this listing, the Monarch population is "demonstrably secure" and commonly found throughout its historic range. No special protection is provided under the LCP for Monarch habitat. The biological report for the project states with respect to the butterfly that:

This species has been recorded within the Monterey pine grove just off the southeastern edge of the property. The eucalyptus and Monterey pine woodland on the property provides potential roosting habitat for this species.

Thus, the only documentation of the presence of the butterfly discussed in the biological report is not on the subject property. The report concludes that this is evidence of potential habitat for the butterfly on the project site. Contrary to the County's findings, the biological report does not state that the ravine specifically provides potential habitat for the butterfly, but that "the eucalyptus and Monterey pine woodland on the property provides potential roosting habitat for this species." Assuming the large, sprawling footprint of the development as designed, the alternative site on the slope above the ravine would locate the development approximately 100 feet of existing Monterey pines on the southern border of the property. The building location approved by the County is within approximately 150 feet of existing eucalyptus along the eastern border of the property. The record for the County's approval of the project contains no evidence demonstrating that siting the development within 100 feet of potential Monarch habitat in the Monterey pines at this alternative site near the southern property boundary would adversely impact the butterfly or its habitat. Thus, the County's finding that the alternative building site on the slope above the ravine would be inconsistent with the LCP policies concerning protection of sensitive habitat because of impacts to Monarch butterfly habitat is not supported by the factual evidence in the record.

Because the County's determination that the approved development would be located on the portion of the property that is least visible lacks factual support, the Commission finds that the appeal raises a substantial issue in terms of the approved project's conformance with LCP Policy 8.5.

LUP Policy 8.18: Project Not Designed to be Subordinate to the Environment or to Minimize the Visibility of Development from Scenic Roads and Other Public Viewpoints

LUP Policy 8.18b states:

Require screening to minimize the visibility of development from scenic roads and other public viewpoints. Screening shall be by vegetation or other materials which are native to the area or blend with the natural environment and character of the site.

Existing vegetation and landforms would not screen the development as approved by the County. The County's conditions require that landscaping be designed to screen 50 percent of the structures from Highway 1 and trails in Año Nuevo State Reserve. The project as approved would screen only 15 to 20 percent of the development initially, and would require many years of landscaping growth before a maximum of 50 percent screening would be achieved, thus failing to meet the requirement for minimizing visibility. In fact, for purposes of the de novo review the applicant proposes additional vegetation along the lower southeasterly ridge of the property to screen views of the house from Highway 1. The Commission finds that a substantial issue exists concerning the conformity of the County-approved development with LUP Policy 8.18b because in its prominent location at the top of a hill fronted by a field in a virtually undeveloped scenic area, additional screening could be added to minimize the visibility of the development from Highway 1 and Año Nuevo State Reserve.

LUP Policy 8.20: Structure Does Not Relate in Size and Scale to Adjacent Buildings or Landforms

LUP Policy 8.20 states:

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

Policy 8.20 requires development to be related in size and scale to adjacent buildings and landforms. There are very few structures visible from Highway 1 and the State Reserve within approximately ten miles of the site. The two closest are farm buildings relatively near the highway. The buildings associated with the berry farm to the south are screened by topography and vegetation so that mostly just the rooftops are visible. The buildings to the north are mostly farm buildings that are very different from the proposed development. Structures visible from Año Nuevo include a lumber operation, a cement plant, and the Boling residence. The Boling house (southeast of the proposed Lee house) is also greater than 6,000 square feet and located within the view corridor of the Highway, but its visibility is tempered somewhat by its greater inland distance and relatively narrower view corridor between the house and the highway as compared to the proposed Lee house. In fact, the existence of this Boling house helps to provide a benchmark for understanding the potential for adverse impacts from such large residential development within this critical viewshed area. Therefore, the Lee house would be the first very large residence not associated with agriculture in the immediate area that would be readily visible from the highway. Approval of this development could prejudice the County's ability to apply LUP policy 8.20 in the future. Thus, the

Commission finds that the project as approved by the County raises a substantial issue with respect to conformance of the approved project with the LUP Policy 8.20.

2.7.2 Allegation that Does Not Raise Substantial Issue

LUP Policy 8.17: Avoiding Construction of Access Roads Visible from State and County Scenic Roads

LUP Policy 8.17 states:

Control development to avoid the need to construct access roads visible from State and County Scenic Roads. Existing private roads shall be shared wherever possible. New access roads may be permitted only where it is demonstrated that use of existing roads is physically or legally impossible or unsafe. New roads shall be (1) located and designed to minimize visibility from State and County Scenic Roads and (2) built to fit the natural topography and to minimize alteration of existing landforms and natural characteristics.

The project as approved by the County includes a 600-foot-long, 12-foot-wide driveway with two-foot shoulders to access a shared road at the property line. Most of the driveway would be hidden behind the house or behind trees. Therefore, the Commission finds that the project does not raise a substantial issue with regard to conformance with LUP Policy 8.17.

2.7.3 Conclusion

The Commission finds that, as discussed above, the appeal raises a substantial issue with respect to conformance of the approved project with the visual and scenic resource policies of the San Mateo County certified LCP.

PART 2 - DE NOVO ACTION ON APPEAL

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.

INCORPORATION OF SUBSTANTIAL ISSUE FINDINGS

The Commission hereby incorporates by reference the Substantial Issue Findings above as if set forth in full.

3.0 STAFF RECOMMENDATION

MOTION

I move that the Commission approve Coastal Development Permit Application No. A-2-SMC-99-066.

STAFF RECOMMENDATION OF DENIAL

Staff recommends a "No" vote, resulting in adoption of the following resolution and findings. To pass the motion requires an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY THE PERMIT

The Commission hereby denies a coastal development permit for the proposed development on the ground that the development will not conform with the policies of the County of San Mateo certified Local Coastal Program. Granting of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

3.1 Findings and Declarations

The Commission hereby finds and declares as follows:

3.2 Project Location and Revised Description

As noted in the Project Location and Site Description section of the Substantial Issue portion of this report (which is hereby incorporated by reference), the project site is located inland of Highway 1, in the unincorporated Pescadero area of San Mateo County near the top of a southwest-facing hill overlooking Año Nuevo State Reserve.

The proposed project consists of construction of a two-story, single-family residence and other improvements. Staff notes that since the project was initially approved by San Mateo County and appealed to the Commission, the applicant has made changes to the project. The applicant was advised through the appeal notice and during numerous meetings with Coastal Commission staff that one of the primary objectives in making the project consistent with the LCP would be to site it in the least visible location on the 84.48-acre parcel. In response to this and other scenic resources policies the applicant revised his proposed project and reviewed alternative sites (see Figure 13) suggested by the Coastal Commission staff. For instance, the primary building mass has been moved 215 feet to the southeast and the plan of development has been flipped so that the accessory building (formerly referred to as guest house) would be moved from the north side to the south side (Site 2) as described in Alternatives Analysis Section. The house still would be located at the top of the property at approximately 380 to 390 feet above msl. The applicant has also revised the project to plant a row of Monterey cypresses on the lower southeasterly ridge of the property to partially screen the development from Highway 1. There is no specific planting plan and the size of the plantings when installed has not been determined, but some possibilities are described in the arborist's report (Fong 2000a). Under ideal or good growing conditions the cypress would grow approximately 3.5 feet per year (Fong 2000a). An e-mail message sent to staff on July 20, 2000 indicated that: (1) "the entire building pad will be lowered by 10' from its original level. (This means that the roof elevation will be 10' lower than the original roof level as well);" and (2) "the ground level on the upslope will be gradually sloped to natural grade and the downslope is yet to be determined." (Field 2000b). However, no revised plans have been provided showing this change to the project or the grading that would be required. The applicant recalculated the ground floor area to be 4,500 square feet, which means that the residence is 6,000 square feet rather than 6,500 square feet (Field 2000a).

3.3 Visual Resources

The Commission denies the permit application because the proposed development does not conform to the LCP policies concerning the protection of the scenic qualities of the hills visible from a scenic highway and public viewpoint.

3.3.1 Issue Summary

There are three primary reasons why the proposed development, which would be visible from Highway 1 and Año Nuevo State Reserve, conflicts with LCP visual resources policies 8.5, 8.18, and 8.20:

- **The development is not sited in the least visible location on a large parcel;**
- **The development is not designed and sited to be as unobtrusive as possible; and**
- **The development does not relate in size and shape to adjacent buildings or landforms.**

Highway 1 is a State Scenic Road and Año Nuevo State Reserve is designated as a reserve because of its "outstanding natural and scenic characteristics." The Lee property, which comprises 84.48 acres, includes two intermediate ridge lines and existing, mature trees and other vegetation that block views of some portions of the property from the highway and the reserve. Consequently, the property contains feasible alternative building sites. The large, two-story, sprawling design of the project does not conform with the requirement that the development in scenic areas shall be as unobtrusive as possible through design, siting, layout, size, height, and shape. The house is 256 feet across facing Highway 1 and Año Nuevo State Reserve, while the depth of the house is 36 feet at its widest. The 256 feet includes 93 feet between the main house and the accessory building that has no solid walls, just seven columns that are approximately two-thirds the height of the house. This area includes a below-ground garage and an open colonnade. The surrounding area is agricultural in character and very sparsely developed. The closest visible developments are farmhouses and associated structures that are located at the base of hills.

3.3.2 Standard of Review

The proposed project is within the California coastal zone of San Mateo County, and the County has a certified Local Coastal Program (LCP). Section 30604(b) of the Coastal Act states that after certification of an LCP, a coastal development permit shall be issued if the issuing agency or the Commission on appeal finds that the proposed development is in conformity with the certified LCP. Accordingly, the standard of review for the proposed project is the San Mateo County LCP.

The proposed development is inconsistent with LUP Policies 8.5 and 8.18, which states that new development should be located where it is least visible from State and County Scenic Roads, is least likely to significantly impact views from public viewpoints, and is consistent with all other LCP requirements, but preserves the visual and open space qualities overall. The applicable full text of these LCP policies is contained in Section 2.7.1 of this report. Policy 8.18a of the LUP is also applicable and states:

- a. Require that development (1) blend with and be subordinate to the environment and the character of the area where located, and (2) be as unobtrusive as possible and not detract from the natural, open space or visual qualities of the area, including but not limited to siting, design, layout, size, height, shape, materials, colors, access and landscaping. The colors of exterior materials shall harmonize with the predominant earth and vegetative colors of the site. Materials and colors shall absorb light and minimize reflection. Exterior lighting shall be limited to the minimum necessary for safety. All lighting, exterior and interior, must be placed, designed and shielded so as to confine direct rays to the parcel where the lighting is located.*

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

3.3.3 Discussion

Alternatives Analysis

In response to the Commission's appeal and to address LUP Policy 8.5, the applicant conducted an alternatives siting analysis. The locations of the alternative sites considered by the applicant are shown in Figure 13. The County-approved site discussed in the Substantial Issue portion of this report is referred to as Site 1. The applicant has indicated that Site 2 is the proposed project for purposes of the De Novo review (Lee 2000). Site 2 is 215 feet to the southeast to the south of Site 1 (Figure 14). Site 3 is located to the immediate southeast of Site 2. Site 3 would locate the development in the southeast corner of the parcel, where it would be more effectively screened by existing mature Monterey pine forest. However, this site is directly adjacent to an existing Monterey pine forest and contains a large number of Monterey pine saplings. The site appears to be suitable for regeneration of Monterey pine forest. As further discussed below, Monterey pine forest meets the definition of environmentally sensitive habitat under the LCP.

Development at Site 3 would require removal of Monterey pine saplings and may reduce the area on the site available for regeneration of Monterey pine forest. Of the alternatives presented, Site 4 appears to be the least visible alternative. Site 4 is located on the southeast side of the property above the ravine. Site 5 is located on the north side of the property. The applicant's analysis rejects Site 5 because it is more visually prominent than Sites 2 (Boyd 2000). An additional, potentially less-visible, site was recently suggested by Commission staff behind the first ridge on the southeast side of the parcel approximately 1,650 feet from Highway 1, and other sites may also be considered. The viewshed from Highway 1 and Año Nuevo to Sites 2 and 4 is shown in Figure 15.

After the appeal was filed the applicant provided visual simulations of the project from six locations along Highway 1 and from four locations in Año Nuevo State Reserve (Figure 16). These simulations show the development at the five sites, although not all of the sites are shown from all of the camera angles. Site 4 is shown from camera positions B and D only because it is not visible from the other camera angles. In addition, it appears from the simulation for Site 4 that the development would not be visible from camera position D at Año Nuevo State Reserve. The proposed development at Site 4 would be visible from only one of the camera positions and Site 2 would be visible from all of the camera positions. Therefore, placing the development at Site 4 would make it far less visible than at Site 2. In addition, the simulations for Sites 1 and 2 were guided by the story poles placed at the site, while the others did not benefit from that level of accuracy.

The applicant has provided analysis of the project impacts and constraints related to the proposed site (Site 2) as well as alternative sites. Additional analyses included a biological assessments (Thomas Reid Associates 2000a and 2000c), wetland delineation (Thomas Reid Associates 2000b), geotechnical review (Romig Consulting Engineers 2000a and 2000b), arborist's analysis

(Fong 2000a and 2000b), assessment of Monterey pines by a forester (Staub 2000), and analysis of LCP consistency (Boyd 2000).

The applicant contends that the proposed building site (Site 2) minimizes impacts on biological resources. Site 2 would be approximately 1,700 feet from a pond, which supports red-legged frogs, and 400 feet from a ravine, which the applicant has indicated may provide a dispersal corridor for the red-legged frogs (Thomas Reid Associates 2000a).

Site 4 would be approximately 1,080 feet from the pond and 175 feet from the ravine mentioned above. The applicant contends that it would not be possible to "place a homesite on the Site 4 slope and both respect the 100-foot wetlands buffer and a 75-foot setback from the existing Monterey pines" (Boyd 2000). A biologist for the applicant conducted a preliminary wetland assessment and identified four wetland areas (Thomas Reid Associates 2000a) as well as a jurisdictional wetland delineation (Thomas Reid Associates 2000b), as shown in Figure 17. According to a constraints map of Site 4 prepared by the applicant's geotechnical engineers, the house would be within the 100-foot buffer of a wetland and 75 feet of the Monterey pines (Figure 18).

The applicant has identified buffers around the Monterey pine forest and concludes that locating the development at Site 4 would impinge on this buffer. The applicant's agent states that "it would be impossible to construct the home without impacting the root zones and groundwater vital to the Monterey pines" (Boyd 2000). The forester hired by the applicants evaluated the Monterey pine forest and trees to recommend measures to conserve the site's native Monterey pine resources. Monterey pines are susceptible to a fungal disease, pine pitch canker. The forester observed pitch canker effects in the mature forest on the Lee property to be 11 percent in the high or dead class, 30 percent in the moderate effects class, and 59 percent in the low or no effects class. He observed 400 seedlings and saplings, 23 percent of which were healthy saplings, 42 percent of which were healthy seedlings and 35 percent of which were seedlings or saplings with pitch canker infections or had died recently. He concluded that to protect the natural regeneration of the Monterey pine populations, development should be 80 to 115 feet from the exiting mature forest perimeter (Staub 2000). In addition, the applicant states that Site 4 would need to be located 75 feet from Monterey pines for safety reasons: out of reach if they topple and to reduce fire hazards (Fong 2000b; Boyd 2000).

In addition, the Monterey pine forest and blue-gum eucalyptus stands may provide temporary roosting habitat for monarchs. One Monarch butterfly was observed in the willows at the entrance to the property near Highway 1 (Dayton 2000). Site 2 is 2,750 feet from where the butterfly was seen. Monarchs were also observed in eucalyptus trees on the northern boundary of the site (Thomas Reid Associates 2000a), which is approximately 700 feet from Site 2. Site 2 is approximately 100 feet from the closest eucalyptus stand and 100 feet from the Monterey pine forest. Monarchs typically leave the area in February and early March and their populations were low during the winter of 2000, and therefore may be present in greater abundance earlier in the season (Dayton 2000). A biologist for the applicant noted that "...it is very unusual to find monarch populations in areas open to wind. Thus, although the trees that border the project site

have some potential as monarch roost habitat, it seems unlikely that they would be utilized during periods when winds are from the south or west" (Dayton 2000).

Site 4 is 2,400 feet from where the butterfly was seen in the willows near the entrance and approximately 100 feet from the Monterey pine forest. The eucalyptus trees on the northern boundary of the site where Monarchs were seen (Thomas Reid Associates 2000a) is approximately 1,000 feet from Site 4.

The applicant contends that Site 2 is the optimum site from a geologic and geotechnical engineering viewpoint (Thomas Reid Associates 2000a; Romig Consulting Engineers 2000a and 2000b). The San Gregorio fault is approximately 1,400 feet to the west of Site 2.

The applicant contends that Site 4 would not be feasible or would be inconsistent with LCP policies regarding geologic hazards. Site 4 is approximately 1,100 from the fault. The applicant's geotechnical engineers noted that soil slumping and shallow landsliding are actively occurring in the colluvial soils at Site 4. Grading and earthwork required to site the proposed house design at Site 4 would result in fill slopes as high as 40 feet to accommodate the house pad (Romig Consulting Engineers 2000b). Fills would have to be properly keyed and benched into the weathered rock below the hillside and the fills would have to be kept dry. A letter from the geotechnical engineers indicates that the subdrainage needed to build the fills could dewater the soils contributing ground water to the wetland areas. The letter also states that due to the fills and grading, erosion would occur, especially in the first few years after construction (Romig Consulting Engineers 2000b).

However, the Commission finds that, contrary to LUP policies 8.5 and 8.18, the applicant's analysis fails to demonstrate that the proposed development at Site 2 is located where it is least visible from State and County Scenic Roads and least likely to significantly impact views from public viewpoints. Site 4 would be one of the least visible sites from Highway 1 and from Año Nuevo State Reserve. It would be screened by topography as well as existing vegetation. Site 4 is behind a hillside ridge that is densely vegetated with conifers. It is approximately 500 feet southwest of Site 2.

As explained in the Substantial Issue section, with appropriate design and mitigation measures locating the development on the slope above the ravine would also be consistent with all other applicable policies because it would not directly affect existing sensitive habitat areas. Site 4 would not be significantly closer to the pond than Site 2 and is not expected to significantly affect red-legged frogs. Typically, the USFWS requires a 300-foot buffer to protect aquatic habitat of the California red-legged frog, and Site 4 would be more than three times that distance from the pond, as compared to Site 2, which is more than five times that distance. According to the Biological Impact Report for the project (Thomas Reid Associates 1999):

California red-legged frogs have been shown to disperse up to ½ mile away from breeding habitat locations and to aestivate in rodent burrows within upland habitats during late summer when pools have dried up.

