

CALIFORNIA COASTAL COMMISSION

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Hearing Date: February 16, 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, and installation of a septic system and water pipeline on a 84.49-acre lot.

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

SUBSTANTIVE FILE DOCUMENTS: See Appendix A

STAFF RECOMMENDATION: Substantial Issue Exists; Denial

TABLE OF CONTENTS

Summary of Staff Recommendation	4
Staff Notes	5
1.0 Staff Recommendation on Substantial Issue	5
2.0 Findings and Declarations	6
2.1 Local Government Action	6
2.2 Appellants' Contentions	7
2.3 Appeal Process	7
2.4 Filing of Appeal	8
2.5 Project Location and Site Description	8
2.6 Project Description	10
2.7 Substantial Issue Analysis	11
3.0 Staff Recommendation on De Novo Review	18
4.0 Findings and Declarations	18
4.1 Project Location and Revised Description	19
4.2 Environmentally Sensitive Habitat Areas	20
4.3 Land Use – Agriculture	27
4.4 Visual Resources	30
4.5 Development Review	40
4.6 California Environmental Quality Act (CEQA)	41

APPENDIX

Appendix A: Substantive File Documents

Appendix B: Referenced Policies of the San Mateo Local Coastal Plan

LIST OF FIGURES

Figure	
1	Regional Location Map
2	Project Site Location
3	Assessors Parcel Map
4	Plot Plan
5	Faults
6	Soil and Agricultural Capability
7	Habitat Types
8	Site Plan
9	First Floor Plan
10	Second Floor Plan
11	Elevations and Perspectives
12	Elevation and Cross-Section Showing House Height
13	Water Line, Wells, and Septic System
14	Park Viewshed

- 15 Alternative Building Site Locations
- 16 Berms, Site Plan for Site 2
- 17 Berms, site Section Thru Berm B
- 18 Biological Constraints According to Applicant
- 19 Geological Constraints According to Applicant
- 20 Composite Constraints According to Applicant
- 21 Visual Constraints According to Applicant
- 22 Viewshed for Site 2 and Site 4 from Highway 1 and Año Nuevo
- 23 Camera Positions
- 24 Jurisdictional Wetland Delineation
- 25 Site 4 Constraints
- 26 Sensitive Habitat
- 27 Pond Locations

LIST OF EXHIBITS

Exhibit

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

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, sensitive habitat, and agricultural policies of the County's certified LCP. In particular, the LCP requires that development be sited in the least visible location consistent with all other LCP policies. Not only is the development proposed to be located in a site visible from a scenic road and other public viewpoints, it is also proposed to be located in habitat for threatened and endangered species (California red-legged frog and San Francisco garter snake) as well as lands suitable for agriculture. In addition, staff concludes that to comply with these policies of the LCP, the project would have to be relocated and significantly redesigned. Thus, the proposed project cannot now be conditioned to achieve consistency with the LCP and the applicant should reapply for a relocated, redesigned project consistent with all relevant policies. A residence in the eucalyptus trees in the northeastern corner of the site would be visible from Highway 1 and Año Nuevo. Nevertheless, a smaller, more compact house with a lower roof elevation that is sited at this location in the northeast corner of the property would, consistent with LCP Policy 8.5, be the least visible site, consistent with the sensitive habitat policies, the agricultural

policies, and the visual resource policies of the certified LCP. Staff emphasizes that it is feasible to relocate and redesign the house to 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, which is inland of the Pacific Coast highway, 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 RECOMMENDATION

Staff recommends a NO vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become

final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION TO FIND SUBSTANTIAL ISSUE

The Commission hereby finds that Appeal No. A-2-SMC-99-066 presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

2.0 FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

2.1 Local Government Action

In July 1997, the County of San Mateo approved CDP 97-0015 to drill an agricultural well on the subject parcel. In May 1998, the County approved CDP 97-0071 to convert the agricultural well to a domestic well. In May 1999, the subject application for construction of a single-family residence on site was filed with the County. The Planning Commission heard the project on September 22, 1999, and continued the matter to allow the applicant to respond to issues raised at the hearing. In response to the Planning Commission's concerns, the applicant changed the use of the accessory building from guest house to home office, and changed one room in the main residence from an office to a bedroom. The applicant was also required to prepare a landscape plan. Working with County Staff and representatives of the Committee for Green Foothills and the Año Nuevo State Reserve, the applicant submitted a landscape plan that provides for initial screening of 15 to 20 percent of all structures, with the ultimate goal of 50 percent screening at landscape maturity.

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. Other conditions of approval include: (1) submission and adherence to a drainage plan that meets or exceeds the standards of the San Mateo Countywide Stormwater Pollution Control Program, (2) replanting native vegetation, (3) erosion control during construction, (4) stocking the artificial pond with native species,

(5) consultation with a qualified biologist, if construction is to be done between February 15 and August 1, to insure that no nesting raptors will be impacted by the project, (6) consultation with a qualified biologist, if construction is to be done between September 1 and March 30 to insure that no Monarch butterflies will be impacted by tree removal, (7) archaeological monitoring, and (8) a deed restriction acknowledging adjacent agricultural uses, and other conditions. 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 single-family house approved by the County of San Mateo is appealable to the California Coastal Commission because it is not the principally permitted use within the Planned Agricultural District (PAD), in which the project is sited.

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) timely submitted their appeal to the Commission office on December 16, 1999, within 10 working days of receipt by the Commission of the Notice of Final Local Action (see Exhibit 2). The local record was requested on December 17, but was not received in time to complete a staff recommendation. 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. In addition, on January 27, 2000, the applicant waived their right for a hearing to be set within 49 days of the filing of the appeal in order to develop and provide additional material for consideration prior to Commission action on the appeal. The appeal was scheduled to be heard by the Commission on August 9, 2000. The applicant postponed this hearing pending further 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 (Figure 6). 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. In addition, as historic grazing land and land which has the potential to be used for grazing in the future, the unforested areas soils would be considered "lands suitable for agriculture" under the definition in LUP Policy 5.3, which includes "lands on which existing or potential agricultural use is feasible, including dry farming, animal grazing, and timber harvesting." Cutting of the Monterey pines on the site for timber would be inconsistent with LUP Policies 7.44 and 7.48, which protect Monterey pine forest along the San Mateo/Santa Cruz border as unique species. The eucalyptus trees at the site appear to have been planted as a windbreak and are not suitable for timber harvest.

The parcel includes diverse habitat types (Figure 7). 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, staff 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 if 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 8 through 11: 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 living space includes two floors, a 5,000 square foot ground floor and a 1,500 square foot second floor. The second floor is not included in Table 1 below because it would not involve any additional disturbance than is required for the first floor. Similarly, the 1,500 square-foot garage and 800 square-foot utilities area are not included in the area of disturbance because they would be located underground, beneath the patio, and would not disturb any additional areas. The approved pond, walkway, and cultivated garden comprise another 18,500 square feet of developed area. The driveway would be 600 feet long, 16 feet wide (12 feet wide with two-foot shoulders on either side), for a total of 9,600 square feet. The gross disturbed

area would be 40,210 square feet. The table below presents each aspect of the proposed project and the associated square feet for the County-approved project.

Table 1. Area of Disturbance for the County-Approved Project

Type of Disturbance	Square Feet
Residence Living Space	5,000
Accessory building	600
Septic System	820
Pool	160
Gazebo	250
Patios	4,500
Decks	780
Pond	7,500
Walkway	1,000
Cultivated garden	10,000
Driveway	9,600
TOTAL	40,210

Source: Field 2000a.

At its highest elevation from natural grade, the house would be approximately 36 feet in height (Figure 12). A water line and septic system are proposed on-site, and an existing well,¹ as shown in Figure 13, would be used. Well A does not have adequate capacity to meet fire regulations (Stan Field, staff communication). An approximately 2,800-foot long water line would connect from a well pump at the base of the parcel near Highway 1 to a well at the top of the parcel. Another water line, approximately 20 feet long would connect from the well at the top of the site to the house. 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.

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).

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

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

The term substantial issue is not defined in the Coastal Act. 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 and are also cited in Appendix B.

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 Highway 1, but is less visible than the County-approved Lee residence would be. The most prominent structure visible from within the Park is the Año Nuevo visitor's center. However, the visitor's 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 14. 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 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 higher visitation rates 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, a recreation area and public viewpoint. Most of the property, which comprises 84.48 acres, is visible from public roads and trails. However, the property 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 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 only one potential alternative site.

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. These sites include a site on the southeast side of the property above the ravine, a site on the southeast corner of the property that could be screened by Monterey pine forest, and a site behind the first ridge on the southeast side of the parcel (see Figure 15, Sites 4, 3, and 6, respectively). In fact, as further discussed in section 1.1.1, 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. 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.

Therefore, 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 and because the County's determination that the approved development would be located on the portion of the property that is least visible from scenic roads and public viewpoints lacks factual support.

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. Therefore, 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 either Highway 1 or 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. The Lee house would thus 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 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. As depicted on Figure 4, 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.

A-2-SMC-99-066

David Lee

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 ON DE NOVO REVIEW

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. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by 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. Approval 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.

4.0 FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

4.1 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.

Since the project was initially approved by San Mateo County and appealed to the Commission, the applicant has made changes to the project. Coastal Commission staff discussed with the applicant 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, consistent with all other LCP policies, and reduce the size and height of the house so that its visual impact is minimized. In response to this and other scenic resources policies, the applicant revised his proposed project and reviewed alternative sites (see Figure 15) 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 below in the alternatives analysis section of this report. The house would still 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).

The applicant also proposes to construct berms and lower the height above natural grade of the residences by ten feet through excavation (Figures 16 and 17). Two berms would be placed immediately in front of the residence with a gap in between them allowing a view corridor from the center of the main portion of the structure. The berms, varying in height to a maximum of 12 feet, would be constructed from soil excavated for the house and pond (6,000 to 7,000 cubic yards of cut). Berm A is 200 feet long and 60 feet wide at its widest portion, and would require approximately 1,500 cubic yards of fill. Berm B is a total of 406 feet long, consisting of a narrow, lower portion that is 188 feet long and a higher (12 feet maximum) portion that is 180 feet long and 110 feet wide at its maximum. The berms would be planted with native grassland species and coyote brush (Field 2000). The soil removed from the house site and used for creation of the berms would lower the ground level at the house site from 385 feet to 375 feet (Figure 16). No changes to the design of the house are proposed.

The applicant corrected the calculations for the ground floor area, which is proposed to be 4,500 square feet. Thus, the proposed residence is 6,000 square feet rather than 6,500 square feet as approved by the County (Field 2000a). The accessory building has been enlarged to 700 square feet from 600 square feet. The patio adjacent to the accessory building has been removed, reducing the patios to 4,000 square feet. To accommodate the berms, the artificial pond has been reduced from 7,500 square feet to 6,000 square feet. The applicant has indicated that he no longer proposes the cultivated garden. Table 2 shows the area of disturbance for the proposed project.

Table 2. Area of Disturbance for the Proposed Project

Type of Disturbance	Square Feet
Residence Living Space	4,500*
Accessory building	700*
Septic System	820
Pool	160
Gazebo	250
Patios	4,000*
Decks	780
Pond	6,000*
Walkway	1,000
Driveway	4,800*
TOTAL	23,010

Source: Field 2001.

*These numbers have been corrected or revised for the de novo review as explained above in the text.

4.2 Environmentally Sensitive Habitat Areas

The Commission denies the permit application because the proposed project does not conform to the LCP policies concerning the protection of the habitat areas of the California red-legged frog and the San Francisco garter snake.

4.2.1 Issue Summary

Much of the project site is considered sensitive habitat. The site includes critical habitat for San Francisco garter snake and California red-legged frog, as well as habitat for other sensitive species, wetlands, and riparian areas.

4.2.2 Standard of Review

Chapter 7 of the LCP contains policies that are very protective of sensitive habitats. In general, these LCP policies define and protect sensitive habitats, allowing only a limited type and amount of development in or near these areas. The full text of LCP policies discussed in this section are cited in Appendix B.

LUP Policy 7.1 defines sensitive habitats, which "include, but are not limited to, riparian corridors, wetlands, marine habitats, sand dunes, sea cliffs, and habitats supporting rare, endangered, and unique species." LUP Policy 7.3 provides development standards for projects within or adjacent to sensitive habitats. The uses permitted in sensitive habitat are listed in LUP Policy 7.4. LUP Policy 7.5 describes appropriate permit conditions to protect such areas from adverse impacts.

LUP Policies 7.7 through 7.13 address riparian corridors and their buffer zones and LCP Policies 7.14 through 7.19 address wetlands and their buffer zones.

LUP Policies 7.32 through 7.36 address designation of habitats, permitted uses, permit conditions, and preservation of critical habitats that apply to likely rare and endangered species on the site. LUP Policies 7.34 and 7.36 require that a qualified biologist prepare a report that

discusses the natural and physical requirements of all endangered species on the property. LCP policy 7.36 specifically protects San Francisco garter snake habitat, including migration corridors.

4.2.3 Discussion

Introduction

Much of the project site is sensitive habitat (Figure 26). The applicant has conducted a number of surveys and consulted with specialists in various biological fields that have documented the presence of habitat for listed species and other special status species and wetlands on the property (Thomas Reid and Associates 2000a, 2000b, and 2000c, Fong 2000a and 2000b, Staub 2000, Dayton 2000, McGinnis 2000). The sag pond in the southwestern portion of the site, its riparian fringe, and the entire grassland-scrub savanna, which covers most of the center portion of the site, is considered critical habitat for the San Francisco garter snake and California red-legged frog (McGinnis 2000). On site visits with United States Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG), representatives from both agencies concurred with this assessment of critical habitat. Wetlands on the site include the sag pond, another smaller pond in the northern portion of the site, and two swales with riparian and coastal scrub vegetation. The sag pond was probably formed by seismic activity in the distant past (at least 2,000 years) rather than damming of drainage ravines as was done to create many other ponds in the vicinity. It is a particularly important wetland feature because it may be habitat for one of the oldest San Francisco garter snake and California red-legged frog populations in the area (McGinnis 2000). Monterey pine forest is located along the eastern property boundary. The pine forest and the eucalyptus along the western and northern portions of the site may provide habitat for Monarch butterflies.

In addition, the property provides potential habitat for several other special status species. A yellow warbler was observed in the willows adjacent to the sag pond. No other special status species were observed at the property. No special status plant species are expected to be found in the grassland areas where the proposed and alternative development sites are located. Sensitive species observed at the site or likely to use habitat at the site are listed below:

Common Name	Scientific Name	Federal Status	State Status	Presence at Site
California red-legged frog	<i>Rana aurora draytonii</i>	Threatened	Special Concern Species	Confirmed
San Francisco garter snake	<i>Thamnophis sirtalis tetrataenia</i>	Endangered	Endangered	Likely
Western pond turtle	<i>Clemys marmorata</i>	Species of Special Concern	Special Concern Species	Likely
Yellow warbler	<i>Dendroica petechia</i>	None	Special Concern Species	Confirmed
Loggerhead shrike	<i>Lanius ludovicianus</i>	None	Special Concern Species	Likely
Cooper's hawk	<i>Accipiter cooperi</i>	None	Special Concern Species	Likely
Sharp-shinned hawk	<i>Accipiter striatus</i>	None	Special Concern Species	Likely

Monarch butterfly	<i>Danaus plexipus</i>	None	None	Confirmed
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Source: Thomas Reid Associates 1999.

Any portion of the site that provides habitat for the special status species listed above is considered sensitive habitat in accordance with LUP Policy 7.1, which defines sensitive habitat, among additional factors, as "habitats containing or supporting 'rare and endangered' species as defined by the State Fish and Game Commission. In particular, the areas considered critical habitat for the San Francisco garter snake and the red-legged frog are sensitive habitat. The sensitive habitats map for the LCP indicates that rare, endangered, or unique reptiles and amphibians and plants have been found near the Lee property. LUP Policy 7.36 includes the riparian and wetland habitats as well as migration corridors of the San Francisco garter snake as sensitive habitat. The wetlands and riparian areas are also categorically defined in the LCP as sensitive habitats (LUP Policies 7.1, 7.7, 7.8, 7.14, and 7.15).

Native Monterey pine found near the San Mateo-San Cruz County line is considered a unique species under LUP Policy 7.48, and habitat for unique species is considered sensitive habitat under LUP Policy 7.1. Therefore, the Monterey pine forest on the site is also considered sensitive habitat in accordance with LUP Policy 7.1.

California red-legged frogs and San Francisco Garter Snakes

Background

California red-legged frogs have been extirpated or nearly extirpated from over 70 percent of their former range and are federally listed as threatened. Habitat loss, competition with and direct predation by exotic species, such as bullfrogs, and fragmentation of habitat due to encroachment of development are the primary causes for the decline of this species throughout its range. The remaining populations are primarily in central coastal California and are found in aquatic areas that support substantial riparian and aquatic vegetation and lack non-native predators. Habitat for red-legged frogs is typically deep-water pools with fringes of dense, emergent vegetation or dense shrubby vegetation, such as cattails and willows. Frogs hibernate in small mammal burrows, leaf litter, or other moist sites in or near (within a few hundred feet of) riparian areas (USFWS 1994, USFWS 1996, cited in NatureServe 2000). According to the proposed rule designating critical habitat for the red-legged frog, the project site is within critical habitat Unit 14, San Mateo-Northern Santa Cruz Unit (50 CFR Part 17, September 11, 2000). Although this rule is not finalized at this time it is important to note the physical and biological features that are considered essential to the conservation of the species, as cited below:

In summary, the primary constituent elements consist of three components. At a minimum, this will include two (or more) suitable breeding locations, a permanent water source, associated uplands surrounding these water bodies up to 150 m (500 ft) from the water's edge, all within 2 km (1.25) miles of one another and connected by barrier-free dispersal habitat that is at least 150 m (500 ft) in width. When these elements are all present, all other suitable aquatic habitat with 2 km (1.25 mi.), and free of dispersal barriers, is also considered critical habitat.

The sag pond provides habitat for California red-legged frogs. During a field survey on July 16, 1999, one adult red-legged frog was observed on the edge of the pond and another was heard calling from the willows near the pond. This pond most likely provides important breeding

habitat for the frog (Thomas Reid Associates 1999). McGinnis (2000) describes the importance of this pond and adjacent habitat:

Indeed, if the assumption that the project site pond is actually an old sag pond, the SFGS [San Francisco garter snake] and CRF [California red-legged frog] population at this site may be one of the oldest in the area. My 1989 life history study of the SFGS for the California Department of Fish and Game (CDFG) was conducted at two sag ponds on a ranch near La Honda, CA. These were chosen because sediment core samples analyzed at Stanford University revealed that these ponds were at least 2,000 years old. I and CDFG herpetologist John Brode felt the SFGSs at this site would best represent the entire current population, and this may also be true for the project pond site.