Therefore, California red-legged frogs disperse in upland areas and the entire site rather than just the ravine may provide dispersal habitat during the non-breeding season. Dispersal habitat greater than the 300-foot buffer around aquatic habitat is not typically protected from development by the USFWS.

The ravine may be characterized as an intermittent stream or wetland, and as such would be protected by a 30-foot or 100-foot buffer, respectively, under LCP Policy 7.11. Because Site 4 is approximately 175 feet from the ravine and may be sited, oriented, and designed to avoid the buffer around the wetlands associated with a seep uphill of the ravine, an adequate buffer exists in accordance with LCP standards to allow development at this site.

The native Monterey pine is listed as a federal species of concern and a California Native Plant Society's List 1B species ("Plants Rare, Threatened, or Endangered in California and elsewhere"). Although temporarily withdrawn in December 1999 to allow CDFG to respond to the volume of information submitted, the California Native Plant Society submitted a petition in August 1999 to list Monterey pine as a Threatened Species under the California Endangered Species Act. The native range for Monterey pine is limited to the stands near Año Nuevo, including the one bordering the parcel, and three other isolated locations. The Año Nuevo stands are the northernmost extent of the native Monterey pine forests. These pines not only have a limited distribution but also are threatened by a fungus, pitch canker. Section 7.48 of the San Mateo County LUP identifies Monterey pine as a unique species, but does not identify any associated buffers. Section 7.1 of the LUP defines sensitive habitats and states that "Sensitive habitat areas include, but are not limited to, riparian corridors, wetlands, marine habitats, sand dunes, sea cliffs, and habitats supporting rare, endangered, and unique species." Therefore, the Monterey pine forest can be considered an environmentally sensitive habitat area pursuant to Section 7.1 of the LCP. As such, any development that would have an adverse impact on Monterey pine forest would be subject to applicable sensitive habitat policies.

Residential development would not be consistent with LCP policy 7.44, which identifies resource dependent uses that may be permitted in sensitive habitats with unique species, as cited below:

Permit only the following uses: (1) education and research, (2) hunting, fishing, pedestrian and equestrian trails that have no adverse impact on the species or its habitat, and (3) fish and wildlife management to the degree specified by existing governmental regulations.

No pines would be cut in locating the development at Site 4, and a more compact design would even keep it away from the buffers recommended by the forester. It should be noted that the accessory building at Site 2 is approximately 100 feet from the mature Monterey pines and within the area with some of the Monterey pine saplings. Therefore, the 84.48-acre site provides locations where impacts to the mature native Monterey pines can be avoided. However, additional analysis would be required to determine precisely where the areas of natural regeneration of the Monterey pine forest is occurring or could potentially occur, and how to minimize impacts to this sensitive habitat. More specific information of the three critical factors

to this habitat (soil type, fog/weather patterns, proximity to the coast), as well as identifying the current extent of sapling growth, and the pre-agricultural extent of the pine forest in this area is needed to determine the extent of this ESHA on this site. Accordingly, any re-application for a new development on this site should include this assessment.

Additionally, monarch butterfly habitat can be avoided by siting development outside the eucalyptus groves and Monterey pine forests. There is no evidence to demonstrate that locating development at Site 2 or Site 4 would impact monarchs. Therefore, with respect to potential monarch butterfly habitat, locating the development at Site 4 does not conflict with the LCP.

Finally, the increase in fault hazard associated with Site 4, although not assessed directly by a fault hazard study, is not likely to be appreciably greater than at Site 2. Landslide hazard also has not been quantitatively assessed, but is likely to be limited to small surficial slumps (Johnsson 2000). Grading, drainage, and septic system issues raised by the applicant's engineers (Romig Consulting Engineers 2000a and 2000b) are relatively minor and easily mitigated (Johnsson 2000). Grading could be minimized with a smaller, more compact development footprint and/or a design that is built in levels into the hillside. Water from the drainage system of the graded area could be directed to the wetlands to ensure these areas remain moist. With the increased impervious surfaces, adjacent wetlands may, in fact, receive more water. Coastal Commission staff previously indicated to the applicant that a geotechnical report would be necessary to confirm the feasibility of Site 4 (Johnsson 2000), but the applicant has provided a qualitative analysis and not a full geotechnical report. Although the applicant's geotechnical engineers present challenges to developing Site 4, they do not demonstrate that Site 4 cannot be feasibly developed. The Commission's staff geologist concurs that although, purely from a geologic point of view, Site 2 is preferable to any of the alternative sites discussed, the geotechnical problems associated with Site 4 could be mitigated, even for the current design. A smaller, less sprawling design would require less mitigation.

In conclusion, the 84.48-acre parcel offers a less visible siting location than the one proposed by the applicant (Site 2). The applicant has not demonstrated that alternative Site 4 is infeasible. In addition, a smaller footprint and more compact design would further reduce visual as well biological and geological impacts, and comply with the LCP. Moreover, as discussed below, the Commission finds that, contrary to LUP policies 8.5 and 8.18, the applicant has not demonstrated that the proposed development would be located where it is least visible from State and County scenic roads and least likely to impact views from public viewpoints. Therefore, the proposed development must be denied. As discussed above, to conform with the visual resource protection policies of the LCP, development of the subject property must be sited and designed to minimize visual impacts in this highly scenic area and to be as unobtrusive as possible. The proposed development cannot comply with these requirements without substantial design and siting changes requiring both architectural and engineering work. The Commission does not have the resources to undertake such a comprehensive redesign of the project. Thus, the existing project cannot now be conditioned to achieve consistency with the certified LCP. It is therefore appropriate for the Commission to deny the permit application and the applicant to reapply for a project consistent with all relevant LCP policies.

Visibility of Project from a Scenic Road and Public Viewpoint

The proposed development would be located on the top of a southwest-facing hillside inland of Highway 1, in the unincorporated Pescadero area of San Mateo County. This portion of the coast is very sparsely developed, with grazing and row crops occurring on the coastal shelf. The coastal mountains provide a dramatic backdrop to the coastline, rising to elevations of about 1,450 feet. The mountains have dense stands of conifers and shrubs in the drainages and on the upper slopes, but are otherwise covered with grasses that are green in the winter and spring and a golden color in the summer. It is one of the most spectacular, scenic coastal areas in San Mateo County.

The subject parcel ranges in elevation from approximately 160 to 390 feet above mean sea level (msl). The proposed building site is located on a flat grassland terrace at the highest point of the property. Much of the property is located within the Highway 1 and Año Nuevo State Reserve viewshed, with one of the most prominent locations being the top of the hill upon which the proposed development would be located. In its current planned location on top of the hill, and given its large, sprawling size and two-story height, the proposed development would be exceptionally visible to vehicles traveling south and north on Highway 1. Therefore the project is not consistent with LCP policy 8.5, which mandates that development shall be located on the portion of the property that is least visible.

The proposed house site would be visible from trails in Año Nuevo State Reserve. State Reserves are the highest level of protection classification of the California State Park System. The Public Resources Code describes State Reserves as "consisting of areas of embracing outstanding natural and scenic characteristics of statewide significance" (California Department of Parks and Recreation 2000). In addition, Año Nuevo Point is designated as a National Natural Scenic Landmark. Año Nuevo State Reserve currently is visited by over 200,000 people from around the world annually with more expected in the future (California Department of Parks and Recreation 2000, Enge 1999). Visitors to the Reserve come to see the thousands of elephant seals that breed there as well as to enjoy pristine coastal views looking inland that are not possible from many locations along the coast (Enge 1999). The proposed site is visible from numerous locations on the main public trail in the Reserve. It is also visible from the Outdoor Education road/trail coming in from Año Nuevo point. The point is approximately two miles from the proposed building site and the closest portion of Año Nuevo State Reserve is approximately a half mile from the building site. Although the views from the reserve to the site are somewhat distant, the proposed development represents a significant alteration in the view because no other similar development is visible from these areas. The Lee house would be a large non-agricultural residence visible from the reserve because it is sited at the top of a hill with a large clearing in front of it. With the exception of the Boling house, adjacent residences are associated with farms and are hidden and/or sited at the base of a hill near Highway 1. According to California Department of Parks and Recreation, from the Reserve "visitors view pristine coastal mountains with no current intrusive visual impacts" (California Department of Parks and Recreation 2000).

The proposed development is inconsistent with LUP Policy 8.18 because in its prominent location (Site 2) at the top of a hill fronted by a field in a virtually undeveloped scenic area, the

proposed development would not be sited and designed to protect views from Highway 1 and Año Nuevo State Reserve, would not be visually compatible with the character of surrounding areas, and, in particular, would not be subordinate to the character of its setting.

Policy 8.18a requires development to blend with and be subordinate to the environment and the character of the area and be **unobtrusive as possible** through, but not limited to, **siting, design, layout, size, height, shape**, materials, colors, access, and landscaping. Therefore, not only could a less visible site, like Site 4, be chosen, but also a less visible design, such as a smaller, single-story house built in tiers to conform to the hillside at Site 4. As modified for purposes of the Commission's de novo review, the development would be 26 feet high above finished grade and have a linear design that would present an approximately 256-foot-long façade to the coastal viewshed. A more compact design and one that minimizes the area facing public viewpoints would be more consistent with this policy than the proposed design.

Placing the house at the top of the hillside where there is minimal existing vegetation or topography to screen the house does not subordinate the house to the character of its setting. Although the project as proposed would use colors and non-reflective materials that would attempt to match the shades of the eucalyptus grove behind the structures, and the eucalyptus trees behind it would provide some backdrop; to be truly "subordinate" the house would need to be behind trees, such as the conifers at Site 4, and therefore screened by the trees, rather than sited in front of them. Policy 8.18b requires screening to minimize the visibility of development from scenic roads and other public viewpoints. Existing vegetation and landforms would not screen the development as proposed. Existing trees, such as Monterey pines that are susceptible to pitch canker, may develop diseases that kill or weaken them, revealing structures placed behind them. In addition, the proposed project instead relies on planting screening vegetation (Monterey cypress and shrubs) adjacent to the house as well as along the lower ridge (see Figure 13).

The applicant has asserted that the background stand of eucalyptus trees at the proposed building site will significantly soften the visual impact of the proposed home, if built as proposed. However, softening the visual impact does not mean the appearance will be subordinate to the character of the area as the certified LCP policies require. Because the grass turns from green in the spring to gold or yellow in the summer, one cannot paint the surfaces of the house a single color that would blend in with the grassland year-round. Thus, the house will not be "softened," but will stand out against the hillside at least for some portion of the year, even if it were painted a color that matched perfectly the green shade of the grassland in the spring or the gold color of the grassland in the summer.

As the proposed development would not be sited and designed to protect views from scenic roads and public viewpoints, would not be as unobtrusive as possible, would not be visually compatible with the character of surrounding areas, and, in particular, would not be subordinate to the character of its setting, the Commission finds that the proposed development is inconsistent with LUP policies 8.5 and 8.18. Therefore, the Commission finds that the proposed development must be denied. As discussed above, to conform with the visual resource protection policies of the LCP, development of the subject property must be sited and designed to minimize

visual impacts in this highly scenic area and to be as unobtrusive as possible. The proposed development cannot comply with these requirements without substantial design and siting changes requiring both architectural and engineering work. The Commission does not have the resources to undertake such a comprehensive redesign of the project. Thus, the existing project cannot now be conditioned to achieve consistency with the certified LCP. It is therefore appropriate for the Commission to deny the permit application and the applicant to reapply for a project consistent with all relevant LCP policies.

Structure Does Not Relate in Size and Scale to Adjacent Buildings or Landforms

Policy 8.20 requires development to be related in size and scale to adjacent buildings and landforms. There are very few structures visible from Highway 1 and the State Reserve within approximately ten miles of the site. Residences and other structures that are typical of the south coast of San Mateo County are modest farmhouses, barns, and agricultural outbuildings. The two closest developments that are visible from Highway 1 are farm buildings relatively near the highway. The buildings associated with the berry farm to the south are screened by topography and vegetation so that mostly just the rooftops are visible. The buildings to the north are mostly farm buildings that are very different from the proposed development. There are only a few structures that are within the Año Nuevo viewshed. These include the the RMC Lonestar cement plant in Davenport, Big Creek Lumber operation immediately south of Waddell Creek, and the Boling residence; all of which are on the inland side of Highway 1. These structures are further from Año Nuevo Point than the proposed site of the Lee residence: approximately 10 miles, three miles, and 2.5 miles, respectively. The 6,000 square-foot Boling residence (APN 057-061-17) is southeast of the Lee parcel on 14 acres in Santa Cruz County. The Boling residence would be less visible than the Lee residence from many vantage points because it is in relatively small clearing in a densely forested area. This structure can be seen from Año Nuevo State Reserve because at certain points it is not screened by intervening topography or vegetation and has white trim on the windows. This structure demonstrates how the construction of buildings in Año Nuevo's mostly pristine viewshed can change the experience of the Reserve, particularly if the house is painted with colors that stand out, such as the white window trim. The most prominent structure visible from within the Park is the Año Nuevo visitors center itself. However, the visitors center approximates a large agricultural barn and is compatible with the overall Park ethic. The Lee house would be the first very large residences not associated with agriculture in the area that is readily visible from Highway 1, and would be visible from Año Nuevo State Reserve.

The surrounding area is agricultural in character and very sparsely developed. Two other very large houses are proposed nearby. The Hinman house would be a 14,766 square foot Gothic mansion on a 50-acre parcel just east of the San Mateo County limit, and immediately adjacent to the Lee site. This house also would be seen from Año Nuevo State Reserve, but not from Highway 1. The Hinman project also has been appealed to the Commission because of its visual impacts. The proposed Blank house is 15,000 square feet and proposed to be located approximately 7,000 feet northwest of the proposed location of the Lee house. The CDP application by Steve Blank is being reviewed by San Mateo County.

In conclusion, the proposed modern sprawling development at the top of hill is not consistent in size or design with the mostly undeveloped and agricultural uses that are found along the south coast of San Mateo County. The areas around Año Nuevo, in particular, are undeveloped and unchanged. To be consistent with the south coast's undeveloped character, the proposed development would have to be placed outside the public viewshed. Because it is within the public viewshed and is not similar in size and scale to adjacent buildings and landforms, the project is not compatible with the LCP.

3.4 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 that would substantially lessen any significant adverse effect which the activity may have on the environment. The Commission incorporates its findings on Coastal Act policies at this point as if set forth in full. For the reasons described in the Commission findings above, the Commission finds that there are feasible mitigation measures and alternatives that would substantially lessen the significant adverse impacts of the development on the environment. The Commission thus finds that the proposed project cannot be found to be consistent with the requirements of the Coastal Act and does not conform to the requirements of CEQA.

The denial of this particular project does not mean that no single-family residence could be approved on the property. The applicant is free to submit a new application for development that is sited in the least visible location, designed to protect views from public viewpoints, and designed to be subordinate to the character of its setting. As discussed above, to conform with the visual resource protection policies of the LCP, development of the subject property must be sited and designed to minimize visual impacts in this highly scenic area and to be as unobtrusive as possible. The proposed development cannot comply with these requirements without substantial design and siting changes requiring both architectural and engineering work. The Commission does not have the resources to undertake such a comprehensive redesign of the project. Thus, the existing project cannot now be conditioned to achieve consistency with the certified LCP. It is therefore appropriate for the Commission to deny the permit application and the applicant to reapply for a project consistent with all relevant LCP policies.

Appendix A Substantive File Documents

References

- California Department of Parks and Recreation, Rusty Areias. 2000. Letter to Peter Douglas, Executive Director, California Coastal Commission, regarding comments on appeal no. A-2-SMC-99-066. January 12, 2000.
- Boyd, Bill. 2000. Memo to Chris Kern regarding David Lee Project – LCP Consistency. June 22, 2000.
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- Field, Stan. 2000b. E-mail to Jane Steven regarding revisions to the project description. July 20, 2000.
- Fong, Herb. 2000a. Letter to Stan Field regarding screening vegetation for the Lee property. April 10, 2000.
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- Johnsson, Mark. 2000. Memo to Jane Steven, Coastal Program Analyst, California Coastal Commission. May 25, 2000.
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- Pettit, Deirdre. 1999. "Large homes on South Coast raise precedent concern." Half Moon Bay Review.
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- Romig Consulting Engineers, David F. Hoester and Glenn A. Romig. 2000a. Letter to Stan Field regarding Supplemental Review, Lee House, Año Nuevo, California. March 24, 2000.
- Romig Consulting Engineers. 2000b. Letter to Stan Field regarding Supplemental Review, Alternative Site B, Lee House, Año Nuevo, California. June 9, 2000.
- San Mateo County. 1994. Zoning Regulations.
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A-2-SMC-99-066

David Lee

San Mateo County, Kan Dee Rud. 1999b. Letter to Stan Field regarding findings and adopted conditions. November 9, 1999.

San Mateo County. 2000. "Re-circulation of a Negative Declaration for a Single-Family Residence, Barn, and Farm Labor Housing Unit; San Mateo County Planning Division File No. PLN 1999-00960; State Clearinghouse File No. 2000062005." June 14, 2000.

Staub, Stephen R. 2000. Letter to Stan Field regarding Lee property and proposed residence, Año Nuevo. June 28, 2000.

Thomas Reid Associates, Patrick Kobernus. 2000a. Letter to David Lee regarding biological assessment of alternative building sites for APN 089-230-220 at 2070 Cabrillo Highway, San Mateo County, California. March 20, 2000.

Thomas Reid Associates. 2000b. Wetland Delineation for Lee Property (APN 0889-230-220), San Mateo County, California. June 2000, revised July 2000.

Thomas Reid Associates, Taylor Peterson. 2000c. Letter to Stan Field regarding Lee property, Año Nuevo. June 21, 2000.

US Department of Agriculture. 1961. Soil Survey, San Mateo Area, California. Soil Conservation Service, Series 1954, No. 13, Issued May 1961.

Personal Communication

Staub, Stephen R., Registered Professional Forester (License Number 1911), July 24, 2000.