In addition, red-legged frogs have been observed at three nearby ponds. The first pond is on the Hinman property approximately .5 mile to the northeast the sag pond on the Lee property. The second pond is on the Pfluke property, approximately 1,000 feet north of the Hinman pond, and again approximately .5 mile from the sag pond. The third pond is approximately 550 feet to the north of the sag pond (Figure 27). Another pond in Año Nuevo Creek, which is 1,500 feet southwest of the Hinman pond, may provide habitat for red-legged frogs, but the species has not been observed there. The land between this triad of ponds, with no structures between them or major barriers, provides exactly the dispersal habitat that is considered critical habitat by USFWS in its proposed rule. When lines are drawn between the ponds with a minimum width of 500 feet most the Lee property northeast of the sag pond would be considered critical habitat. Furthermore, there is an in-stream pond approximately 1,500 feet to the southwest of the Hinman pond in Año Nuevo Creek; no red-legged frog have been identified there, but this may provide habitat as well.

San Francisco garter snakes are federally and state listed as endangered. The San Francisco garter snake's preferred habitat is densely vegetated ponds near open hillsides where it can sun itself, feed, and find cover in rodent burrows. The species is extremely shy, difficult to locate and capture, and quick to flee to water when disturbed. On the coast, the snake hibernates during winter in rodent burrows, and may spend the majority of the day during the active season in the same burrows. San Francisco garter snakes have been found up to 590 feet away from water in rodent burrows on dry, grassy hillsides (NatureServe 2000). McGinnis (2000) recorded, in 1988, one adult male traveling over a ridgeline between two sag ponds that were approximately 1,320 feet apart.

California red-legged frogs are an essential prey species to the San Francisco garter snake, and the snakes have not been found in areas where red-legged frogs are absent. In addition, newborn and juvenile San Francisco garter snakes depend heavily on Pacific tree frogs. Adult snakes may also feed on juvenile bullfrogs. The decline of this species is due principally to habitat loss, the loss of red-legged frog, illegal collection, and the introduction of bullfrogs. Adult bullfrogs prey on both San Francisco garter snakes and California red-legged frogs.

As described above, the habitats for San Francisco garter snakes and red-legged frogs overlap. The sag pond provides habitat for the San Francisco garter snake as well as red-legged frog. According to McGinnis (2000) "regular use of upland grassland/scrub habitats had also been documented for the SFGS." McGinnis (2000) concludes with regard to habitat at the Lee property:

When all of the preceding facts and biologically based assumptions are applied to the project site, the pond, its riparian fringe, and the entire upland grassland-scrub savannah area qualifies as critical habitat for both the SFGS and the CRF. [Emphasis added]. In addition, the seasonal wetland swale through this portion of the site may very well serve as a primary movement pathway for both snakes and frogs which occasionally wander to and from CRF ponds on properties immediately north of this site.

Impacts and Consistency with Applicable LCP Policies

The proposed site (Site 2) would impact grasslands that are habitat for San Francisco garter snakes and California red-legged frogs. According to the applicant's consultant and San Francisco garter snake and California red-legged frog expert, Sam McGinnis (McGinnis 2000), although the "proposed house sites would occupy a very small fraction of the total site acreage, it would never-the-less negate a small amount of upland retreat habitat for the SFGS and the CRF. Given the aforementioned significance of this property to the conservation of both special status species in this area, even a small loss of critical habitat must be viewed as a potentially significant adverse impact." In addition, any residential development brings with it noise, lights, pets, and general activity that may disturb frogs and snakes and/or lead directly to injury and mortality (e.g., predation from domestic cats). Construction of the berms would temporarily impact the dispersal corridor. Trenching necessary for installation of the 2,800-foot long water line would also temporarily impact San Francisco garter snake and red-legged frog habitat. As proposed, the water line would cross through the northwestern portion of the sag pond, which is a wetland as well as habitat for the listed snake and frog.

LUP Policies 7.1 and 7.36 define the San Francisco garter snake/California red-legged frog habitat as sensitive habitat. Therefore, the proposed house site (Site 2) would be located in sensitive habitat.

LUP Policy 7.4 permits only resource-dependent uses in sensitive habitats, and residential development is not considered resource-dependent in the LCP. LUP Policy 7.33 describes very limited types of uses that are permitted in habitats of rare and endangered species, and does not include residential development, 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 restore damaged habitats and to protect and encourage the survival of rare and endangered species.

Thus, the proposed project is in direct conflict with LUP Policies 7.4 and 7.33.

LUP Policy 7.3 prohibits any land use or development that would have a significant adverse impact on sensitive habitat areas, and requires adjacent development to be sited and designed to avoid impacts and maintain the biologic productivity of the habitats. Because the proposed house site is in sensitive habitat, the proposed development is inconsistent with LUP Policies 7.3. In addition, as discussed further below, the impermissible impacts to sensitive habitat can be avoided by siting the house outside sensitive habitat (see discussion of alternative site below).

LUP Policy 7.36 protects habitat for San Francisco garter snake. LUP Policy 7.36a prohibits development "where there is known to be a riparian or wetland location for the San Francisco garter snake," except for man-made impoundments, which does not apply in this case with the

sag pond, a naturally-formed pond. The development is inconsistent with LUP Policy 7.36a. because the water line is proposed to cross through the sag pond wetlands. The sag pond meets the definition of wetlands under LUP Policy 7.14. Although San Francisco garter snakes have not been positively identified at the sag pond, Sam McGinnis concludes that "... given the previous consistent findings of SFGSs at all similar ponds in this area, the good travel corridor between this pond and the Año Nuevo Ranch pond complex which the season drainage swale provides, and the assumption that the sag pond may have been in existence for many centuries, it is my professional opinion that a population of SFGS is present at this site." (McGinnis 2000). The proposed water line would also be inconsistent with LUP Policy 7.16 because it is not a permitted use in wetlands. Although pipes that serve the public are allowed to be buried in wetlands, the proposed private water line would not be consistent. To be consistent with LUP Policy 7.16 and 7.18, which defines buffer zones of wetlands, the water line would need to be moved 100 feet from the wetlands. To be consistent with LUP Policies 7.36 as well as 7.16, a well or wells should be located near the residence to eliminate the need for the long water line crossing the length of the property. Any required water line(s) should not be located within 100 feet of any wetlands.

In addition, the proposed residence and driveway would be located within the migration corridor of San Francisco garter snake and would therefore be inconsistent with LUP Policy 7.36b, which requires mitigation measures that would provide appropriate migration corridors of San Francisco garter snakes. As discussed above, San Francisco garter snakes and California red-legged frogs likely migrate between the ponds on the project site and the Hinman and Pfluke ponds.

The existing unpaved access road, now exclusively by the existing Boling residence to the southeast, bisects the migration corridor between the Hinman and Lee ponds. Any increase in vehicular traffic along both the access road and driveway, would potentially cause frog and snake mortality. The current edition of the Trip Generation handbook by the Institute of Transportation Engineers (1997) estimates that a single-family detached dwelling generates an average of 10 trips per day on weekdays and Saturdays, with nine trips per day on Sundays. The handbook notes that the data used in their studies varies widely in terms of dwelling unit size, price, and location, and ranges from five to 22 average trips on weekdays. In addition, the handbook states that within this group, single-family units that were larger and further away from the corresponding central business district generated a higher number of trips than units that are smaller and closer to the central business district. Based on these data it is reasonable to assume that the proposed large residential development in a remote location (approximately 12 miles from the Pescadero town center) would generate more vehicular trips than the average of ten trips per day of an average single-family dwelling. Thus, the impacts of the proposed development to the listed frogs and snakes due to traffic would be greater than that of a smaller house. Because the residential development is not designed to avoid or minimize such impacts, it is inconsistent with Policies 7.3, 7.4, 7.33 and 7.36b.

Proposed Mitigation

The applicant's biologist (McGinnis 2000) recommends reducing the impact to San Francisco garter snake and California red-legged frog by recording a conservation easement prohibiting future development on the project site. This proposed mitigation is not adequate because it does nothing to avoid or minimize the impacts of the proposed development. Furthermore, in accordance with the LCP, the property is allowed one density credit (see Section 4.5 of this staff

report). Therefore, only one residence can be built on this property as it is; a conservation easement would provide limited added protection against future development of the project site.

Alternative Site

Most of the parcel is sensitive habitat. The wetlands, riparian areas, and grasslands are critical habitat for San Francisco garter snake and red-legged frog. The Monterey pine forest is also sensitive habitat. The only area on the site that does not meet the LCP definition of sensitive habitat is the eucalyptus groves, along the northern property boundary. Although some eucalyptus groves provide winter roosting habitat for Monarch butterflies, the grove in the northern portion of the site does not provide such habitat due to its exposure to wind (Dayton 2000).

Siting the residence in the eucalyptus grove at the northeast corner of the property would avoid or minimize impacts to sensitive habitat (see Figure 26 for alternative site location). Siting the house at this location would avoid loss of habitat for San Francisco garter snake and California red-legged frog and maintain migratory corridors of these species. Development sited in the eucalyptus grove would not only avoid the direct loss of habitat for the listed frog and snake but also would minimize both traffic and disturbance impacts. By moving the house to the eucalyptus grove, the driveway could be shortened and the extent of road traveled on would be reduced because distance traveled from Highway 1 to the eucalyptus grove would be shorter than to the proposed site. In addition, traffic on the roadway and driveway would be out of the dispersal corridor between the sag pond on the Lee property and ponds on the Hinman and Pfluke property. At this location in the eucalyptus grove, the residence would be further away from the Monterey pine forest because the forest does not extend past the riparian drainage to the eucalyptus grove.

According to the Department of Forestry, a buffer of 100 to 200 feet would have to be maintained between a residential structure and eucalyptus trees (Danny Cesna, staff communication). Therefore, siting the residence in the eucalyptus would require removal of most of the eucalyptus trees in the northern corner of the site. The removal of eucalyptus is generally considered a beneficial environmental impact because the tree is a non-native invasive species². Removal of eucalyptus is also supported by LUP Policy 7.51, which encourages landowners to remove blue gum (eucalyptus) seedlings to prevent their spread.

Although this site would be visible from Highway 1 and Año Nuevo, a smaller, more compact house with a lower roof elevation sited in the northeast corner of the property could be found consistent with the sensitive habitat policies of the LCP as well as the visual resource policies, which require proposed development to be sited in the least visible part of a site consistent with all other LCP policies. The Commission notes that the denial of this particular project does not mean that no single-family residence could be approved on the property. The Commission emphasizes that the applicant is free to submit a new application for development that is sited outside sensitive habitat.

² The California Exotic Pest Plant Council (CalEPPC) considers blue gum (*Eucalyptus globulus*), which is the eucalyptus species is on the Lee property, to be an aggressive invader that displaces natives and disrupts natural habitats. As such this species is included in CalEPPC's List A: Most Invasive Wildland Pest Plants (CalEPPC 2000).

4.2.4 Conclusion

In conclusion, the Commission finds that the proposed development is inconsistent with the sensitive species policies of the LCP. The project is sited within habitat for the San Francisco garter snake and the California red-legged frog. A residence with a smaller development area would generate less traffic and would therefore further reduce the potential impacts of traffic on the access road and driveway to the listed frog and snake. Siting the residence to the north in the eucalyptus grove would also avoid the loss of sensitive habitat (dispersal habitat of the San Francisco garter snake and red-legged frog). Because the proposed residential development is sited within a sensitive habitat area and because it is not designed to avoid or minimize impacts to threatened or endangered species, it is inconsistent with LCP Policies 7.3, 7.4, 7.33 and 7.36b. Therefore, the Commission denies permit application A-2-SMC-99-066.

4.3 Land Use – Agriculture

The Commission denies the permit application because the proposed project does not conform to the LCP policies regarding conversion of agricultural land.

4.3.1 Issue Summary

The parcel was used for agriculture in the past and includes prime agricultural lands as defined in the LCP. The development is sited within lands suitable for agriculture and does not meet the criteria to allow conversion of agricultural land.

4.3.2 Standard of Review

The LCP protects agricultural lands and is reflective of the policies of the Coastal Act by its encouragement of agricultural uses to the exclusion of other land uses that may conflict with them. In short, the policies of the LCP acknowledge that coastal agricultural lands are an irreplaceable natural resource and the protection of their economic integrity as economic farm units is vital. In order to accomplish this, the LCP sets forth a number of requirements. These include, but are not limited to, defining allowable agricultural uses, and identifying principal and conditional uses, development standards, and easement requirements.

Chapter 5 of the LCP contains policies designed to keep agricultural land in agricultural production. In general, these LCP policies define and protect agricultural lands, allowing only certain uses in or near these areas. Applicable portions of the text of LCP policies discussed in this section are cited in Appendix B.

LUP Policies 5.1 and 5.3 define prime agricultural lands and lands suitable for agriculture, respectively. LUP Policies 5.5 and 5.6 describe uses that are permitted on prime agricultural lands and lands suitable for agriculture, respectively. Single-family residences are conditional uses in both of these areas. LUP Policies 5.8 and 5.10 provide criteria for development of prime agricultural lands and lands suitable for agriculture, respectively. LUP Policy 5.11 provides density limits on agricultural land.

Section 6353 of the LCP Implementation Plan requires issuance of a Planned Agricultural Permit for a single-family residence on prime agricultural lands and lands suitable for agriculture. Section 6355 defines substantive criteria that must be addressed to ensure that land uses are consistent with the purpose of the PAD. 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.

4.3.3 Discussion

Background

The project site was originally part of the larger Steele Ranch that at one time encompassed roughly 7,000 acres dedicated primarily to dairy operations. The original Steel Ranch, dating back to the 1870's, extended from Gazos Creek to the Santa Cruz border along the south and east (Le Boeuf and Kaza 1981). The properties were subdivided in the 1950s creating the Lee parcel and its neighboring properties. Historic grazing on this parcel has long since ceased. The site where the residence is proposed appears to have been cleared for grazing as evidenced by the Monterey pine saplings that are appearing along the edge of the pine forest near the house site. The 14 acres between the sag pond and Highway 1 are prime agricultural soils because the area has Lockwood soils, which are defined as Class II soils³ (Figure 6). A 1993 aerial photograph of the site shows that row crops were grown on the prime agricultural lands as well as on Santa Lucia soils north of the sag pond (Figure 26). These rows were probably flowers (Field 2000c). No crops are visible north or east of the riparian and scrub drainage. The cropland has been fallow for the past few years.

Impacts and Consistency with Applicable LCP Policies

The proposed residence on lands suitable for agricultural is not a principally permitted use and is allowed only as a conditionally permitted use under LUP Policies 5.5 and 5.6. The general incompatibility of residential and agricultural land uses is highlighted by the fact that the proposed project is a conditional, discretionary use at this site. As such, the allowance of the proposed use is not a right under the LCP and is subject to discretionary review for consideration. Reasons for this conditional use designation are rooted in the inherent incompatibility of these two land uses. Typical incompatibility issues raised where urban and agricultural lands meet include noise, dust, and odors from agricultural operations; trespass and trash accumulation on agriculture lands; road-access conflicts between agriculturally related machinery and automobiles; limitations of pesticide application, urban garden pest transfer, theft, vandalism; and human encroachment from urban lands. Such incompatibilities can threaten continued agricultural cultivation when its proximity to non-agricultural uses (such as residential) raises concerns that standard agricultural practices (such as chemical spraying and fertilizing) or ongoing agricultural by-products (such as dust and noise from machine operations associated with cultivating, spraying, and harvesting) are a threat to the non-agricultural uses.

The land with Class II soils between the sag pond and Highway 1 are prime agricultural lands in accordance with the definition in LUP Policy 5.1a. The land where the residence is proposed (Site 2) does not have Class I or II soils and there is no evidence that artichokes or Brussel sprouts were ever grown in this location. However, the land where the residence is proposed was previously used for grazing and the Santa Lucia soils are considered "best suited for range use"

³ Class II soils are those that "can be cultivated regularly, but do not have quite so wide range of suitability as Class I soils." Soil classes are part of a capability grouping of soils based on the relative suitability of soils for crops, grazing, forestry, and wildlife, as defined by the U.S. Department of Agriculture Soil Conservation Service (U.S. Department of Agriculture 1961).

and have a "fair carrying capacity" according to the U.S. Department of Agriculture (U.S. Department of Agriculture 1961). Therefore, as historic grazing land and land that has the potential to be used for grazing in the future, the site where the house is proposed would be considered "lands suitable for agriculture" under the definition in LUP Policy 5.3. Lands suitable for agriculture includes "lands on which existing or potential agricultural use is feasible, including dry farming, animal grazing, and timber harvesting."

LUP Policy 5.10a lists five criteria that must be met to before lands suitable for agriculture can be built upon ("converted") for a conditionally permitted use. Failure to meet any one of these criteria requires that the proposed conversion be prohibited. The project as proposed is strictly for residential use, and would preclude virtually any agricultural use by displacing agricultural lands for the house and other appurtenances, reflecting pond, and driveway. As discussed below, the project as proposed would convert lands suitable for agriculture to a non-agricultural use, inconsistent with three of the LCP criteria for permitting such a conversion.

LUP Policy 5.10a.(1) requires demonstration that **"All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable."** All agriculturally unsuitable lands on the parcel have not been developed or determined undevelopable. The eucalyptus grove in the northeast corner of the site provides a location that would meet this criteria because it is agriculturally unsuitable land on the parcel that has not been developed or determined to be undevelopable. Therefore, the proposed conversion of agricultural lands to residential use does not meet the first criteria of LUP Policy 5.10a.(1).

LUP Policy 5.10a.(2) requires a finding that **"Continued or renewed agricultural use of the soils is not feasible as defined by Section 30108 of the Coastal Act."** Without the proposed development, the proposed house site could be used for agriculture. Therefore, the proposed development does not meet the second criteria of LUP Policy 5.10a.

LUP Policy 5.10a.(3) requires that **"Clearly defined buffer areas are provided between agricultural and non-agricultural uses."** The Farm Bureau generally recommends a 300-foot buffer zone be established between residences and fields to buffer residences from the effects of herbicide and pesticide spraying and other agricultural activities that can conflict with residential use. For instance, San Mateo Farm Bureau Executive Director Jack Olsen has stated that cultivation of Brussel sprouts in the area relies on the application of the soil fumigant pesticide Telon II (the brand name for the chlorocarbon 1,3-dichloropropene) and that the state's Department of Pesticide Regulation does not permit the application of Telon II within a 300-foot buffer zone. Although the proposed site for the residence would be more than 300 feet from existing agricultural activities, future agricultural uses may be closer. For example, Santa Cruz County has indicated that the large grassland area on the Hinman property, approximately 250 feet to the northeast of Site 2, could support a small grazing herd or commercial agricultural crops, such as cut flowers, ollalie berries, kiwis, pumpkins, squash, or Christmas trees (California Coastal Commission 2000). Because the proposed development would not establish clearly defined buffer areas between agricultural and non-agricultural uses, the proposed development fails to meet the third criteria under LUP Policy 5.10a.

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. Accordingly, residential

development is a conditional, discretionary use in the PAD zone applicable to the parcel. Specific findings to allow such a use must be made pursuant to LCP Implementation Plan Section 6355. As explained in the site description, 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. However, the substantive criteria for conversion of the lands suitable for agriculture to allow issuance of a Planned Agricultural Permit (Section 6355F of the LCP Implementation Plan) is essentially the same as under LUP Policy 5.10a. Therefore, the proposed development does not meet the criteria to allow issuance of a Planned Agricultural Permit.