FIGURES

2

2



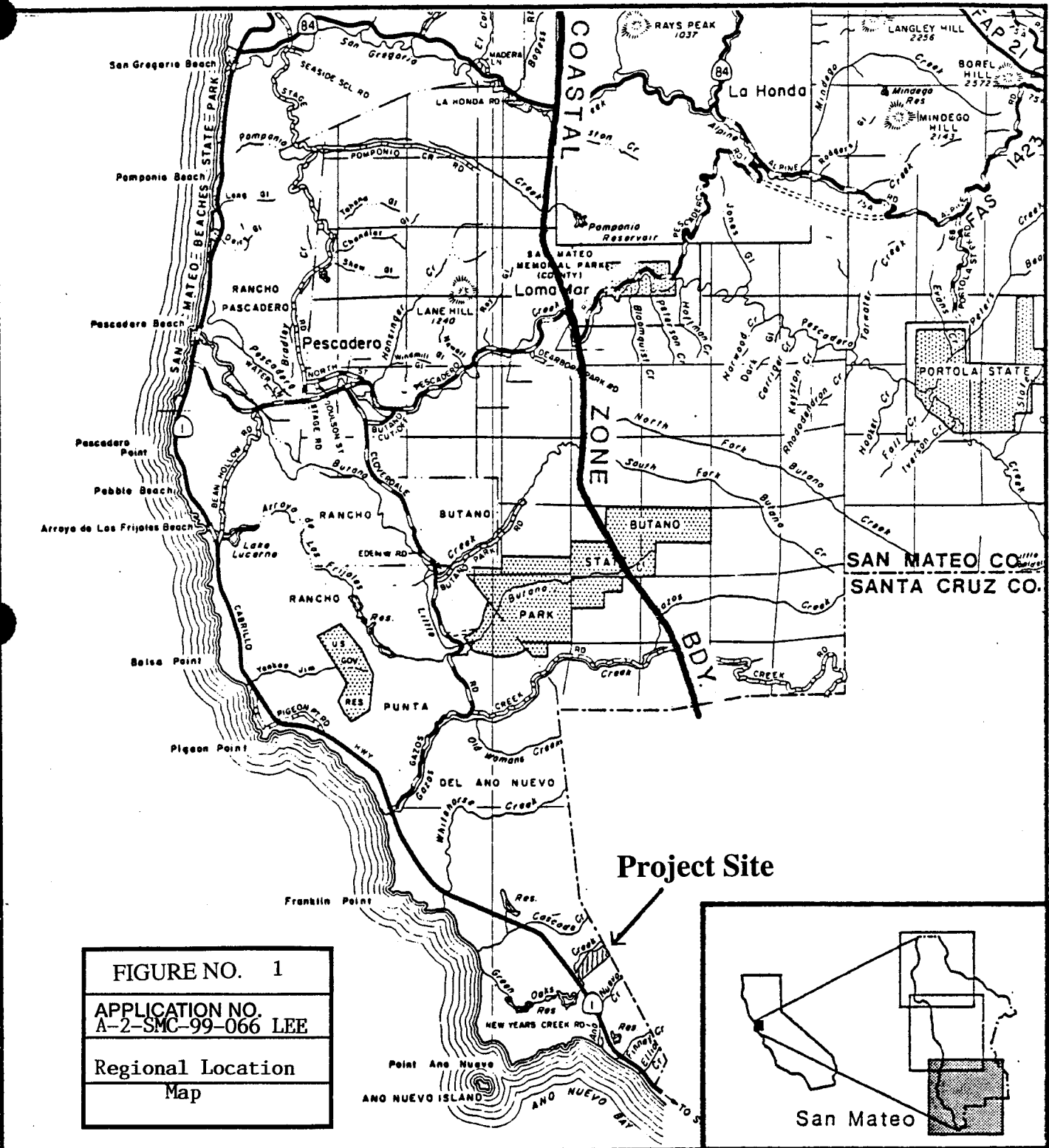
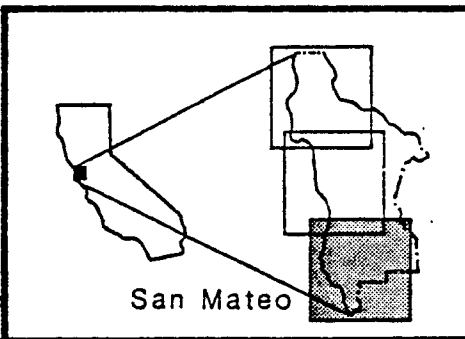
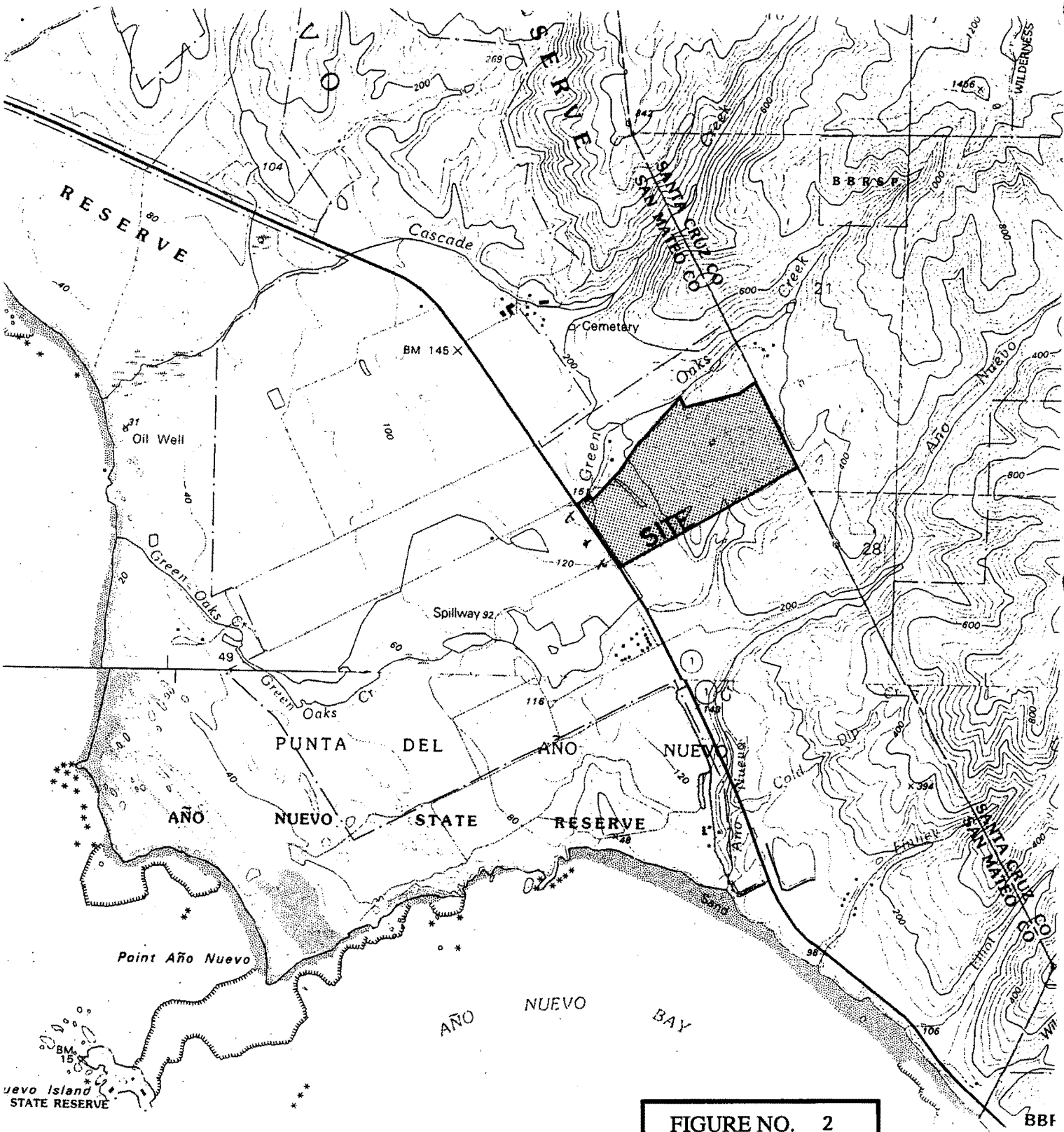


FIGURE NO. 1
APPLICATION NO. A-2-SMC-99-066 LEE
Regional Location Map



LOCATION MAP



89-23

FIGURE NO. 2
APPLICATION NO. A-2-SMC-99-066 LEE
Project Site Location

TRW-REDI
1-800-345-7334



SCALE IN 1/16 OF AN INCH

89-23

Project Site
APN 089-230-220

FIGURE NO. 3
APPLICATION NO.
A-2-SMC-99-066 LRF
Assessors Parcel
Map

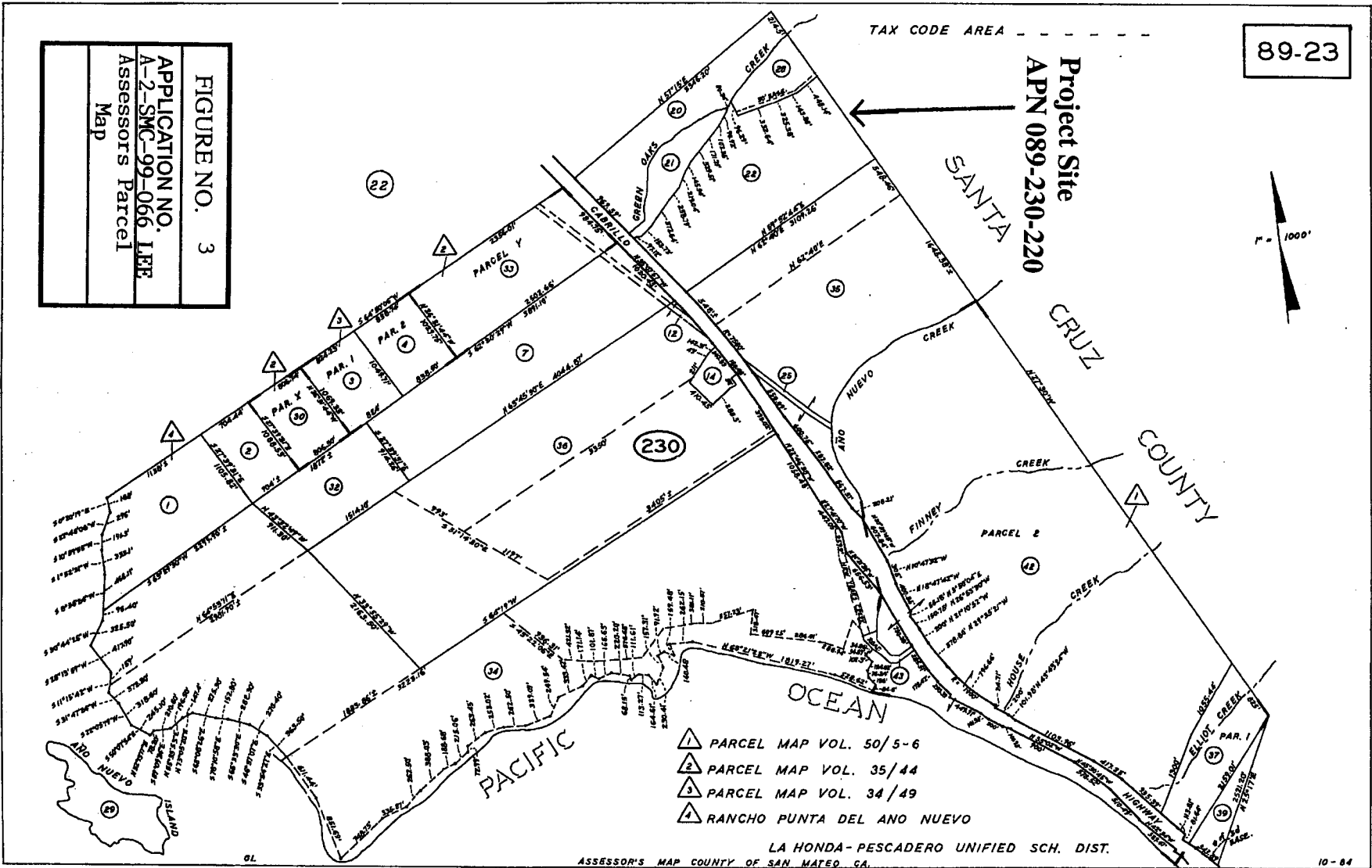
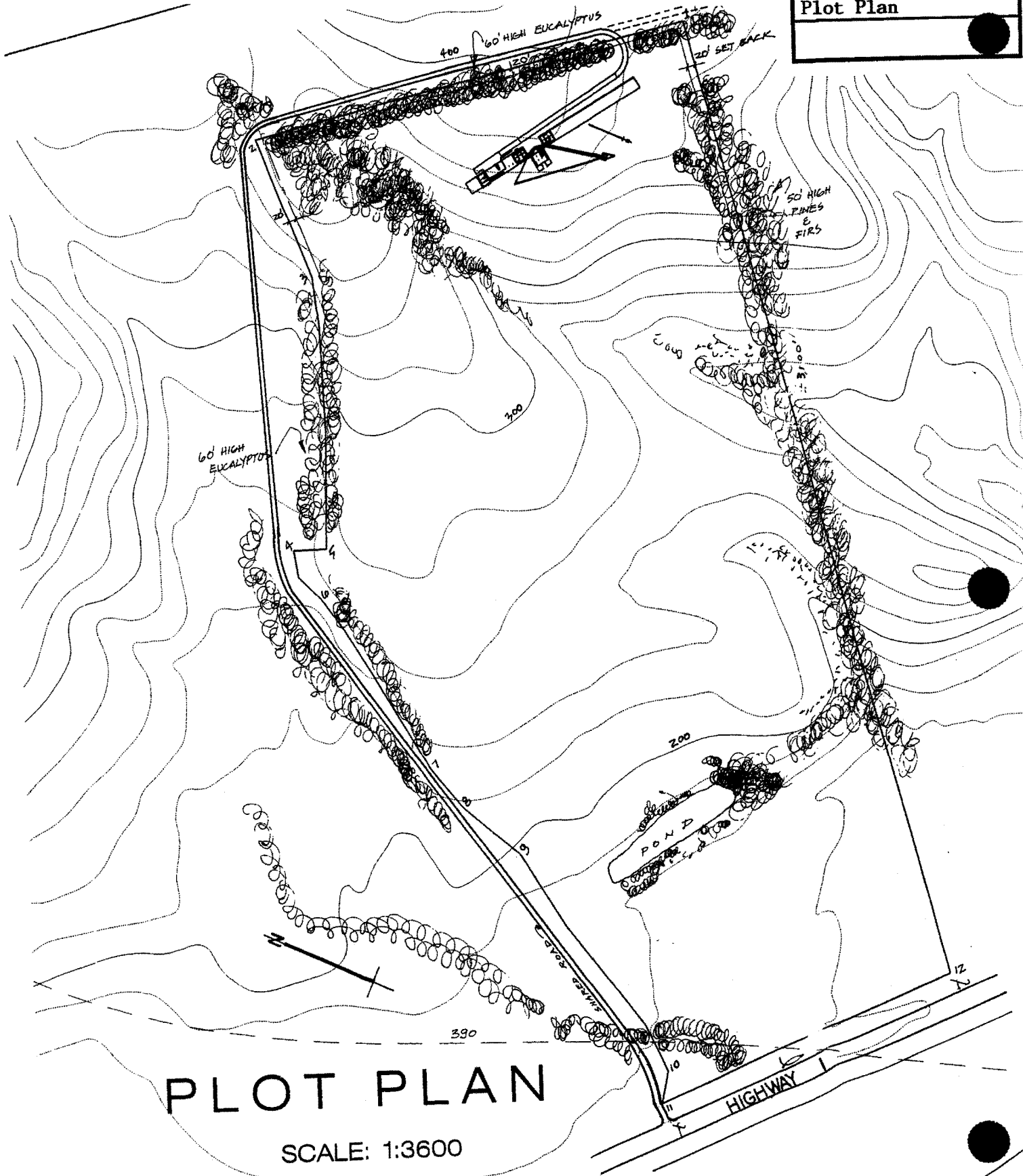