Alternative Site

Most of the parcel is prime agricultural lands and lands suitable for agriculture. The Lockwood loam soils are Class II soils and therefore meet the definition of prime agricultural lands under LUP Policy 5.1a. The open grassland areas were most likely cleared for agriculture and have the potential to support grazing, and therefore meet the criteria for lands suitable for agriculture under LUP Policy 5.3. The only areas that cannot support grazing are the forested areas. Cutting of the Monterey pines on the site for timber would be inconsistent with LUP Policies 7.44 and 7.48, which protect Monterey pine forest along the San Mateo/Santa Cruz border as unique species. The eucalyptus trees at the site appear to have been planted as a windbreak and are not suitable for timber harvest. Therefore, the eucalyptus grove in the northeast corner of the site provides an alternative site that does not conflict with agricultural policies, as well as sensitive habitat policies (see section 4.2 of this staff report), and would allow conversion to a residence.

4.3.4 Conclusion

In conclusion, the Commission finds that the proposed development is inconsistent with the agricultural policies of the LCP. Because the development is sited within lands suitable for agriculture and does not meet the criteria to allow conversion of lands suitable for agriculture, it is inconsistent with LUP Policy 5.10 and Section 6355F of the Implementation Plan. Therefore, the Commission denies Permit Application A-2-SMC-99-066.

4.4 Visual Resources

The Commission denies the permit application because the proposed development is not located in the least visible site consistent with all other LCP policies and is not designed to conform with the LCP policies concerning the protection of the scenic qualities of the hills visible from a scenic highway and public viewpoint.

4.4.1 Issue Summary

The LCP presents two primary tests that address the conformity of the proposed development with the visual resource policies of the certified LCP. The first test addresses siting of development in scenic areas and where it is visible from public viewpoints. This first test is based on LUP Policy 8.5, which requires 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 preserves the visual and open space qualities overall. The second test addresses the design of development to avoid or minimize impacts to visual resources. The second test requires that development be designed to be unobtrusive as possible and relate in size and shape to adjacent buildings or landforms.

Highway 1 is a State Scenic Road, as defined and designated in LUP Policies 8.28 and 8.29, 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. However, in accordance with LUP Policy 8.5, because some of the less visible alternative sites are in sensitive habitat, the least visible site that is consistent with all other LCP requirements must be ascertained. The applicant conducted a constraints analysis and alternatives assessment to address LUP Policy 8.5. However, this constraints analysis does not include a visual analysis of sites consistent with the sensitive habitat and agricultural policies of the certified LCP. In particular, this analysis does not evaluate the alternative site identified in Sections 3.3 and 3.4, which can be found consistent with the habitat and agricultural protection policies of the LCP.

In addition, the large, two-story, sprawling design of the project does not conform to 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. The proposed development is a very large residence with a modern design and includes massive artificial berms. Neither the proposed residence nor the berms relate in size or shape to adjacent buildings or landforms.

4.4.2 Standard of Review

The proposed project is within the San Mateo County coastal zone, and under the jurisdiction of the County's 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. Applicable policies are cited in Appendix B.

Several of the policies of the LUP regarding visual resources are applicable to the proposed development. LUP Policy 8.5 requires that development be sited in the least visible location that is consistent with all other LCP requirements. LUP Policies 8.18a. and 8.20 require that the development be designed to avoid or minimize impacts to visual resources. LUP Policy 8.17a. requires that development be located and designed to conform with rather than change landforms. State scenic roads and corridors are defined and designated in LUP Policies 8.28 and 8.29. Development regulations along scenic corridors in rural areas are described in LUP Policy 8.31. LUP Policy 8.31a incorporates the policies of the Scenic Road Element of the County General Plan, of which the applicable policies are 4.46, 4.47, 4.48, and 4.58. General Plan Policy 4.46 allows the County to regulate both site and architectural design of structures in rural scenic corridors to protect the visual quality of those areas. General Plan Policy 4.58 also requires that development be located so that it does not obstruct views from scenic roads or disrupt the visual

harmony of the landscape. As with LUP Policy 8.17a, landform alteration is discouraged in General Plan Policy 4.47. Similarly, General Plan Policy 4.48 contains language that is similar to 8.20 regarding size and scale of development.

4.4.3 Discussion

Test 1: Siting

Visibility of Project from Highway 1 and Año Nuevo Reserve

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. Because of its large, sprawling size and two-story height, the proposed development would be exceptionally visible to vehicles traveling south and north on Highway 1 and 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 higher visitation rates 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).

Constraints Analysis

The applicant has provided an analysis of the project impacts and constraints. Additional analyses included 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). At the request of Commission staff, the applicant used these studies along with additional observations to create constraints maps of the entire site (Figures 18 through 20). Figure 21 was created after the alternatives analysis was conducted and demonstrates that much of the site is visible from public viewpoints.

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 suggested by Commission staff and considered by the applicant are shown in Figure 15. 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. 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. Site 4 is on the southeast side of the property above the ravine. Of the alternatives presented, Site 4 appears to be the least visible alternative. Site 5 is on the north side of the property. Site 6 is behind the first ridge on the southeast side of the parcel approximately 1,650 feet from Highway 1. Other sites may also be considered. Because Site 2 is the applicant's proposed project location and Site 4 appears to be the least visible site, these two alternatives are analyzed in greater detail than the other alternatives. The viewshed from Highway 1 and Año Nuevo to Sites 2 and 4 is shown in Figure 22. As stated above, the analysis does not evaluate the alternative site identified above in Section 3.3 and 3.4, which can be found consistent with the agricultural and sensitive habitat policies of the LCP.

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 23). 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.

Applicant's Reasons for Eliminating All Sites Except Site 2

Site 2

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).

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 Monarch 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).

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.

Site 3

Site 3 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.

Site 4

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 24. 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 25).

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 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).

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) are approximately 1,000 feet from Site 4.

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).

Site 5

The applicant's analysis rejects Site 5 because it is more visually prominent than Site 2 (Boyd 2000).

Site 6

The applicant reject Site 6 because it would require the longest driveway (1,400 feet) of any of the sites and would cross the grassland that provides critical habitat for the San Francisco garter snake and the red-legged frog. This site is closer to the San Gregorio Fault than any of the other sites and is in a moderate to high geologic hazard zone.

Staff's Comparison of Sites 2 and 4

Staff evaluated the applicant's alternatives analysis. The conclusions of that evaluation are not explained in detail, but are summarized briefly, because, as described in the section below, development at both sites 2 and 4 would be inconsistent with sensitive habitat and agricultural policies. Staff concluded that Site 4 would be the least visible alternative site 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. In addition, Site 4 would allow for the house to be sited, oriented, and designed to avoid the buffer around the wetlands at Site 4. No Monterey 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. There is no evidence to demonstrate that locating development at Site 2 or Site 4 would impact Monarchs. 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. 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 in the constraints analysis, the geotechnical problems associated with Site 4 could be mitigated, even for the current design. A smaller, less sprawling design would require less mitigation.

Least Visible Site Consistent With All Other LCP Policies

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. LUP Policy 8.5 requires that development be located where it is least visible consistent with all other LCP requirements. As discussed above in Section 4.2 of this staff report, California red-legged frogs disperse in upland grassland portion of the site, rather than just the ravine. The wetland areas as well as grasslands provide critical habitat for San Francisco garter snake and California red-legged frog. Therefore, at both Site 2 and Site 4 the residence would be in sensitive habitat. The proposed residence at Site 2 would also be in lands suitable for agriculture and would not meet the criteria to allow conversion of agricultural land, as described in Section 4.3 of this staff report. Hence, locating the development at Site 2 would be inconsistent with LUP Policy 8.5 because it would not be consistent with sensitive habitat and agricultural requirements of the LCP.

The residence, however, could be sited in the eucalyptus grove in the northeast corner of the site without conflicting with sensitive habitat, agricultural, or any other policies of the LCP. As explained in the Alternative Site subsections of Sections 4.2 and 4.3 of this staff report, the eucalyptus grove is the only area on the site that does not meet the LCP definition of sensitive habitat. Furthermore, removal of eucalyptus is supported by the LCP. The eucalyptus grove on the property is not considered prime agricultural lands or lands suitable for agriculture, as defined in the LCP. Locating the residence in the eucalyptus tree was not found to conflict with any other LCP policies.

In addition, a smaller footprint and more compact design would reduce visual as well biological and geological impacts, and comply with the LCP. As discussed below, the Commission finds that, contrary to LUP Policy 8.18, the applicant has not demonstrated that the proposed development would be designed so that it is least likely to impact views from public viewpoints. As discussed above, to conform with the visual resource protection policies of the LCP, development of the subject property must be 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.

As a result of this tree removal required by fire regulations, a residence in the eucalyptus trees in the northeastern corner of the site would be visible from Highway 1 and Año Nuevo. Nevertheless, a smaller, more compact house with a lower roof elevation that is sited at this location in the northeast corner of the property would, consistent with LCP Policy 8.5, be the least visible site, consistent with the sensitive habitat policies, the agricultural policies, and the visual resource policies of the certified LCP.