FIGURE NO. 4

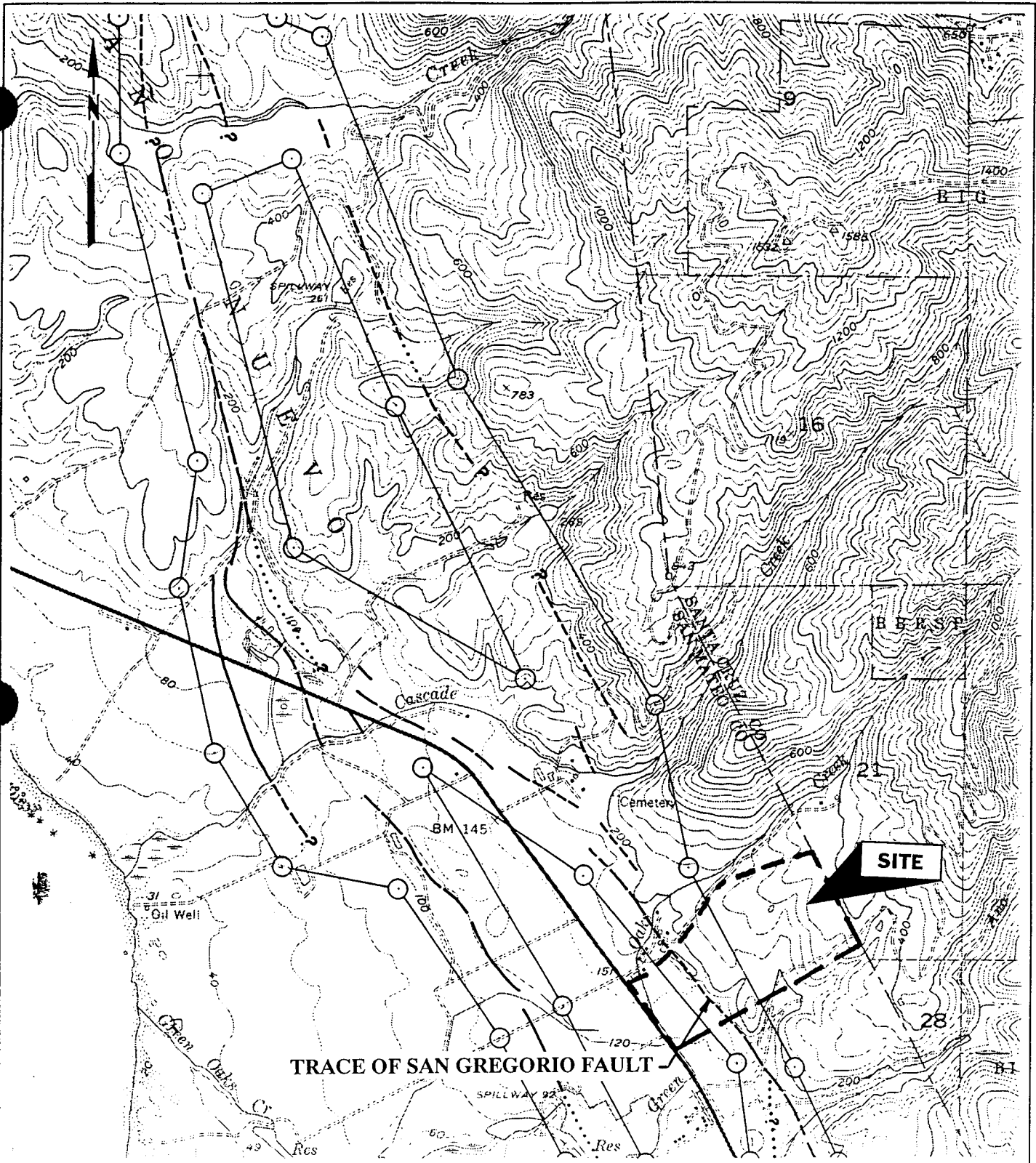
APPLICATION NO.
A-2-SMC-99-066 LEE

Plot Plan



PLOT PLAN

SCALE: 1:3600



Scale: 1 inch = 2000 feet

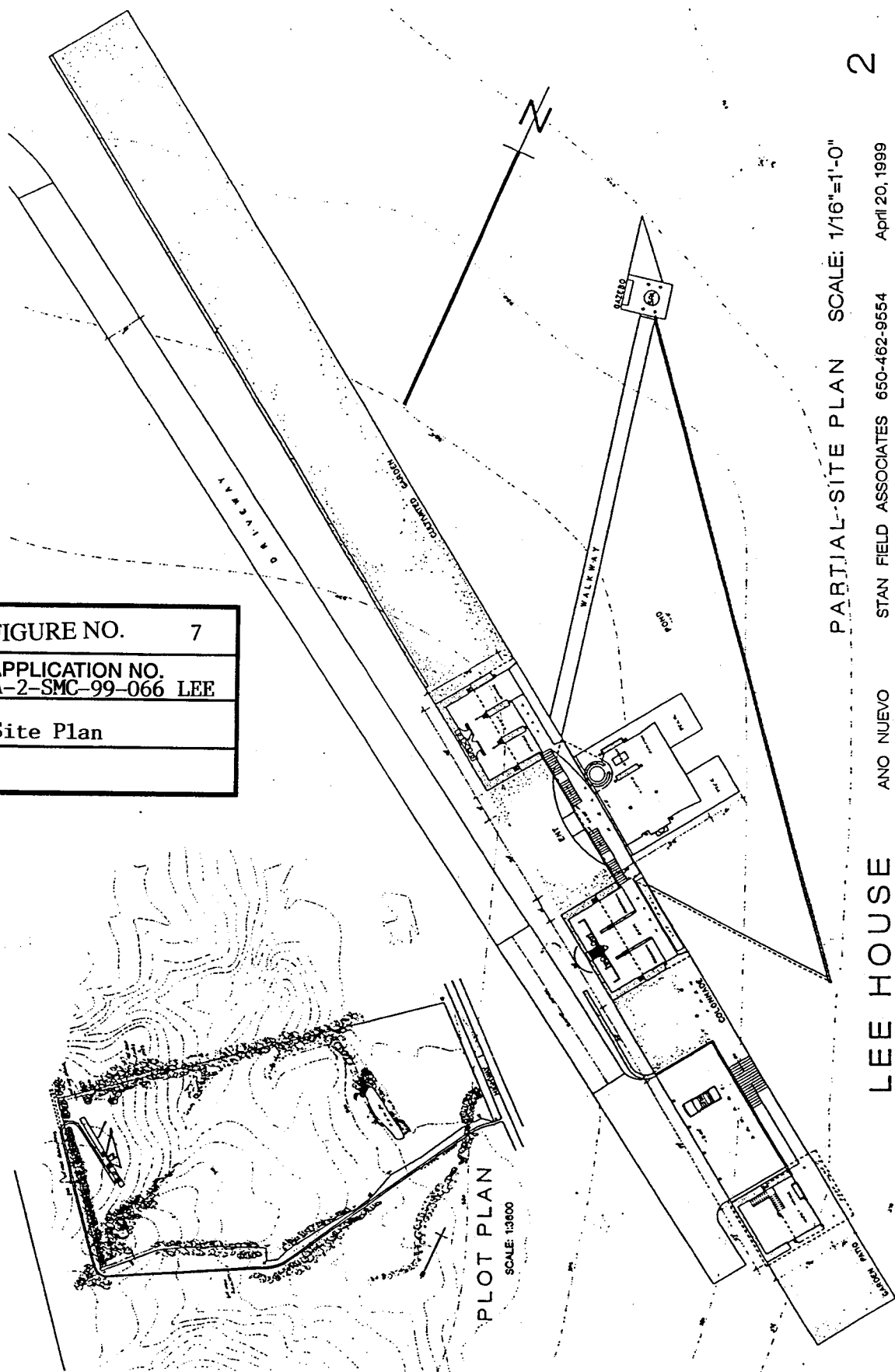
Base is State of California Special Studies Zones, Franklin Point Revised Official Map, Effective: January 1, 1982, drawn on USGS 7.5 Minute Franklin Point Quadrangle, dated 1955, Photorevised 1968.

VICINITY MAP
 LEE RESIDENCE
 ANO NUEVO, CALIFORNIA

ROMIG CONSULTING ENGINEERS

FIGURE NO.	5
APPLICATION NO.	A-2-SMC-99-066 LEE
Faults	

FIGURE NO.	7
APPLICATION NO.	A-2-SMC-99-066 LEE
Site Plan	

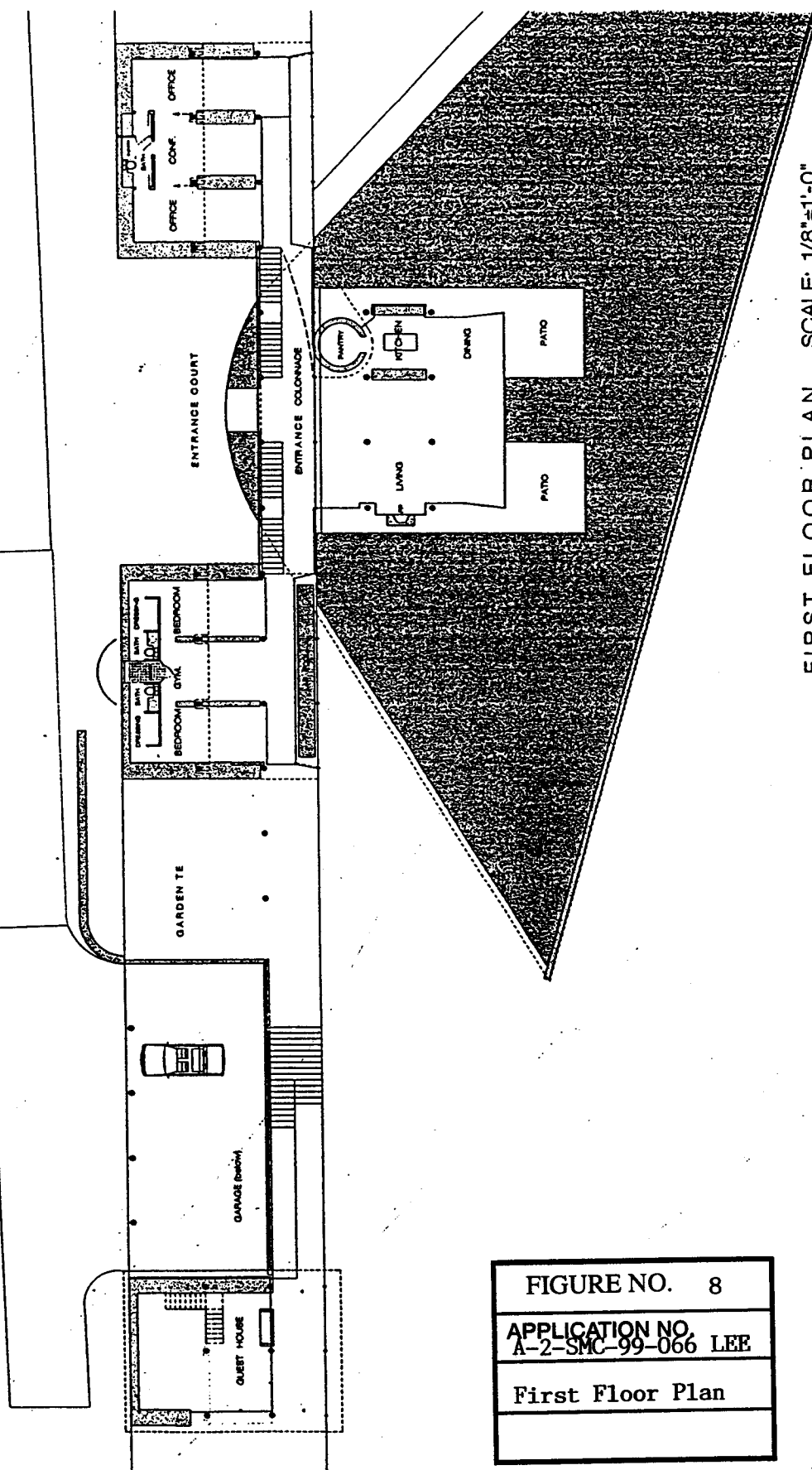


PARTIAL-SITE PLAN SCALE: 1/16"=1'-0"

STAN FIELD ASSOCIATES 650-462-9854 April 20, 1999

ANO NUEVO

LEE HOUSE



3

FIRST FLOOR PLAN SCALE: 1/8"=1'-0"

April 20, 1999

STAN FIELD ASSOCIATES 650-462-9554

ANO NUEVO

LEE HOUSE

FIGURE NO. 8
APPLICATION NO. A-2-SMC-99-066 LEE
First Floor Plan

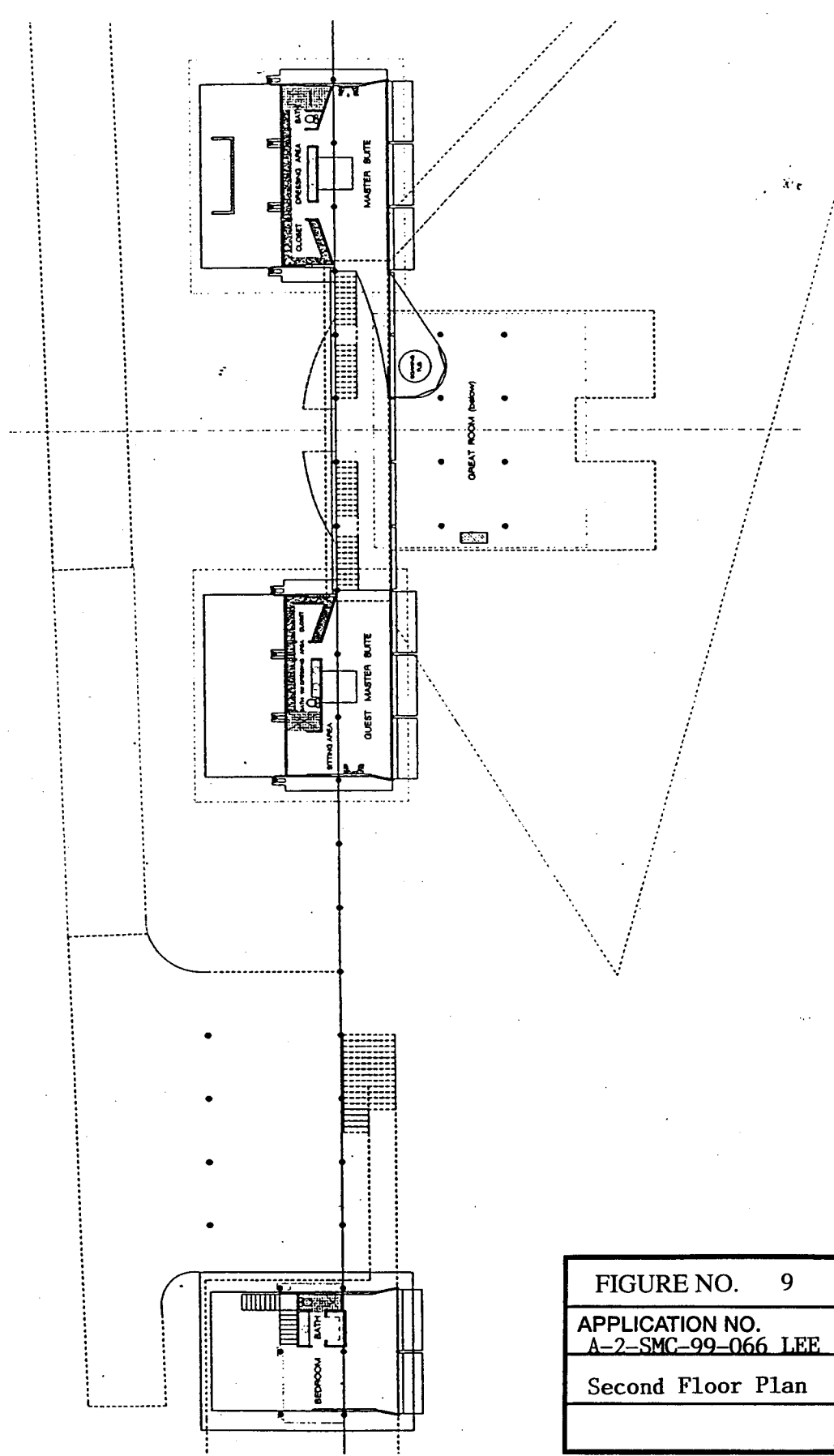
San Mateo County Planning Commission

Applicant: Stan Field

Attachment: C

File Numbers: PLN 1999-00296

2-21

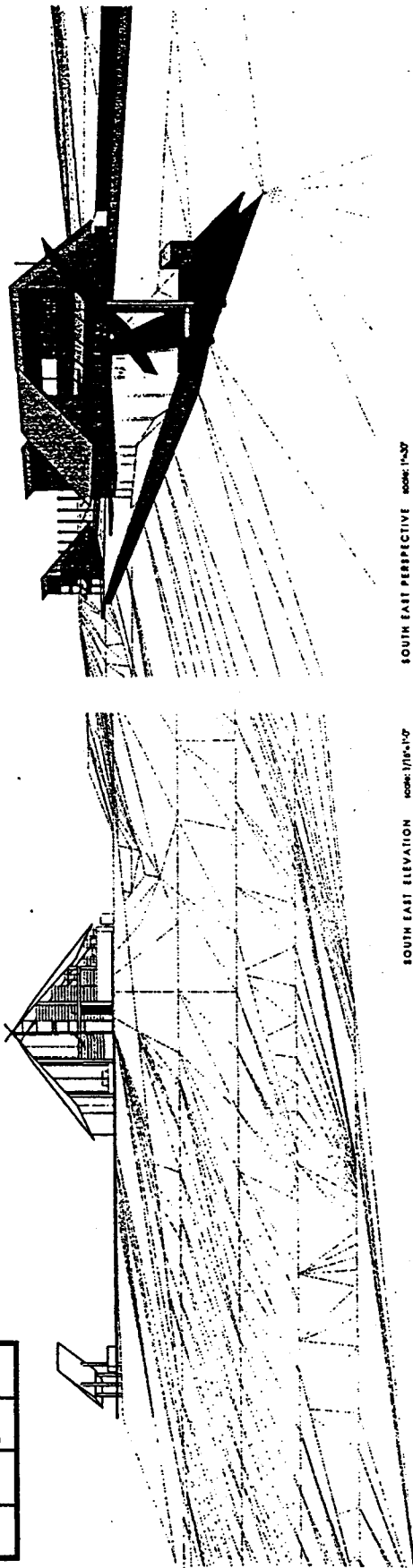


LEE HOUSE ANO NUEVO STAN FIELD ASSOCIATES 650-462-9554 April 20, 1999 4

FIGURE NO.	9
APPLICATION NO.	A-2-SMC-99-066 LEE
Second Floor Plan	

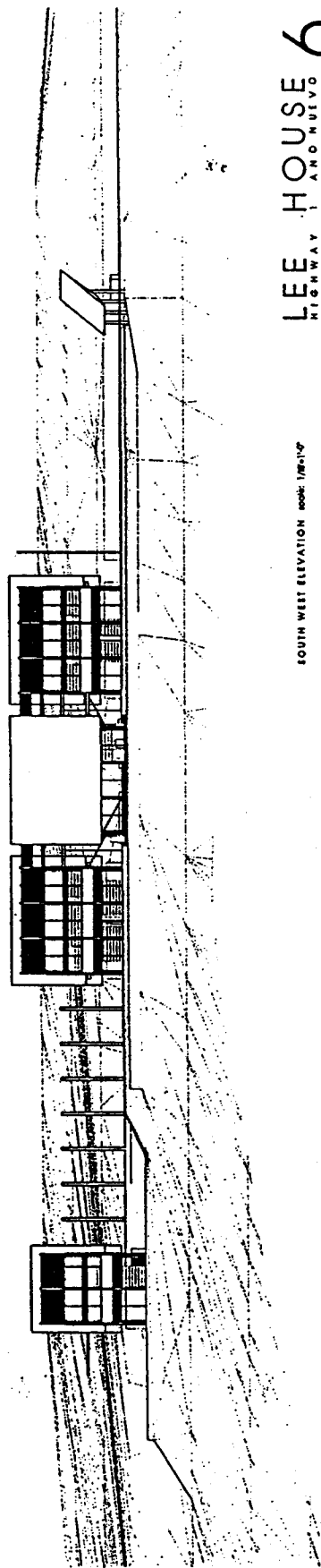
San Mateo County Planning Commission

Applicant: Stan Field Attachment: C
 File Numbers: PLN 1999 - 00296 22



SOUTH EAST PERSPECTIVE scale: 1/8"=1'-0"

SOUTH EAST ELEVATION scale: 1/16"=1'-0"



SOUTH WEST ELEVATION scale: 1/16"=1'-0"

LEE HOUSE 6
 HIGHWAY 1 AND NULVO
 STAN FIELD ASSOCIATES

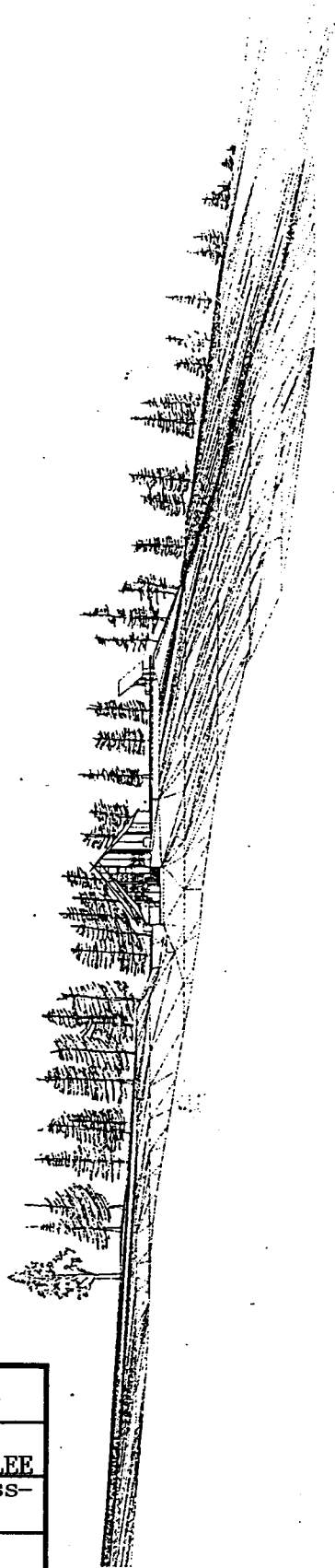
FIGURE NO.	10
APPLICATION NO.	A-2-SMC-99-066 LEE
Elevations and Perspectives	

San Mateo County Planning Commission

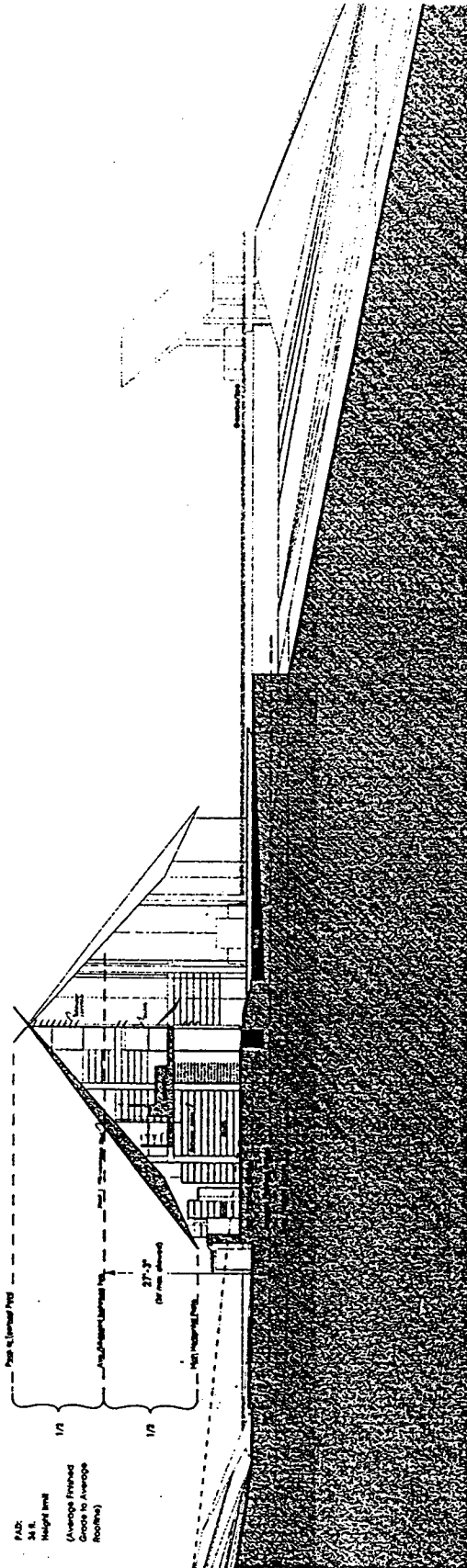
Applicant: Stan Field

Attachment: D

File Numbers: PLN 1999-00296



NORTH WEST SITE ELEVATION scale: 1/4"=1'-0"



LEE HOUSE 5
HIGHWAY 1 ARONUILVO
STAN FIELD ASSOCIATES INC.

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

FIGURE NO. 11
APPLICATION NO.
A-2-SMC-99-066 LEE
Elevation & Cross-
Section Showing
House Height

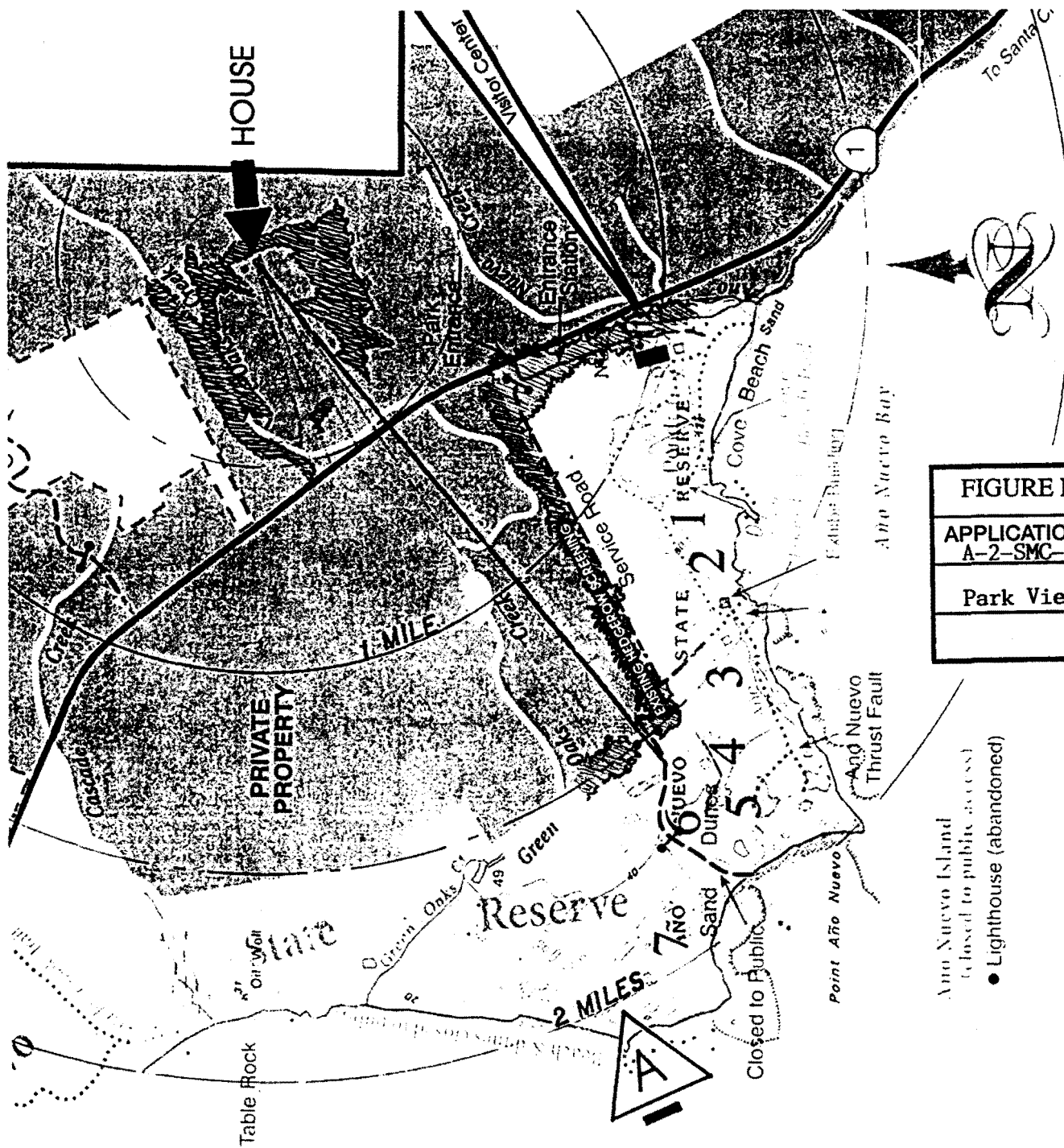
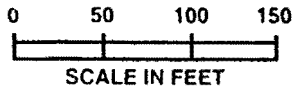


FIGURE NO.	12
APPLICATION NO.	A-2-SMC-99-066 LEE
Park Viewshed	



1-7: "STORY BOARD" VIEWS OF THE LEE PROPERTY STARTING FROM THE VISITORS CENTER ALONG PUBLIC TRAILS, AT TOPS OF SAND DUNES TO BEACH.

▲: ADDITIONAL VIEW OF LEE PROPERTY NOT INCLUDED ON STORYBOARD.

○ — CIRCLES REPRESENT 1 AND 2 MILE DISTANCES FROM THE BUILDING SITE.

PARK VIEWSHED & LOCATION MAP

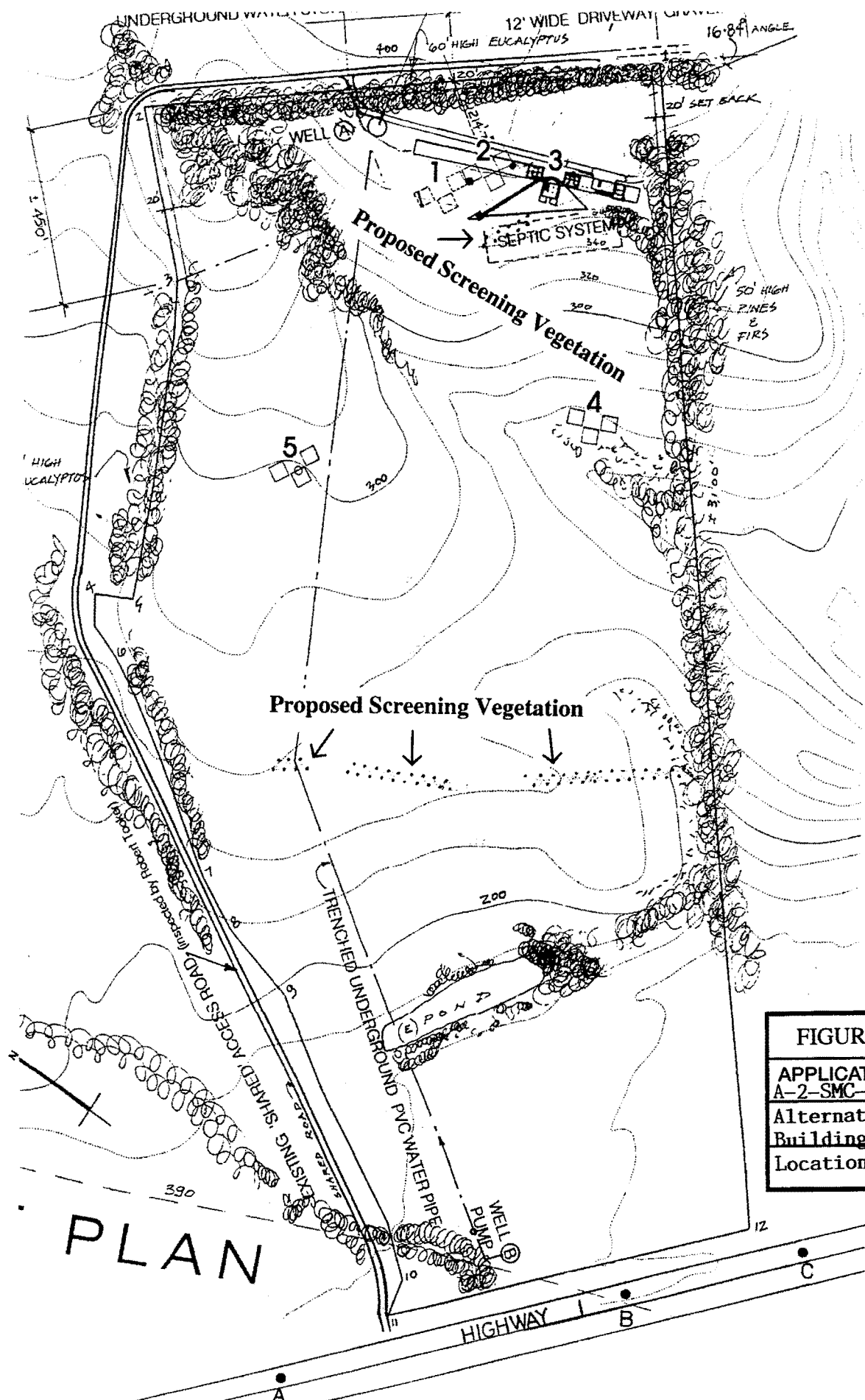
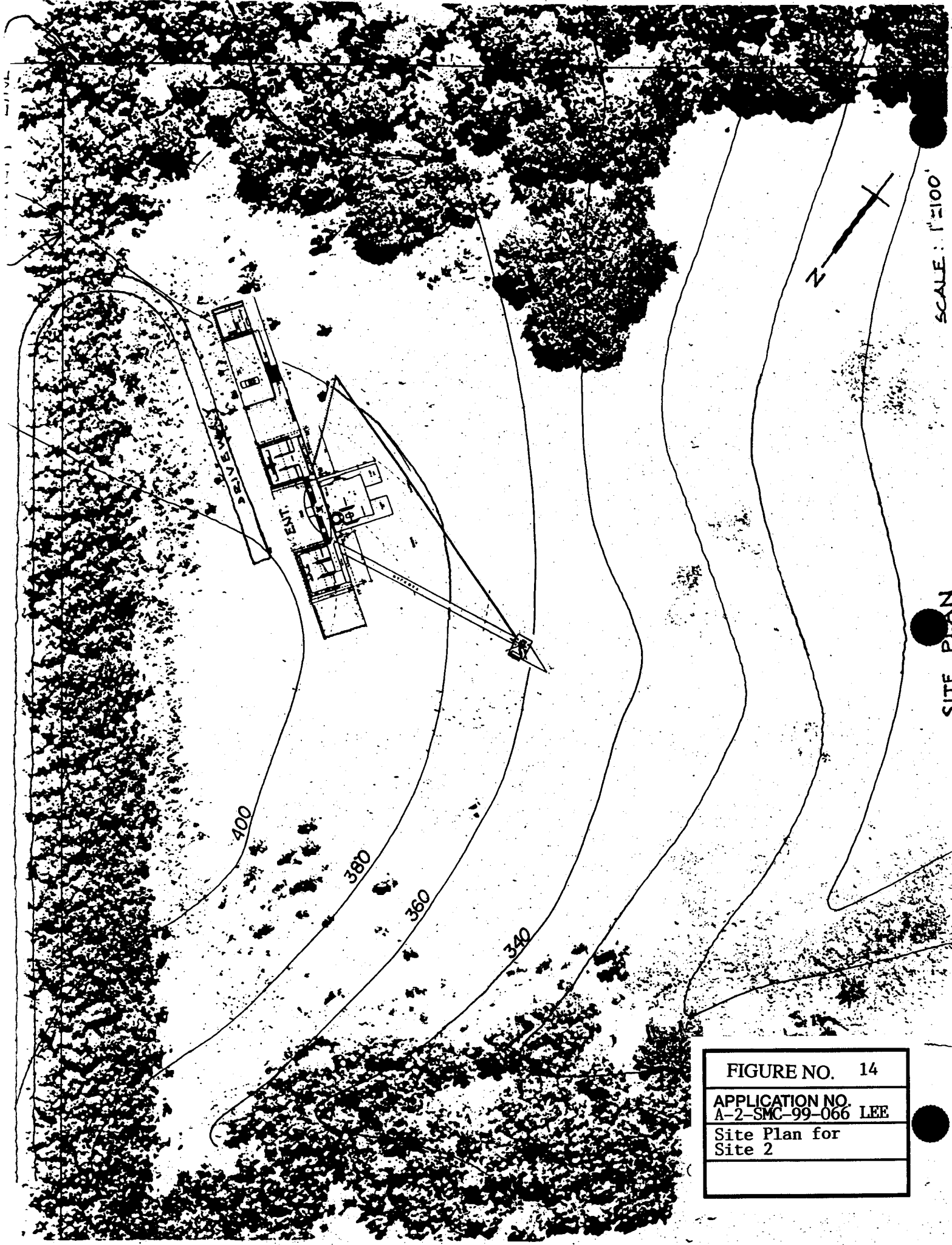


FIGURE NO.	13
APPLICATION NO.	A-2-SMC-99-066 LEE
Alternative Building Site Locations	

PLAN

BUILDING POSITION MAP
 SHOWING FIVE ALTERNATIVE BUILDING SITES (NTS)



SCALE: 1"=100'