Test 2: Scale, Design, and Landform Alteration

Development Should Be As Unobtrusive As Possible

The proposed development is inconsistent with LUP Policy 8.18a. and 8.31a because it is not designed to protect views from Highway 1 and Año Nuevo State Reserve, is not visually compatible with the character of the surrounding area, and 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 as **unobtrusive as possible** through, but not limited to, **siting, design, layout, size, height, shape**, materials, colors, access, and landscaping. General Plan Policy 4.46, which is incorporated by reference in Policy 8.31a, allows the County to regulate both site and architectural design of structures in rural scenic corridors to protect the visual quality of those areas. General Plan Policy 4.58, also incorporated by reference in Policy 8.31a., also requires that development be located so that it does not obstruct views from scenic roads or disrupt the visual harmony of the landscape. As modified for purposes of the Commission's de novo review, the development would be 26 feet high above natural grade and have a linear design that would present an approximately 256-foot-long façade to the coastal viewshed. In the proposed location at the top of the hill directly in front of the proposed residence, the two proposed berms would be very visible from public viewpoints. These berms would be 406 feet long and 200 feet long, respectively, and a maximum of twelve feet high. Because of their location on a small flat area at the top of the hill it is not feasible to make a gradual, natural-appearing slope and design. Thus, the large, modern house design would not be as unobtrusive as possible, and would not be consistent with LUP Policies 8.18a and 8.31a (General Plan Policies 4.46 and 4.58, by reference). The berms would appear massive and artificial and would not be subordinate to the natural landforms of the site, also in conflict with LUP Policy 8.18a. A more compact house design that minimizes the area facing public viewpoints would be more consistent with this policy than the proposed design. A small, single-story house could be hidden behind lower, smaller berms that would minimize land form alteration and related visual impacts. Moreover, if the house were small enough, no berms would be necessary.

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, 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 15).

As the proposed development would not be 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 Policy 8.18. Therefore, the Commission finds that the permit application must be denied. As discussed above, to conform with the visual resource protection policies of the LCP, development of the subject property must be designed to minimize visual impacts in this highly scenic area and to be as unobtrusive as possible. The proposed development does not comply with these requirements without substantial design 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 to the County for a project consistent with all relevant LCP policies.

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

LUP Policy 8.20 and General Plan Policy 4.48 (by reference in LUP Policy 8.31a) 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 RMC Lonestar cement plant in Davenport, the 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 a 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 visitor's center itself. However, the visitor's center approximates a large agricultural barn and is compatible with the overall Park ethic. The Lee house would be the first very large residence 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. Local government approvals were granted for two other very large houses nearby. Santa Cruz County approved 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 (Hinman). The Commission appealed this permit in part because of the project's visual impacts. The Commission approved the Hinman project on appeal with very restrictive conditions, requiring the house height be lowered so that it was no longer visible and reducing the area of impact from approximately two acres to one-quarter acre. The proposed Blank house is 15,000 square feet and proposed to be located approximately 1.3 miles northwest of the proposed location of the Lee house. The CDP application by Steve Blank was approved with conditions by San Mateo County and was appealed to the Coastal Commission. On October 12, 2000, the Commission found substantial issue and continued the De Novo hearing for the Blank CDP.

In conclusion, the proposed modern sprawling development at the top of hill is not consistent in size or design with the mostly undeveloped open space and agricultural lands that are found along the south coast of San Mateo County. The areas around Año Nuevo, in particular, are sparsely-developed and rural in nature. To be consistent with the southern San Mateo coast's rural character, the proposed development must be similar in size and scale to adjacent buildings and landforms. Therefore, the Commission denies the permit application on the grounds that the proposed development is inconsistent with LCP Policy 8.20 and 8.31a (General Plan Policy 4.48).

Alteration of Landforms

The grading, cutting, and filling required to lower the apparent height of the house by ten feet and create berms would not be consistent with LUP Policy 8.17a. and General Plan Policy 4.47, as referenced in LUP Policy 8.31a. This policy requires that "development be located and designed to conform with, rather than change landforms." It further requires that development be designed to "minimize the alteration of landforms as a consequence of grading, cutting, excavating, filling or other development." While the proposed house site is relatively flat and would allow construction of a house with minimal landform disturbance, because of the height and large size of the proposed house, extensive landform alteration is proposed in an attempt to conform with other LUP visual resources policies. However, the proposed house design remains inconsistent with LUP Policy 8.18a. because of its large size, and with the proposed landform alteration is also inconsistent with LUP Policy 8.17a and General Plan Policy 4.47. By reducing the house size and height and using a more compact design, the size of the berms could be reduced or the berms may not be necessary. Therefore, the Commission denies CDP application A-2-SMC-99-066 on the grounds that the proposed development is inconsistent with LUP Policies 8.17a., 8.18a., and 8.31a. of the San Mateo County LCP.

4.4.4 Conclusion

In conclusion, the proposed development is inconsistent with the visual resource policies of the San Mateo County LCP. 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 consistent with all other LCP requirements and least likely to significantly impact views from public viewpoints. In addition, a smaller footprint, lower height, and more compact design would reduce visual as well biological and

geological impacts, and comply with the LCP. As the proposed development is not designed to protect views from scenic roads and public viewpoints, would not be as unobtrusive as possible, would require substantial landform alteration, 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 Policy 8.18a. 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. Therefore, the Commission denies CDP application A-2-SMC-099-066 on the grounds that the proposed development is inconsistent with Policies 8.17a., 8.18a., 8.20, and 8.31a. of the San Mateo County LCP.

4.5 Development Review

Although the proposed development will likely use more water than a smaller residence, it is in conformance with LUP Policy 1.8.

4.5.1 Issue Summary

The proposed development has one density credit, thereby allowing the development of one single-family residence, as proposed.

4.5.2 Standard of Review

LUP Policy 1.8 requires the determination of density credits for new or expanded non-agricultural development. Essentially, one density credit allows the development of one single-family residential dwelling. LUP Policy 1.8c.(2)(a) states that "a single-family dwelling unit shall be deemed to use 315 gallons of water per day during the two months of highest water use in a year (including landscaping, swimming pools and all other appurtenant uses)."

LUP Policy 1.23 and associated Table 1.4 define the number of developments that can occur in a year within particular watersheds. The purpose is to limit development in rural areas so that it does not overburden coastal resources or public services.

4.5.3 Discussion

San Mateo County determined that the Lee property qualified for 1.10 density credits, which is rounded to the nearest whole number, or one density credit (Exhibit 3). This means that on the entire parcel only one residence can be constructed. Smaller lot sizes and increased multi-family housing generally lower per capita water use (Department of Water Resources 2001).

Conversely, larger dwellings, such as the one proposed, with large water features, such as the 6,000 square-foot reflecting pond, are likely to use more water than the average household and more than the 315 gallons per day allowed per density credit. Nevertheless, the LCP does not define the size of the house and appurtenances allowable per density credit. There is no provision of the LCP that requires additional density credits based on the scale of a single-family residential development.

4.5.4 Conclusion

Although the proposed development will likely use more water than a smaller residence, it is in conformance with LUP Policy 1.8.

4.6 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. A smaller and lower residence designed to be as unobtrusive as possible and to be subordinate to the visual character of the surrounding area would minimize the adverse impacts to the scenic quality of the area. By re-siting the development to the eucalyptus grove in the northeast corner of the property significant adverse impacts to California red-legged frogs and San Francisco garter snakes would be avoided, as well as moving the development off of agricultural land. Such project alternatives and mitigations that would avoid and/or minimize significant adverse impacts to scenic, biological, and agricultural resources have not been provided. Therefore, the Commission denies this permit application on the grounds that it is inconsistent with Section 21080.5(d)(2)(A) of CEQA.

Appendix A

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Appendix B

Referenced Policies of the San Mateo Local Coastal Plan

LAND USE PLAN

*1.8 Land Uses and Development Densities in Rural Areas

- a. Allow new development (as defined in Section 30106 of the California Coastal Act of 1976) in rural areas only if it is demonstrated that it will not: (1) have significant adverse impacts, either individually or cumulatively, on coastal resources and (2) diminish the ability to keep all prime agricultural land and other land suitable for agriculture (as defined in the Agriculture Component) in agricultural production.
- b. Permit in rural areas land uses designated on the Local Coastal Program Land Use Plan Maps, and conditional uses up to the densities specified in Tables 1.2 and 1.3.

c. (1) Require Density Credits for Non-Agricultural Uses

Require density credits for all new or expanded non-agricultural land uses in rural areas, including all residential uses, except affordable housing (to the extent provided in Local Coastal Program Policy 3.23) and farm labor housing, as defined in Local Coastal Program Policy 3.28, mining in accordance with General Plan Policies 3.11 and 3.12, and solid waste facilities under the policies in General Plan Chapter 13. The existence and number of density credits on a parcel shall be determined by applying Table 1.3.

Expanded or additional non-agricultural uses shall only be permitted on a parcel when there are enough density credits available to that parcel to meet the density credit requirements of this policy for both (a) existing uses, and (b) any expanded or additional uses, and only where such development meets all other applicable policies of the Local Coastal Program.

(2) Amount of Development Allowed for Non-Agricultural Uses, Except Visitor-Serving, Commercial Recreation, and Public Recreation Uses

For new or expanded non-agricultural uses, except visitor-serving, commercial recreation, and public recreation uses, one density credit shall be required for each 315 gallons, or fraction thereof, of average daily water use during the two months of highest water use in a year. This requirement applies to water use by or resulting from the non-agricultural use, including landscaping, swimming pools and all other appurtenant uses.

(a) Residential Uses

For new or expanded residential uses, a single-family dwelling unit shall be deemed to use 315 gallons of water per day during the two months of highest water use in a year (including landscaping, swimming pools and all other appurtenant uses).