SITE PLAN

FIGURE NO. 14
APPLICATION NO. A-2-SMC-99-066 LEE
Site Plan for Site 2

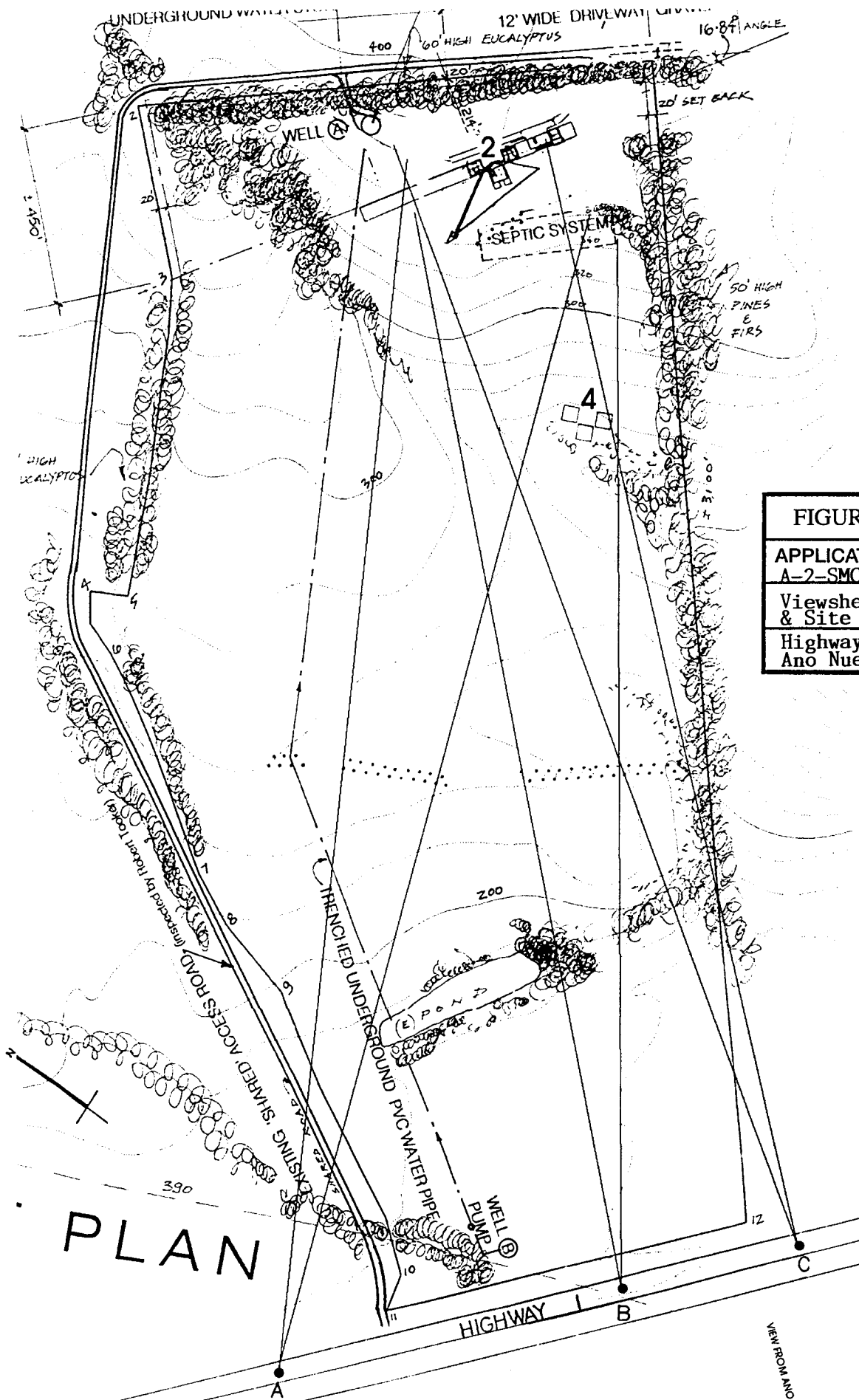


FIGURE NO.	15
APPLICATION NO.	A-2-SMC-99-066 LEE
Viewshed for Site 2 & Site 4 from	
Highway 1 and Ano Nuevo	

PLAN

MAP OF BP2 & BP4 VIEWSHEDS FROM HWY 1 AND ANO NUEVO (NTS)

VIEW FROM ANO NUEVO

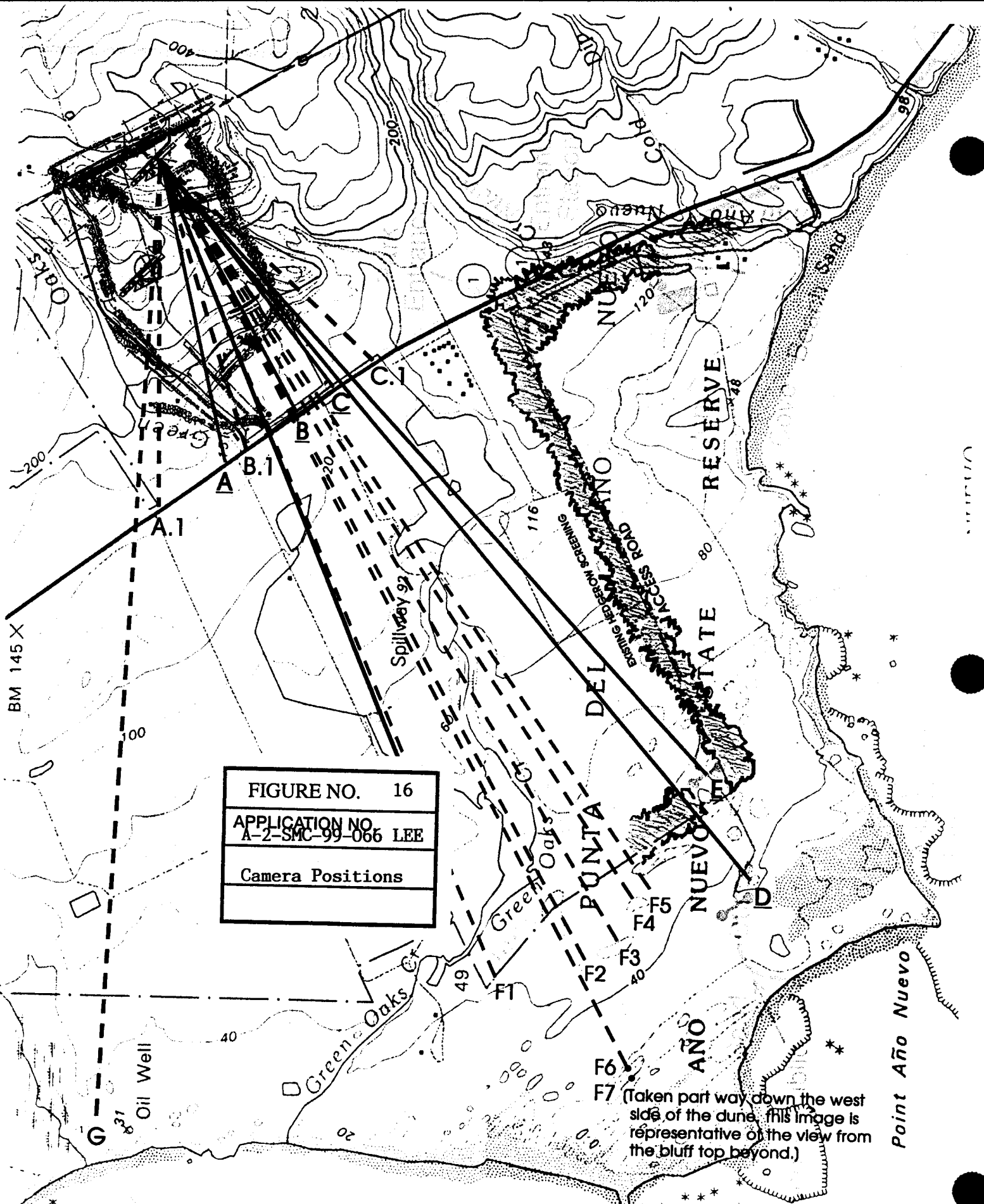


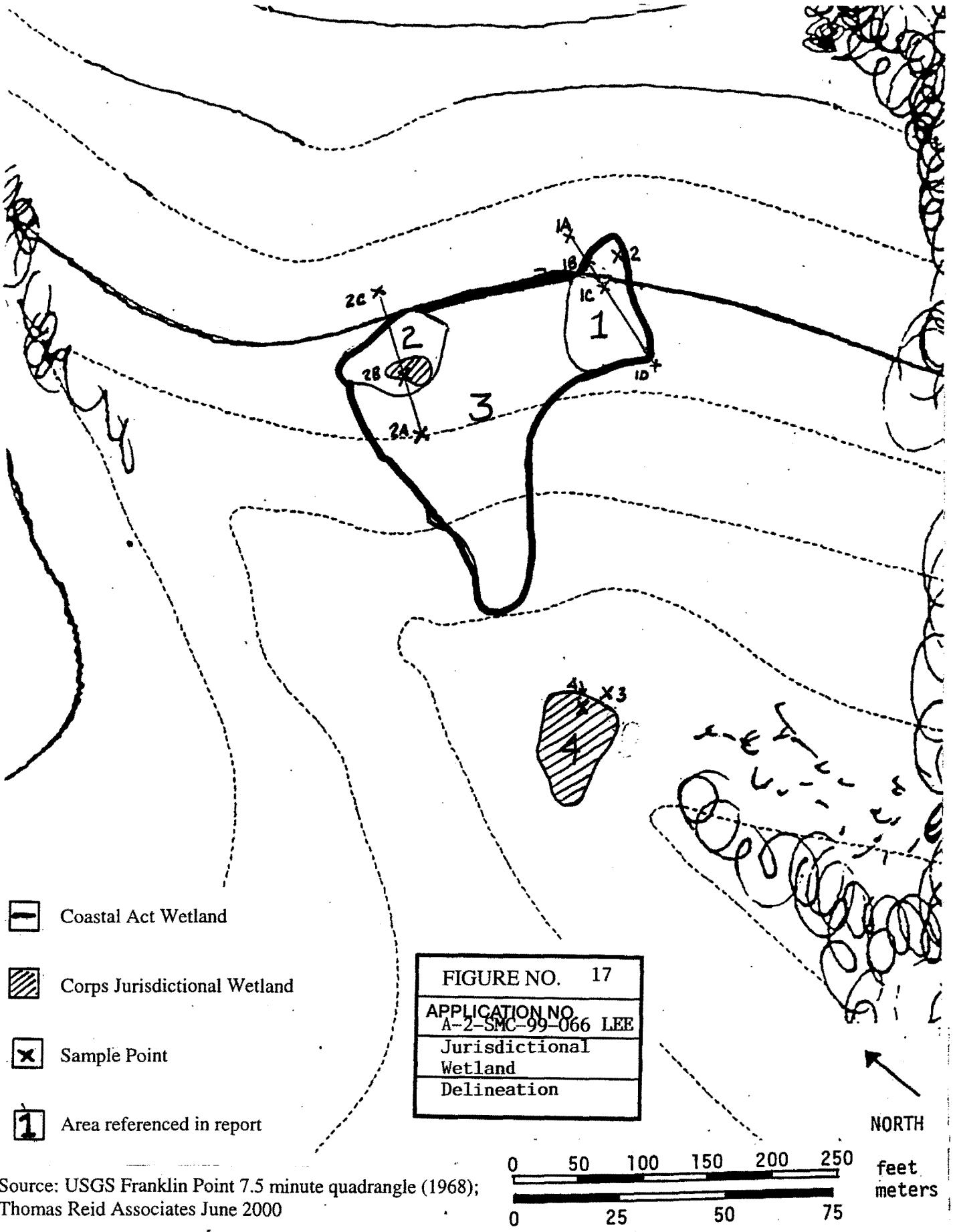
FIGURE NO.	16
APPLICATION NO.	A-2-SMC-99-066 LEE
Camera Positions	

(Taken part way down the west side of the dune, this image is representative of the view from the bluff top beyond.)

CAMERA POSITION MAP

ADDITIONAL VIEWS REQUESTED BY THE COASTAL COMMISSION (MAY 2000) SHOWN WITH DASHED LINES
 ORIGINAL CAMERA POSITION VIEWS ARE SHOWN IN WITH SOLID LINES

Figure 7. Wetland Delineation Map without photo base map

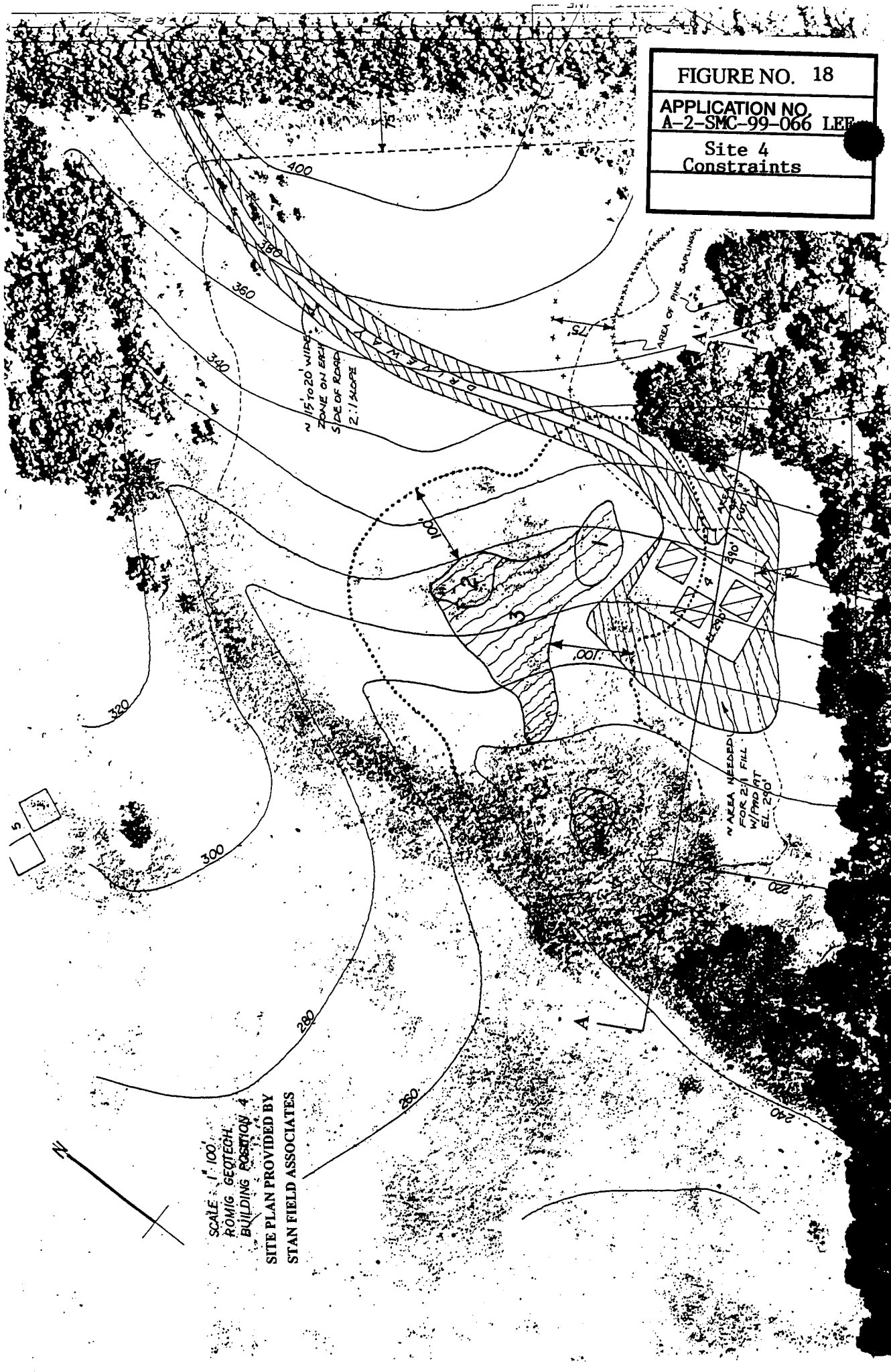


Source: USGS Franklin Point 7.5 minute quadrangle (1968); Thomas Reid Associates June 2000

FIGURE NO. 18

APPLICATION NO.
A-2-SMC-99-066 LEE

Site 4
Constraints



SCALE: 1" = 100'
FROM GEOTECH.
BUILDING POSITION 4
SITE PLAN PROVIDED BY
STAN FIELD ASSOCIATES

EXHIBITS

Environmental Services Agency



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

PROJECT FILE

Please reply to:

Damon DiDonato
(650) 363-1852

November 9, 1999

Stan Field
3631 Evergreen Drive
Palo Alto, CA 94303

Subject: PLN1999-00296
Location: 2070 Cabrillo Highway, Pescadero
APN: 089-230-220

EXHIBIT NO.	1
APPLICATION NO.	A-2-SMC-99-066 LEE
San Mateo County's Conditions of Approval	

On November 9, 1999, the San Mateo County Planning Commission considered your requests for a Coastal Development Permit, Planned Agricultural District Permit, and Architectural Review, pursuant to Zoning Regulations 6328, 6350, and the State Street and Highways Code, respectively, to construct a new single-family residence at 2070 Cabrillo Highway in the unincorporated Pescadero area of the County

Based on the information provided by staff and evidence presented at this hearing, the Planning Commission accepted staff's recommendation to approve this request, made the findings and adopted conditions of approval as follows:

FINDINGS:

Regarding the Negative Declaration:

1. That the Negative Declaration is complete, correct and adequate and prepared in accordance with the California Environmental Quality Act and applicable State and County guidelines.
2. That, on the basis of the Initial Study and comments received hereto, there is no evidence that the project, subject to the mitigation measures contained in the Negative Declaration, will have a significant effect on the environment
3. That the Negative Declaration reflects the independent judgment of San Mateo County.

4. That the mitigation measures identified in the Negative Declaration, agreed to by the applicant, placed as conditions on the project, and identified as part of this public hearing, have been incorporated into the Mitigation Monitoring and Reporting Plan in conformance with California Public Resources Code Section 21081.6.

Regarding the Coastal Development Permit:

5. 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.
6. That the project conforms to the specific findings required by the policies of the San Mateo County Local Coastal Program.

Regarding the Planned Agricultural Permit:

General Criteria

7. That the encroachment of all development upon land which is suitable for agriculture shall be minimized.
8. That all development permitted on site is clustered.
9. That the project conforms to the Development Review Criteria contained in Chapter 20A.2 of the San Mateo County Zoning Regulations.
10. That the proposed project meets the substantive criteria for the issuance of a Planned Agricultural District Permit.

Water Supply Criteria

11. That the existing availability of a potable and adequate well water source for all non-agricultural uses is demonstrated.
12. That adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed are not diminished.

Conversion of Lands Suitable for Agriculture and Other Lands

13. That all agriculturally unsuitable lands on the parcel are either developed or determined to be undevelopable.
14. That continued or renewed agricultural use of soils is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.
15. That clearly defined buffer areas are developed between agricultural and non-agricultural uses.
16. That the productivity of any adjacent agricultural lands is not diminished including the ability of the land to sustain dry farming or animal grazing.
17. That public service, facility expansions, and permitted uses do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

Regarding Architectural Review:

18. That the proposed project is in compliance with the architectural design standards for the Cabrillo State Scenic Corridor.

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 Planning Commission on November 9, 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. These permits shall be valid for one year from the date of approval. Any extension of these permits shall require submittal of a request for permit extension and payment of applicable extension fees no less than 30 days prior to expiration.
3. All proposed improvements shall be designed and constructed in accordance with the latest earthquake resistance standards of the Uniform Building Code (UBC) released by the International Conference of Building Officials (ICBO). Further, the applicant will be required to conform to the recommendations of the consulting geotechnical engineers as detailed on pages 12 through 18 of the attached geotechnical report.

4. The applicant shall, at the time of application for a building permit, submit an erosion control plan, for review and approval of the Planning Director, indicating and implementing the following best management practices to prevent erosion and sedimentation during the entire construction process: (1) installation of hay bales below all areas of earth clearing, (2) covering of surcharges for protection from rain and wind erosion, and (3) replanting all disturbed areas immediately upon completion of construction with indigenous vegetation.
5. During construction, the applicant shall minimize the transport and discharge of stormwater runoff from the construction sites into water bodies by:
 - a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15.
 - b. 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.
 - c. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry into the water body.
 - d. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
 - e. Disposing of removed soil in a County-approved landfill, or by spreading the soil in the immediate vicinity employing the above erosion control techniques at a depth not to exceed 6 inches in height.
 - f. The applicant shall revegetate construction areas with native plant materials (trees, shrubs, and/or ground cover) which are compatible with the surrounding vegetation and are suitable to the climate, soil and ecological characteristics of the area.
6. At the time of application for a building permit, a drainage plan shall be submitted for review and approval of the Planning Director of the County of San Mateo that meets or exceeds the standards of the San Mateo Countywide Stormwater Pollution Control Program. The plan shall indicate all surface water to be contained within areas of the project with no water being directed to the ravine west of the building site. All building rainwater runoff shall be captured by gutters and downspouts and directed to pervious areas.
7. At the time of application for a building permit, the applicant shall submit a landscaping

plan indicating the replanting of eight (8) native trees that are compatible with the surrounding vegetation and are suitable to the climate, soil, and ecological characteristics of the area. The approved plan shall be installed prior to a final building permit inspection. At a minimum, the landscaping plan shall include the landscape materials shown on the "landscaping plan for tree screening" submitted to the County on October 18, 1999.

8. A professional biologist shall be consulted prior to the installation of the waterline from the well to the proposed residence. The applicant shall be required to follow the recommendations of the consulting biologist regarding installation of the waterline.
9. If construction is to be done between February 15 and August 1, a pre-construction survey shall be done by a qualified biologist, to ensure that no nesting raptors will be impacted by the project. The applicant shall comply with the biologist's requirements.
10. If construction is done between September 1 and March 30, a pre-construction survey should be done by a biologist to ensure that no Monarch Butterflies will be impacted by tree removal or construction activity near the trees. The applicant shall comply with the biologist's requirements.
11. If the artificial pond is stocked with fishes or other aquatic life, only native or non-invasive aquatic life shall be used.
12. There shall be no removal of the 60-foot tall eucalyptus trees located to the east of the proposed development except for the two (2) mature and six (6) sapling eucalyptus trees approved for removal as part of this application in order to build the driveway.
13. All new power and telephone utility lines from the street or nearest utility pole to the main dwelling and/or any other structure on the property shall be placed underground starting at the closest property line.
14. The applicant shall submit color and material samples for approval by the Planning Director prior to the issuance of a building permit. The colors and materials shall blend in with the surrounding soil and vegetative color of the site. Prior to final inspection for the building permit, the Building Inspection Section shall verify that the building has been finished with the approved colors and materials.

15. If during construction or grading any evidence of archaeological traces (human remains, artifacts, concentrations of shale, bone, rock ash) are uncovered, then all construction or grading within a 30-foot radius shall be halted, the Planning Division shall be notified and the applicant shall hire a qualified archaeologist to assess the situation and recommend appropriate measures. Upon review of the archaeologist's report, the Planning Director, in consultation with the applicant and the archaeologist will determine the steps to be taken before construction or grading may continue.
16. The applicant shall record a deed restriction on the subject property in accordance with LCP Policy 5.15 (Mitigation of Land Use Conflicts). The deed restriction should read as follows: "This property is adjacent to property utilized for agricultural purposes and residents on this property 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." A copy of the recorded deed restriction shall be submitted to the Planning Division prior to a final building permit inspection.
17. The applicant shall apply an anti-reflective window coating to the south-western facing windows on all structures. The coating shall minimize solar reflection to the satisfaction of the Planning Director.
18. The applicant shall record a deed restriction on the subject property that reads as follows: "This property is located in the Cabrillo Highway State Scenic Corridor and all development has been conditioned to conform with the requirements of the General Plan and the Local Coastal Program. The owners of this property shall be required to maintain this property in conformance with Local Coastal Program Policy 8.18 (Development Design). All landscaping designed to screen 50% of structures from the view of Cabrillo Highway and the Outdoor Education Trail, the Point Dunes Trail, the Visitor Center and the Pond on the Main Trail within Ano Nuevo State Reserve shall be maintained and/or replaced if dead. The color of all exterior materials shall harmonize with the predominate earth and vegetative colors of the site. Exterior lighting shall be limited to the minimum necessary for safety. All lighting, exterior and interior, must be placed, designed and shielded so as to confine direct rays to the parcel where the light is located." A copy of the recorded deed restriction shall be submitted to the Planning Division prior to a final building permit inspection.

19. At the time of application for a building permit, the applicant shall submit plans that show that all structures will be at an elevation datum point of 380 feet.

Building Inspection Section

20. At the time of application for a building permit, the following will be required:
 - a. A survey will be required.
 - b. An automatic fire sprinkler system will be required. This permit must be issued prior to or in conjunction with the building permit.
 - c. A driveway plan and profile will be required.

Department of Public Works

21. 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 residence per Ordinance #3277.
22. The applicant shall submit, for review by the Department of Public Works and the appropriate Fire District, a plan and profile of both the existing and/or the proposed access from the nearest "publicly" maintained roadway (Highway 1) to the proposed building sites driveway.
23. The provision of San Mateo County Grading Ordinance shall govern all grading on and adjacent to this site. Unless exempted by the Grading Ordinance, the applicant may be required to apply for a grading permit upon completion of their review of the plans and should access construction be necessary.
24. The applicant shall submit a driveway "plan and profile," to the Department of Public Works, showing the driveway access to the parcel (garage slab) complying with County standards for driveway slopes (not to exceed 20%) and to County standards for driveways (at the property line/edge of easement) being the same elevation as the center of the shared 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 handling both the existing and the proposed drainage.
25. Should construction work be necessary within the State right-of-way, an encroachment permit, issued by CalTrans is required. The applicant shall provide a copy of this permit to the County.

Environmental Health Division

26. At the building application stage, the applicant shall submit a revised plan showing the location of the soil percolation test holes, design of the septic drainfields and its expansion area, the location of the existing well(s), along with the location of the proposed house, guest house, pond, gazebo and spa.
27. At the time of application for a building permit the applicant shall comply with all permit requirements for the installation of a septic tank/leachfield from the San Mateo County Environmental Health Division.

California Department of Forestry

28. The applicant, at the time of a building permit, will have the following requirements:
 - a. Clearance of flammable vegetation.
 - b. Fire flow for the proposed structure.
 - c. A standpipe as required by County Fire.
 - d. An approved NFPA 13D sprinkler system.
 - e. Water storage for the sprinkler system and fire flow above domestic use.
 - f. Fire Department access and turnaround if needed.
 - g. Addressing meeting County code requirements.
 - h. Inter-connected smoke detectors.

This review is very preliminary, and more requirements may be added to your project at the time of an application for a building permit. Building permit plans will not be reviewed until plans for the sprinkler system are received by the Building Inspection Section.

Any interested party aggrieved by the determination of the Planning Commission has the right of appeal to the Board of Supervisors within ten (10) business days from such date of determination. The appeal period for this matter will end at **5:00 p.m. on November 24, 1999.**

Stan Field
November 9, 1999
Page 9

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,



Kan Dee Rud
Planning Commission Secretary
Kdr:dir/pcd1109j.4kr

cc: Public Works
Building Inspection
California Coastal Commission
Environmental Health
Assessor
CDF
Geotechnical Section
Pescadero-LaHonda Unified School District
PMAC
Lennie Roberts
David Lee
Brian Hinman & Suzanne Skees

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
 45 FREMONT, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
 (415) 774-5260



COMMISSION NOTIFICATION OF APPEAL

DATE: December 17, 1999

TO: Damon Didonato, Project Planner
 County of San Mateo, Building & Planning
 590 Hamilton Street, Mail Drop 5500
 Redwood City, CA 94063

FROM: Jack Liebster, Coastal Program Analyst

RE: **Commission Appeal No. A-2-SMC-99-066**

EXHIBIT NO.	2
APPLICATION NO.	A-2-SMC-99-066 LEE
Commission Notification of Approval	

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

Local Permit #: PLN1999-00296

Applicant(s): Stan Field

Description: To construct a 6,500 square foot house, a 600 square feet detached accessory building, a four-car garage, a lap pool, a pond, and a gazebo with a spa on a legal 84.48 acre parcel.

Location: 2070 Cabrillo Highway, Pescadero (San Mateo County) (APN(s) 089-230-220)

Local Decision: Approved w/ Conditions

Appellant(s): California Coastal Commission, Attn: Sara Wan, Commissioner

Date Appeal Filed:

The Commission appeal number assigned to this appeal is A-2-SMC-99-066. The Commission hearing date has been tentatively set for January 11-14, 2000 in Santa Monica. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of San Mateo's consideration of this coastal development permit must be delivered to the North Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

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

CALIFORNIA COASTAL COMMISSION

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



APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

RECEIVED
DEC 16 1999

Please Review Attached Appeal Information Sheet Prior To ^{Completion of the} This Form. CALIFORNIA COASTAL COMMISSION

SECTION I. Appellant(s)

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

Commissioner Christina Desser
c/o CCC 45 Fremont St
San Francisco, CA 94105 (415) 904 5260
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.): 2070 Cabrillo Highway, Pescadero San Mateo Co.

- 4. Description of decision being appealed:
a. Approval; no special conditions:
b. Approval with special conditions: ✓
c. Denial:

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

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: 11/9/99

7. Local government's file number (if any): PLN 999 - 00296

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:

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.)

please see attached

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

SECTION V. Certification

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

Christina L. Brown

Signature of Appellant(s) or
Authorized Agent

Date Dec. 16, 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-2-SMC-99-066 Field - Lee Appeal

Section II, No. 2:

San Mateo County granted the applicant a Coastal Development Permit, a Planned Agricultural District Permit, and Architectural Review, pursuant to Zoning Regulations 6328, 6350, and the State Street and Highways Code, respectively, to construct a new 6,000+ square foot single family residence, a four-car garage, a lap pool, a pond, and a gazebo with a spa on a legal 84.48 acre parcel at 2070 Cabrillo Highway in the unincorporated Pescadero area of the County.

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.

Local Coastal Program Policy 8.5 (Location of Development) requires that new development be located on a portion of a parcel where the development (1) is least visible from State and County Scenic Roads, (2) is least likely to significantly impact views from public viewpoints, and (3) is consistent with all other LCP requirements, by preserving the visual and open space qualities overall.

The project as proposed would be visible from both a State Scenic Road (Highway 1) and a public viewpoint (Ano Nuevo State Reserve). There are other sites, and site treatments that would reduce the visibility of the project as approved as required by Policy 8.5.

Policy 8.17c. requires that new development be controlled "to avoid the need to construct access roads visible from State and County Scenic Roads." The materials available on the project as approved do not demonstrate conformance with this policy.

Policy 8.18b. requires screening to minimize the visibility of development from scenic roads and other public viewpoints. The project as approved would screen only 15-20% of the development initially, and would require many years of landscaping growth before a maximum of 50% screening would be achieved, thus failing to meet the requirement for minimizing visibility.

Policy 8.20 requires development to be related in size and scale to adjacent buildings and landforms. The residential structures in the vicinity are of much more modest scale than the 6000+ square-foot size of the approved development. In addition to being inconsistent on its own, approval of such a large structure could set a precedent for similarly inconsistent development in this highly scenic area.

CALIFORNIA COASTAL COMMISSION

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

RECEIVED

DEC 16 1999



APPEAL FROM COASTAL PERMIT
 DECISION OF LOCAL GOVERNMENT

CALIFORNIA
 COASTAL COMMISSION

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

SECTION I. Appellant(s)

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

Commissioner Sara Wan
c/o CCC 45 Fremont St
San Francisco, CA 94105 (415) 904 5260
 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.): 2070 Cabrillo Highway, Pescadero
San Mateo Co.

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: _____

c. Denial: _____

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-2-SMC-99-66

DATE FILED: 12/16/99

DISTRICT: North Central

H5: 4/88

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: 11/9/99

7. Local government's file number (if any): PLN 999 - 00296

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:

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

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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.)

please see attached

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

SECTION V. Certification

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



Signature of Appellant(s) or
Authorized Agent

Date Dec. 16, 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-2-SMC-99-066 Field - Lee Appeal

Section II, No. 2:

San Mateo County granted the applicant a Coastal Development Permit, a Planned Agricultural District Permit, and Architectural Review, pursuant to Zoning Regulations 6328, 6350, and the State Street and Highways Code, respectively, to construct a new 6,000+ square foot single family residence, a four-car garage, a lap pool, a pond, and a gazebo with a spa on a legal 84.48 acre parcel at 2070 Cabrillo Highway in the unincorporated Pescadero area of the County.

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The project as proposed would be visible from both a State Scenic Road (Highway 1) and a public viewpoint (Ano Nuevo State Reserve). There are other sites, and site treatments that would reduce the visibility of the project as approved as required by Policy 8.5.

Policy 8.17c. requires that new development be controlled "to avoid the need to construct access roads visible from State and County Scenic Roads." The materials available on the project as approved do not demonstrate conformance with this policy.

Policy 8.18b. requires screening to minimize the visibility of development from scenic roads and other public viewpoints. The project as approved would screen only 15-20% of the development initially, and would require many years of landscaping growth before a maximum of 50% screening would be achieved, thus failing to meet the requirement for minimizing visibility.

Policy 8.20 requires development to be related in size and scale to adjacent buildings and landforms. The residential structures in the vicinity are of much more modest scale than the 6000+ square-foot size of the approved development. In addition to being inconsistent on its own, approval of such a large structure could set a precedent for similarly inconsistent development in this highly scenic area.

CORRESPONDENCE

DEPARTMENT OF PARKS AND RECREATION



Bay Area District
250 Executive Park BLVD.
Suite 4900
San Francisco, CA 94134-3306

August 28, 1999

San Mateo County Planning Division
455 County Center, 2nd Floor
Redwood City, CA 94063

RE: Comments on Negative Declaration No. PLN 1999-0029626

TO: Planner Damon DiDonato

The following comments are submitted by the California State Parks regarding the proposed construction the single family dwelling, of approximately 6,500 square feet, located in the coastal view shed adjacent to state park lands.

Visual Impact Related to Año Nuevo State Reserve

Año Nuevo State Reserve is an internationally visited unit of the California State Park System and is located 50 miles south of San Francisco on the San Mateo County coastline. State Reserves are the highest level of protection classification of the California State Park System. The Public Resources Code identifies State Reserves as "consisting of areas of embracing outstanding natural and scenic characteristics of statewide significance". This project as planned will degrade the scenic characteristics of this State Reserve.

The educational and interpretive program at the Reserve is used as a model at a national level related to protecting coastal resources. Approximately 200,000 people visit the Reserve annually. Visitors to the Wildlife Protection Area walk a 1.5-mile trail out to Año Nuevo Point. When walking back from this point of land these visitors enjoy one of the most spectacular and extraordinary vistas along the coast of California. Visitors view pristine coastal mountains with **no current intrusive visual impacts**. This kind of experience, so near to a major metropolitan area, is found no where else in the state.

Yellow construction ribbon of the proposed site could be viewed from numerous locations on Ano Nuevo Point, especially a few highly visited areas. The proposed site is

very visible from the Outdoor Education road/trail coming in from the point. Annually over 5,000 children use this trail. These children are taught concepts regarding open space, coastal protection, agriculture, and parks as they hike this trail.

This development would have a negative impact on the visual resources related to this State Reserve.

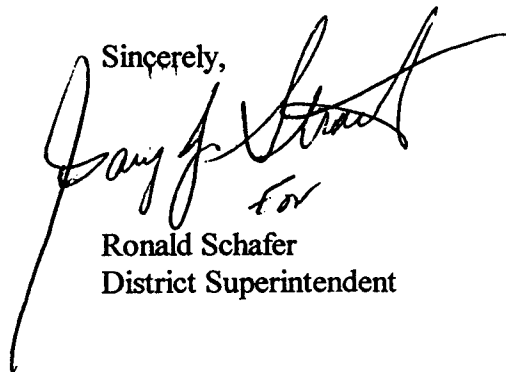
Specific Comments on Negative Declaration

- State Reserve staff disagrees with pages one (1), finding three (3). This project will have significant degradation of aesthetic and visual quality of the area. This structure will be one of the most visible human made structures to visitors walking in from Año Nuevo Point.
- State Reserve staff also disagrees with finding 5(c) on page one (1). The cumulative impact of this and other proposed dwellings will impact not only the visual resources in the area but will also have a cumulative impact on the important wildlife corridors between the coastal terrace and coastal mountains. This project is another impediment to wildlife species that currently utilize this corridor.

Within the San Mateo Local Coastal Plan, associated with coastal development, language exists that prohibit or restrict development that effects the visual resources. This development should be evaluated more extensively with these policies in mind.

The California State Parks believes that this proposed development will effect visual resources at Año Nuevo State Reserve and the related coastal view shed. Staff also notes that the project is completely visible from Coast Highway, which is a designated Scenic Corridor. Please notify this office of any further information regarding this proposed development. If you have any questions related to these comments please contact Supervising Ranger Gary Strachan at 650-879-2025.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Strachan". The signature is written in a cursive style and is positioned above the typed name and title.

Ronald Schafer
District Superintendent



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

September 21, 1999

Ronald Schafer, Department Superintendent
California Department of Parks and Recreation
Bay Area District
250 Executive Park Boulevard, Suite 4900
San Francisco, CA 94134-3306

Dear Mr Schafer:

SUBJECT: Response to Comments on the Negative Declaration for David
Lee's proposed residence at 2070 Cabrillo Highway, Pescadero;
County File No.: PLN 1999-00296.

Thank you for your comments on the Negative Declaration. The following is our
response to your August 28, 1999 letter.

LCP Visual Resource Policies: After additional review staff will recommend a
condition of approval requiring the applicant to apply an anti-reflective window coating
to the bank of south-western facing windows. All new facilities will be constructed of
wood siding and dark gray roofing materials, and staff believes that the project will blend
with and be subordinate to the environment and the character of the area. Further, staff is
recommending a condition of approval requiring the applicant to install landscaping that
is adequate to soften the impact of the development as seen from any travel direction
along Cabrillo Highway.