(b) Non-Agricultural Uses Except Visitor-Serving, Commercial Recreation, and Public Recreation Uses

For non-agricultural uses, except visitor-serving, commercial recreation, and public recreation uses, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be the amount stated in Table 1.5 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

*5.1 Definition of Prime Agricultural Lands

Define prime agricultural lands as:

- a. All land which qualifies for rating as Class I or Class II in the U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification, as well as all Class III lands capable of growing artichokes or Brussels sprouts.
- b. All land which qualifies for rating 80-100 in the Storie Index Rating.
- c. Land which supports livestock for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the U.S. Department of Agriculture.
- d. Land planted with fruit or nut bearing trees, vines, bushes, or crops which have a non-bearing period of less than five years and which normally return during the commercial bearing period, on an annual basis, from the production of unprocessed agricultural plant production not less than \$200 per acre.
- e. Land which has returned from the production of an unprocessed agricultural plant product an annual value that is not less than \$200 per acre within three of the five previous years.

The \$200 per acre amount in subsections d. and e. shall be adjusted regularly for inflation, using 1965 as the base year, according to a recognized consumer price index.

*5.3 Definition of Lands Suitable for Agriculture

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

*5.5 Permitted Uses on Prime Agricultural Lands Designated as Agriculture

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

*5.6 Permitted Uses on Lands Suitable for Agriculture Designated as Agriculture

- a. Permit agricultural and agriculturally related development on land suitable for agriculture. Specifically, allow only the following uses: (1) agriculture including, but not limited to, the cultivation of food, fiber or flowers, and the grazing, growing, or pasturing of livestock; (2) non-residential development customarily considered accessory to agricultural uses including barns, storage/equipment sheds, fences, water wells, well covers, pump houses, water storage tanks, water impoundments, water pollution control facilities for agricultural purpose, and temporary roadstands for seasonal sale of produce grown in San Mateo County; (3) dairies; (4) greenhouses and nurseries; and (5) repairs, alterations, and additions to existing single-family residences.
- b. Conditionally permit the following uses: (1) single-family residences, (2) farm labor housing, (3) multi-family residences if affordable housing, (4) public recreation and shoreline access trails, (5) schools, (6) fire stations, (7) commercial recreation including country inns, stables, riding academies, campgrounds, and

and gun clubs, and private beaches, (8) aquacultural activities, (9) wineries, (10) timber harvesting, commercial wood lots, and storage of logs, (11) onshore oil and gas exploration, production, and storage, (12) facilities for the processing, storing, packaging and shipping of agricultural products, (13) uses ancillary to agriculture, (14) dog kennels and breeding facilities, (15) limited, low intensity scientific/technical research and test facilities, and (16) permanent roadstands for the sale of produce.

***5.8 Conversion of Prime Agricultural Land Designated as Agriculture**

- a. Prohibit conversion of prime agricultural land within a parcel to a conditionally permitted use unless it can be demonstrated:
 - (1) That no alternative site exists for the use,
 - (2) Clearly defined buffer areas are provided between agricultural and non-agricultural uses,
 - (3) The productivity of any adjacent agricultural land will not be diminished, and
 - (4) Public service and facility expansions and permitted uses will not impair agricultural viability, including by increased assessment costs or degraded air and water quality.
- b. In the case of a recreational facility on prime agricultural land owned by a public agency, require the agency:
 - (1) To execute a recordable agreement with the County that all prime agricultural land and other land suitable for agriculture which is not needed for recreational development or for the protection and vital functioning of a sensitive habitat will be permanently protected for agriculture, and
 - (2) Whenever legally feasible, to agree to lease the maximum amount of agricultural land to active farm operators on terms compatible with the primary recreational and habitat use.

***5.10 Conversion of Land Suitable for Agriculture Designated as Agriculture**

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

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

*5.11 Maximum Density of Development Per Parcel

- a. Limit non-agricultural development densities to those permitted in rural areas of the Coastal Zone under the Locating and Planning New Development Component.
- b. Further, limit non-agricultural development densities to that amount which can be accommodated without adversely affecting the viability of agriculture.
- c. In any event, allow the use of one density credit on each legal parcel.
- d. A density credit bonus may only be allowed for the merger of contiguous parcels provided that (1) the density bonus is granted as part of a Coastal Development Permit, (2) a deed restriction is required as a condition of approval of that Coastal Development Permit, (3) the deed restriction requires that any subsequent land division of the merged property shall be consistent with all other applicable LCP policies, including Agriculture Component Policies, and shall result in at least one agricultural parcel whose area is greater than the largest parcel before consolidation, and (4) the Coastal Development Permit is not in effect until the deed restriction is recorded by the owner of the land. The maximum bonus shall be calculated by:
 - (1) Determining the total number of density credits on all parcels included in a master development plan; and
 - (2) Multiplying that total by 25% if the merger is entirely of parcels of 40 acres or less, or by 10% if some or all of the parcels combined are larger than 40 acres.

The merged parcel shall be entitled to the number of density credits on the separate parcels prior to merger plus the bonus calculated under this subsection. The total number of density credits may be used on the merged parcel. Once a parcel or portion of a parcel has been part of a merger for which bonus density credit has been given under this subsection, no bonus credit may be allowed for any subsequent merger involving that parcel or portion of a parcel.

- e. Density credits on parcels consisting entirely of prime agricultural land, or of prime agricultural land and land which is not developable under the Local Coastal Program, may be transferred to other parcels in the Coastal Zone, provided that the entire parcel from which credits are transferred is restricted permanently to agricultural use by an easement granted to the County or other governmental agency. Credits transferred may not be used in scenic corridors or on prime agricultural lands; they may be used only in accordance with the policies and standards of the Local Coastal Program.

***7.1 Definition of Sensitive Habitats**

Define sensitive habitats as any area in which plant or animal life or their habitats are either rare or especially valuable and any area which meets one of the following criteria: (1) habitats containing or supporting "rare and endangered" species as defined by the State Fish and Game Commission, (2) all perennial and intermittent streams and their tributaries, (3) coastal tide lands and marshes, (4) coastal and offshore areas containing breeding or nesting sites and coastal areas used by migratory and resident water-associated birds for resting areas and feeding, (5) areas used for scientific study and research concerning fish and wildlife, (6) lakes and ponds and adjacent shore habitat, (7) existing game and wildlife refuges and reserves, and (8) sand dunes.

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.

***7.3 Protection of Sensitive Habitats**

- a. Prohibit any land use or development which would have significant adverse impact on sensitive habitat areas.
- b. Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of the habitats.

***7.4 Permitted Uses in Sensitive Habitats**

- a. Permit only resource dependent uses in sensitive habitats. Resource dependent uses for riparian corridors, wetlands, marine habitats, sand dunes, sea cliffs and

habitats supporting rare, endangered, and unique species shall be the uses permitted in Policies 7.9, 7.16, 7.23, 7.26, 7.30, 7.33, and 7.44, respectively, of the County Local Coastal Program on March 25, 1986.

- b. In sensitive habitats, require that all permitted uses comply with U.S. Fish and Wildlife and State Department of Fish and Game regulations.

7.5 Permit Conditions

- a. As part of the development review process, require the applicant to demonstrate that there will be no significant impact on sensitive habitats. When it is determined that significant impacts may occur, require the applicant to provide a report prepared by a qualified professional which provides: (1) mitigation measures which protect resources and comply with the policies of the Shoreline Access, Recreation/Visitor-Serving Facilities and Sensitive Habitats Components, and (2) a program for monitoring and evaluating the effectiveness of mitigation measures. Develop an appropriate program to inspect the adequacy of the applicant's mitigation measures.
- b. When applicable, require as a condition of permit approval the restoration of damaged habitat(s) when in the judgment of the Planning Director restoration is partially or wholly feasible.

7.7 Definition of Riparian Corridors

Define riparian corridors by the "limit of riparian vegetation" (i.e., a line determined by the association of plant and animal species normally found near streams, lakes and other bodies of freshwater: red alder, jaumea, pickleweed, big leaf maple, narrow-leaf cattail, arroyo willow, broadleaf cattail, horsetail, creek dogwood, black cottonwood, and box elder). Such a corridor must contain at least a 50% cover of some combination of the plants listed.

7.8 Designation of Riparian Corridors

Establish riparian corridors for all perennial and intermittent streams and lakes and other bodies of freshwater in the Coastal Zone. Designate those corridors shown on the Sensitive Habitats Map and any other riparian area meeting the definition of Policy 7.7 as sensitive habitats requiring protection, except for manmade irrigation ponds over 2,500 sq. ft. surface area.

7.9 Permitted Uses in Riparian Corridors

- a. Within corridors, permit only the following uses: (1) education and research, (2) consumptive uses as provided for in the Fish and Game Code and Title 14 of the California Administrative Code, (3) fish and wildlife management activities, (4)

trails and scenic overlooks on public land(s), and (5) necessary water supply projects.

- b. When no feasible or practicable alternative exists, permit the following uses: (1) stream dependent aquaculture, provided that non-stream dependent facilities locate outside of corridor, (2) flood control projects, including selective removal of riparian vegetation, where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, (3) bridges when supports are not in significant conflict with corridor resources, (4) pipelines, (5) repair or maintenance of roadways or road crossings, (6) logging operations which are limited to temporary skid trails, stream crossings, roads and landings in accordance with State and County timber harvesting regulations, and (7) agricultural uses, provided no existing riparian vegetation is removed, and no soil is allowed to enter stream channels.

7.10 Performance Standards in Riparian Corridors

Require development permitted in corridors to: (1) minimize removal of vegetation, (2) minimize land exposure during construction and use temporary vegetation or mulching to protect critical areas, (3) minimize erosion, sedimentation, and runoff by appropriately grading and replanting modified areas, (4) use only adapted native or non-invasive exotic plant species when replanting, (5) provide sufficient passage for native and anadromous fish as specified by the State Department of Fish and Game, (6) minimize adverse effects of waste water discharges and entrainment, (7) prevent depletion of groundwater supplies and substantial interference with surface and subsurface waterflows, (8) encourage waste water reclamation, (9) maintain natural vegetation buffer areas that protect riparian habitats, and (10) minimize alteration of natural streams.