Impact on the Wildlife Corridor: The biological impact report prepared for this
application indicated that no significant environmental impact will occur to wildlife
species due to this project, subject to the mitigation measures listed in the report. Staff
has integrated the mitigation measures from the biological report into the Negative
Declaration and the Staff Report. Staff believes that no significant cumulative impacts
will result due to this project. The other proposed development that you refer to in your
letter is in Santa Cruz County's jurisdiction.

Ronald Schafer
September 21, 1999
Page 2

If you have any questions or comments regarding this matter, please feel free to call me at 650/363-1852.

Sincerely,

A handwritten signature in black ink, appearing to read "D. DiDonato", written in a cursive style.

Damon DiDonato
Project Planner

FILE COPY

September 2, 1999

By FAX 363-4849

Damon DiDonato
Project Planner
San Mateo County Planning Division
455 County Center, 2nd Floor
Redwood City, CA 94063

SEP 2 1999
LOCAL FILE

Re: Negative Declaration for PLN 1999-00296 David Lee, Owner, Stan Field, Applicant, 2070 Cabrillo Highway, Pescadero

Dear Damon,

Thank you for sending the Negative Declaration for the above-referenced project. On behalf of the Committee for Green Foothills, I have the following comments:

1. The project description on the cover page of the Negative Declaration contains an error. Reviewing the Initial Study Project Description, I am assuming that the main house is 6,500 square feet, not the guest house, which should be listed as 600 square feet. With respect to the guest house, second units are not allowed in the PAD.
2. My initial reaction to the futuristic design, severe angles and formal array of site improvements is that the architectural style is not compatible with the character of the rural south coast. There is very little development of any kind in this rural area. Typical residences and other structures are modest farm houses, barns, and agricultural outbuildings. There should be further review of the structure as viewed from public viewing points at Ano Nuevo State Reserve. The bank of south-western facing windows could be a source of reflection and glare as viewed from the Reserve. After viewing the color computer simulation of the house in your office this morning, my initial reaction is somewhat modified, but I think some additional analysis of the visual issues is needed. The Visual Resources Component of the LCP, particularly Policy 8.18 contain strong policy requirements for minimizing visual impacts: "blend with and be subordinate to the environment and the character of the area where located", "be as unobtrusive as possible and not detract from the natural, open space or visual qualities of the area" "require screening to minimize the visibility of development from scenic roads and other public viewpoints". I would prefer to see the design modified to reflect some of the traditional farm building elements. However, another alternative would be to require specific measures that will ensure adequate and effective screening from Highway One and Ano Nuevo State Reserve.

I haven't had time today to completely review the Staff Report, which I appreciate receiving, but I did want to get these comments on the Negative Declaration to you before the end of the day. I would be happy to discuss these concerns further with you or the Applicant. I am leaving tomorrow for the mountains, but will return late Thursday, September 9.

Thank you for consideration of these comments.

Sincerely,

Lennie Roberts

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

Phone: 650-854-0449

Fax: 650-854-8134

Environmental Services Agency



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
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Michael D. Nevin

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

Planning Administrator
Terry L. Burnes

September 21, 1999

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

Dear Ms Roberts:

SUBJECT: Response to Comments on the Negative Declaration for David Lee's proposed residence at 2070 Cabrillo Highway, Pescadero; County File No.: PLN 1999-00296.

Thank you for your comments on the Negative Declaration. The following is our response to your September 2, 1999 facsimile.

Project Description: The total area of the Main residence is 6,500 sq. ft. and the building referred to as a detached guest house is 600 square feet.

Detached Guest House: Detached buildings with kitchens or sleeping facilities are not allowed in the Planned Agricultural District. The guest house on the plans includes a bedroom. Staff will recommend a condition of approval requiring the applicant to remove the bedroom and convert the guest house to a non-habitable structure, or to eliminate the building from the application.

LCP Visual Resource Policies: After additional review staff will recommend a condition of approval requiring the applicant to apply an anti-reflective window coating to the bank of south-western facing windows. All new facilities will be constructed of wood siding and dark gray roofing materials, and staff believes that the project will blend with and be subordinate to the environment and the character of the area. Further, staff is recommending a condition of approval requiring the applicant to install landscaping that is adequate to soften the impact of the development as seen from any travel direction along Cabrillo Highway.

Lennie Roberts
September 21, 1999
Page 2

If you have any questions or comments regarding this matter, please feel free to call me at 650/363-1852.

Sincerely,

A handwritten signature in black ink, appearing to read 'Damon DiDonato', with a horizontal line extending to the right.

Damon DiDonato
Project Planner

Brian L. Hinman
37 Broadway
Los Gatos, California 95030

September 14, 1999

Mr. Stan Field
3631 Evergreen Drive
Palo Alto, California 94303

Dear Mr. Field:

I understand that you are the architect responsible for the Lee Project located at 2070 Cabrillo Highway. My wife and I own the property on the east border of the Lee parcel.

We have had an opportunity to meet with David Lee and his wife, Chery Moser, to review the architectural plans and the site of the proposed construction. First of all, we would like to compliment you on both the creativity of the design and on your sensitivity in fitting the house within the existing terrain. By placing the house toward the eastern border, you have minimized the visibility from the Cabrillo Highway, while choosing the most level and stable portion of the property for construction.

David and Chery's parcel was previously used for agricultural purposes. Our parcel has had a similar history. The value of land in such a desirable area continues to increase. As a consequence, we believe it is logical to begin seeing a transition from agricultural use to residential use. The Bolings, to our south, were the first to begin the transition in this vicinity. A single family dwelling, such as that proposed on the Lee parcel, will have minimal impact on the environment, while allowing the majority of the parcel to return to a state similar to pre-agricultural times. Given the sheer distances from Cabrillo Highway and Ano Nuevo State Park, we believe that the house, as proposed, will be unobtrusive.

We fully support your work in seeking approval for this project, and look forward to having David and Chery as our neighbors.

Sincerely,



Brian L. Hinman

2060 Cabrillo Hwy.
Pescadero, CA 94060
(650) 879-1009

Sept. 15, 1999

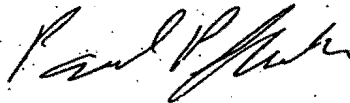
3631 Evergreen Drive
Palo Alto, CA 94303

To Whom It May Concern:

We are writing in regard to the Lee's proposed plans for construction of a home in San Mateo County, near Ano Nuevo State Reserve. We are live-in caretakers and future inheritors of ap# 057-061-11, which is adjacent to the Lee's parcel with the proposed building site. We approve of their plans, both in terms of their chosen building site and the details of their architectural plans for the home.

We look forward to being neighbors with the Lees and are in support of their proposed plans. If you have any questions, do not hesitate to contact us at the above address and phone number.

Sincerely,



Stephanie Jennings and Paul Pfluke

The Bolings 2074 Highway One ♦ Pescadero, CA 94060

September 16, 1999

Stan Field, Architect
3631 Evergreen Drive
Palo Alto, CA 94303

Dear Mr. Field:

We have looked over the plans of your project for the Lee family, numbered APN 89-230-220. As future neighbors of the Lee's, you may let the San Mateo Planning Commission know that we have no objections to their construction.

Sincerely,

The Bolings

The Bolings

634 Mirada Avenue
Stanford, CA 94305
September 20, 1999

Mr Stan Field
Consultant

Re: Proposed David Lee Residence

Dear Mr. Field,

I'm writing regarding the building permit application of David Lee in the Ano Nuevo Region.

I've owned and farmed a parcel almost immediately adjacent to the Lee property for thirty five years, and I know the area quite well.

And I've met with Mr. Lee and examined his detailed plans as well as the building site, because I'm very much concerned that this wonderful area retain its rural, agricultural, low density and non-commercial aspect.

I feel that the design and situation of Mr. Lee's proposed dwelling will in no way adversely effect these goals, since it's essentially invisible from the Ano Nuevo Park area, highway 1, and contiguous properties, and should, in fact, enhance them, given the careful stewardship I expect from the Lee family, by lending stability and helping to preserve its present character.

I invite you to submit this opinion to the Planning Commission at the upcoming hearing, since I cannot attend personally.

Sincerely, Jon Kosek



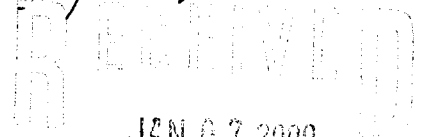
RC

ROSALIND CAROL

Please don't let a house be built in
the watershed of Croquet Keep the
area natural.

APN 089-230-220

Rosalind Carol



JAN 07 2000

CITY OF SAN CARLOS
COASTAL COMMISSION

San Mateo, Jan 9 ²⁰⁰⁰ ~~1999~~

Dear Coastal Commissioners,

This letter is about the appeal of permit # A-2-SMC-99-066 dealing with the construction of a 6500 sq. ft. home 4 car garage etc. in S.M. county; but also is concerned with the nearby Santa Cruz county Gothic mansion & other possible projects of similar sort that could certainly follow if these 'monster homes' get approved.

I've been visiting, camping, beach parking, birdwatching, beach walking & enjoying the natural history & beauty of Abasco Nuevo and surrounding areas since the early 60's. I believe the construction of homes this large are inappropriate in this area. Many thousands of people visit the elephant seal & thumb nose enjoy the open space & lack of much of man's imprint of their lunch. The vistas of the hills from the coast are spectacular & undisturbed. I believe they should stay that way.

I'm not saying people don't have the right to build, but that the scale of the buildings should be reasonable & not stick out from the few homes already there.

There is no reason that I can see that requires
a 2nd home or even a primary one to be as large.
They can enjoy their land & home in this area of beauty
but not at the casual expense of everyone else.
~~and~~ This land is too precious to allow wild, milly
development. If these two places are allowed in as they
stand I think in not too much more time others
& possibly worse will follow. That would be a monumental
shame for this area. Please help preserve the rural
character & wilderness charm of this special part of
the coast.

RECEIVED

JAN 11 2009

CALIFORNIA
COASTAL COMMISSION

Thank you

Alan De Martini

Alan De Martini

1696 Eisenhower St

San Mateo CA 94403

RECEIVED

JAN 11 2000

1-10-00

CALIFORNIA
COASTAL COMMISSION

Dear Commissioners,

As a life-long resident and deeply-concerned citizen of San Mateo County I am writing to voice my opposition of the proposed project at 2070 Cabrillo Highway near Pescadero (permit # A-2-SMC-99-066). The following are some of my reasons :

- 1) Permitting the construction of this "monster" home will serve as a "green light" for further development along our beautiful rural coastal region.
- 2) The proposed development will be clearly visible from many portions of the Año Nuevo State Reserve, directly across the highway. I have visited the site and can attest to this fact. To the 175,000+ annual visitors who enjoy the natural splendor of Año Nuevo the sight of this very unnatural structure will be an eyesore and ruin the unique wilderness experience that they enjoy and cherish today.
- 3) The development will draw upon an already -

strained and rapidly-exhausting water supply in this area.

4) The development will impact and deteriorate habitat of a number of threatened and endangered wildlife species known to occur in this area.

I beg you to reject this proposal and help to preserve the rural charm and wilderness resource of the unique coast of San Mateo County.

Respectfully yours,
Peter J. Metropoulos

P.S. Please keep me posted when future hearings occur.



SEQUOIA AUDUBON SOCIETY INC.

30 W. 39th Avenue #202, San Mateo, CA 94403
345-3724

RECEIVED
JAN 13 2000
CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

January 12, 2000

Dear Sirs:

This letter concerns the public hearing on January 14, 2000 for permit number A-2-SMC-99-066. This is a proposed home in Pescadero, San Mateo County, to be built on an inholding site within Ano Nuevo State Reserve.

Sequoia Audubon Society, a chapter of the National Audubon Society with 1700 members in San Mateo County, is very concerned about the effect of any coastal development on bird species and their habitats. In the area of San Mateo County that includes the proposed project, we have documented 85 species of breeding birds and our fear is that any large scale development will have a detrimental effect on these birds, the habitat in general and other wildlife in the area.

Building such a home in the middle of the State Reserve will certainly change the character of the reserve. But even more worrying is that granting this permit will open the door for coastal development. This area of the coast includes a unique transition zone from coastal plain to coastal mountains. Breaking up the large open spaces that exist there now into smaller parcels has an unfortunate effect on habitat. The fragmentation of habitat that results has a very delitrious effect on breeding birds, which is well documented, and on other wildlife as well.

The availability of water is another concern in an area that does not have a well developed water delivery system. Where will the water come from for a house, pool, pond and spa? If one house is designed for such large water usage, what will happen when more are built?

We urge you to turn down this application as detrimental to the area as a whole and to Ano Nuevo State Reserve and its wildlife in particular. Something very precious will be lost forever if the wildness of the south San Mateo County coast is compromised.

Sincerely,

Robin Winslow Smith
Robin Winslow Smith
President, Sequoia Audubon Society



Chris Kern

JAN 12 2000

cc: [Signature]

Peter Douglas, Executive Director
California Coastal Commission
North Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RECEIVED

JAN 13 2000

CALIFORNIA
COASTAL COMMISSION

Dear Mr. Douglas:

Written Comments on Appeal No. A-2-SMC-99-066

The following comments are submitted by the California Department of Parks and Recreation regarding the above appeal. Año Nuevo State Reserve is an internationally visited unit of the California State Park System and is located 50 miles south of San Francisco on the San Mateo County coastline. State Reserves are the highest level of protection classification of the California State Park System. The Public Resources Code identifies State Reserves as "consisting of areas of embracing outstanding natural and scenic characteristics of statewide significance". Año Nuevo Point is also designated as a National Natural Scenic Landmark.

The educational and interpretive program at the Reserve is used as a model at a national level related to protecting coastal resources. Approximately 200,000 people visit the Reserve annually with more visitors planned for the future. Visitors to the Wildlife Protection Area walk a 1.5-mile trail out to Año Nuevo Point. When walking back from this point of land these visitors enjoy one of the most spectacular and extraordinary vistas along the coast of California. Visitors view pristine coastal mountains with no current intrusive visual impacts. This kind of experience, so near to a major metropolitan area, is found no where else in the state.

The California Department of Parks and Recreation believes this project as planned will degrade the scenic characteristics in the area of this State Reserve. The site of the proposed construction is very visible from numerous locations on the main public trail in the Reserve. The proposed site is also very visible from the Outdoor Education road/trail coming in from the point. Annually over 5,000 children use this trail. These children are taught concepts regarding open space, coastal protection, agriculture, and parks as they hike this trail.

The Department feels this project, and other possible similar future projects at these elevations, will significantly degrade the aesthetic and visual quality of the area. The Department recommends that the Coastal Commission evaluate this project in this coastal viewshed area further due to the unusual and unique situation regarding the Santa Cruz and San Mateo County lines running parallel to the coast for approximately three miles. The Department feels that the cumulative impact of this project, and

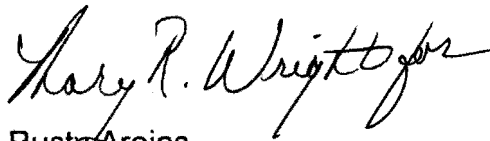
JAN 12 2000

Page Two

projects like it, are not being addressed at the county level due to this configuration of county lines. A portion of this cumulative impact evaluation needs to address not only the visual resources in the area, but also should study the cumulative impact on the important wildlife corridors between the wildlife habitats of Año Nuevo State Reserve and Big Basin State Park.

Within the San Mateo County Local Coastal Plan policy, language exists that prohibits or restricts development that effects the coastal visual resources. Being that there are unique issues related to extraordinary parklands, unique coastal vistas, and unusual county line alignments, this development should be evaluated more extensively with these policies and issues in mind.

Sincerely,

A handwritten signature in cursive script that reads "Rusty Areias". The signature is written in black ink and is positioned above the printed name and title.

Rusty Areias
Director

RECEIVED

482 Ninth Avenue
Menlo Park, CA 94025
January 20, 2000

JAN 24 2000

CALIFORNIA
COASTAL COMMISSION

Sara Wan
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

RE: Negative Declaration No. PLN 1999-0029262

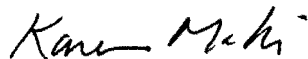
Dear Ms. Wan:

As a resident of San Mateo County and California, I am opposed to the building of a house on the California coast, which is visible from Ano Nuevo State Reserve. According to park rangers, the proposed house is visible from South Point, where customers come from all over the world to see the elephant seals in their native surroundings.

San Mateo County's "Local Coastal Program" protects the public from seeing private residences from public land. Section 8.5a requires that development be placed where it is least likely to impact views, and 8.18 requires screening to shield the public from viewing development from public places.

Thank you for considering my comments. Please provide me written notice of any further action or public hearings on this project.

Yours truly,



Karen Maki

February 1, 2000

TO: Sara Wan, Chairwoman
California Coastal Commission

FROM: Anna Neal, Ph.D. AN

Re: Hinman property above Año Nuevo State Reserve
(one of your staff informed me this was the Lee residence A-2-SMC-99-66, but this doesn't seem right to me now)

Growing up in the Bay Area (since 1956) my father and I drove to the beaches between Santa Cruz and Half Moon Bay almost every weekend. Since then, the Half Moon Bay area west of Hwy 1 has been developed in a manner that has marred the beauty of the area (building that don't blend in with the environment). The coastal stretch south of Half Moon Bay and north of Santa Cruz, however, still retains the incredible and soothing beauty it had, years ago. It is still an amazing sanctuary from the overbuilt Santa Clara Valley. But, the building of visible homes such as the Hinman building on a hillside above Año Nuevo State Reserve will forever mar the scenery in that spectacular area. Even with the house moved down the hillside, its neo-gothic design will still make it visible from the road. And one can't count on Monterey Pines to provide permanent screening of this structure which would fit the setting so poorly!

There's a relatively new and large residence on Back Ranch Road (just south of Davenport) that is clad in natural wood and has an old barn look. It fits the setting beautifully. It is a good example of minimal impact on coastal views. On the same road is a large, light-colored, stucco home which doesn't suit the setting at all. It would be so wonderful if development along the Northern California Coast would follow the example of the former.

So, I'm informing you of my opposition to the construction of the house above Año Nuevo State Park on the grounds that it would not result in minimal impact on coastal views. A different design such as that found at Sea Ranch or the barn-like structure on Back Ranch Road (incidentally beautiful home) would indeed minimize the impact on coastal views. Please do what you can to stop the Northern Calif. Coast from looking like the Central & Southern Calif. Coast for the sake of future generations especially.