7.11 Establishment of Buffer Zones

- a. On both sides of riparian corridors, from the "limit of riparian vegetation" extend buffer zones 50 feet outward for perennial streams and 30 feet outward for intermittent streams.
- b. Where no riparian vegetation exists along both sides of riparian corridors, extend buffer zones 50 feet from the predictable high water point for perennial streams and 30 feet from the midpoint of intermittent streams.
- c. Along lakes, ponds, and other wet areas, extend buffer zones 100 feet from the high water point except for manmade ponds and reservoirs used for agricultural purposes for which no buffer zone is designated.

7.12 Permitted Uses in Buffer Zones

Within buffer zones, permit only the following uses: (1) uses permitted in riparian corridors, (2) residential uses on existing legal building sites, set back 20 feet from the limit of riparian vegetation, only if no feasible alternative exists, and only if no other building site on the parcel exists, (3) in Planned Agricultural, Resource Management and Timber Preserve Districts, residential structures or impervious surfaces only if no feasible alternative exists, (4) crop growing and grazing consistent with Policy 7.9, (5) timbering in "streamside corridors" as defined and controlled by State and County regulations for timber harvesting, and (6) no new residential parcels shall be created whose only building site is in the buffer area.

7.13 Performance Standards in Buffer Zones

Require uses permitted in buffer zones to: (1) minimize removal of vegetation, (2) conform to natural topography to minimize erosion potential, (3) make provisions (i.e., catch basins) to keep runoff and sedimentation from exceeding pre-development levels, (4) replant where appropriate with native and non-invasive exotics, (5) prevent discharge of toxic substances, such as fertilizers and pesticides, into the riparian corridor, (6) remove vegetation in or adjacent to manmade agricultural ponds if the life of the pond is endangered, (7) allow dredging in or adjacent to manmade ponds if the San Mateo County Resource Conservation District certified that siltation imperils continued use of the pond for agricultural water storage and supply, and (8) require motorized machinery to be kept to less than 45 dBA at any wetland boundary except for farm machinery and motorboats.

7.14 Definition of Wetland

Define wetland as an area where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants which normally are found to grow in water or wet ground. Such wetlands can include mudflats (barren of vegetation), marshes, and swamps. Such wetlands can be either fresh or saltwater, along streams (riparian), in tidally influenced areas (near the ocean and usually below extreme high water of spring tides), marginal to lakes, ponds, and manmade impoundments. Wetlands do not include areas which in normal rainfall years are permanently submerged (streams, lakes, ponds and impoundments), nor marine or estuarine areas below extreme low water of spring tides, nor vernal wet areas where the soils are not hydric.

In San Mateo County, wetlands typically contain the following plants: cordgrass, pickleweed, jaumea, frankenia, marsh mint, tule, bullrush, narrow-leaf cattail, broadleaf cattail, pacific silverweed, salt rush, and bog rush. To qualify, a wetland must contain at least a 50% cover of some combination of these plants, unless it is a mudflat.

7.15 Designation of Wetlands

- a. Designate the following as wetlands requiring protection: Pescadero Marsh, Pillar Point Marsh (as delineated on Map 7.1), marshy areas at Tunitas Creek, San Gregorio Creek, Pomponio Creek and Gazos Creek, and any other wetland meeting the definition in Policy 7.14.
- b. At the time a development application is submitted, consider modifying the boundary of Pillar Point Marsh (as delineated on Map 7.1) if a report by a qualified professional, selected jointly by the County and the applicant, can demonstrate that land within the boundary does not meet the definition of a wetland.

7.16 Permitted Uses in Wetlands

Within wetlands, permit only the following uses: (1) nature education and research, (2) hunting, (3) fishing, (4) fish and wildlife management, (5) mosquito abatement through water management and biological controls; however, when determined to be ineffective, allow chemical controls which will not have a significant impact, (6) diking, dredging, and filling only as it serves to maintain existing dikes and an open channel at Pescadero Marsh, where such activity is necessary for the protection of pre-existing dwellings from flooding, or where such activity will enhance or restore the biological productivity of the marsh, (7) diking, dredging, and filling in any other wetland only if such activity serves to restore or enhance the biological productivity of the wetland, (8) dredging manmade reservoirs for agricultural water supply where wetlands may have formed, providing spoil disposal is planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation, and (9) incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

7.17 Performance Standards in Wetlands

Require that development permitted in wetlands minimize adverse impacts during and after construction. Specifically, require that: (1) all paths be elevated (catwalks) so as not to impede movement of water, (2) all construction takes place during daylight hours, (3) all outdoor lighting be kept at a distance away from the wetland sufficient not to affect the wildlife, (4) motorized machinery be kept to less than 45 dBA at the wetland boundary, except for farm machinery, (5) all construction which alters wetland vegetation be required to replace the vegetation to the satisfaction of the Planning Director including "no action" in order to allow for natural reestablishment, (6) no herbicides be used in wetlands unless specifically approved by the County Agricultural Commissioner and State Department of Fish and Game, and (7) all projects be reviewed by the State Department of Fish and Game and State Water Quality Board to determine appropriate mitigation measures.

7.18 Establishment of Buffer Zones

Buffer zones shall extend a minimum of 100 feet landward from the outermost line of wetland vegetation. This setback may be reduced to no less than 50 feet only where (1) no alternative development site or design is possible; and (2) adequacy of the alternative setback to protect wetland resources is conclusively demonstrated by a professional biologist to the satisfaction of the County and the State Department of Fish and Game. A larger setback shall be required as necessary to maintain the functional capacity of the wetland ecosystem.

7.19 Permitted Uses in Buffer Zones

Within buffer zones, permit the following uses only: (1) uses allowed within wetlands (Policy 7.16) and (2) public trails, scenic overlooks, and agricultural uses that produce no impact on the adjacent wetlands.

7.32 Designation of Habitats of Rare and Endangered Species

Designate habitats of rare and endangered species to include, but not be limited to, those areas defined on the Sensitive Habitats Map for the Coastal Zone.

7.33 Permitted Uses

- a. 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 restore damaged habitats and to protect and encourage the survival of rare and endangered species.
- b. If the critical habitat has been identified by the Federal Office of Endangered Species, permit only those uses deemed compatible by the U.S. Fish and Wildlife Service in accordance with the provisions of the Endangered Species Act of 1973, as amended.

7.34 Permit Conditions

In addition to the conditions set forth in Policy 7.5, require, prior to permit issuance, that a qualified biologist prepare a report which defines the requirements of rare and endangered organisms. At minimum, require the report to discuss: (1) animal food, water, nesting or denning sites and reproduction, predation and migration requirements, (2) plants life histories and soils, climate and geographic requirements, (3) a map depicting the locations of plants or animals and/or their habitats, (4) any development must not impact the functional capacity of the habitat, and (5) recommend mitigation if development is permitted within or adjacent to identified habitats.

7.35 Preservation of Critical Habitats

Require preservation of all habitats of rare and endangered species using criteria including, but not limited to, Section 6325.2 (Primary Fish and Wildlife Habitat Area Criteria) and Section 6325.7 (Primary Natural Vegetative Areas Criteria) of the Resource Management Zoning District.

7.36 San Francisco Garter Snake

- a. Prevent any development where there is known to be a riparian or wetland location for the San Francisco garter snake with the following exceptions: (1) existing manmade impoundments smaller than one-half acre in surface, and (2) existing manmade impoundments greater than one-half acre in surface providing mitigation measures are taken to prevent disruption of no more than one half of the snake's known habitat in that location in accordance with recommendations from the State Department of Fish and Game.
- b. Require developers to make sufficiently detailed analyses of any construction which could impair the potential or existing migration routes of the San Francisco garter snake. Such analyses will determine appropriate mitigation measures to be taken to provide for appropriate migration corridors.

7.44 Permitted Uses

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.

7.48 Monterey Pine

- a. Require any development to keep to a minimum the number of native Monterey pine cut in the natural pine habitat near the San Mateo-Santa Cruz County line.
- b. Allow the commercial cutting of Monterey pine if it: (1) perpetuates the long-term viability of stands, (2) prevents environmental degradation, and (3) protects the viewshed within the Cabrillo Highway Scenic Corridor.
- c. To preserve the productivity of prime agricultural soils, encourage the control of invasive Monterey pine onto the soils.

7.51 Voluntary Cooperation

Encourage the voluntary cooperation of private landowners to remove from their lands the undesirable pampas grass, French, Scotch and other invasive brooms. Similarly, encourage landowners to remove blue gum seedlings to prevent their spread.

8.5 Location of Development

- a. 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.

This provision does not apply to enlargement of existing structures, provided that the size of the structure after enlargement does not exceed 150% of the pre-existing floor area, or 2,000 sq. ft., whichever is greater.

This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation on the parcel. In such cases, agricultural development shall use appropriate building materials, colors, landscaping and screening to eliminate or minimize the visual impact of the development.

- b. Require, including by clustering if necessary, that new parcels have building sites that are not visible from State and County Scenic Roads and will not significantly impact views from other public viewpoints. If the entire property being subdivided is visible from State and County Scenic Roads or other public viewpoints, then require that new parcels have building sites that minimize visibility from those roads and other public viewpoints.

*8.17 Alteration of Landforms; Roads and Grading

- a. Require that development be located and designed to conform with, rather than change landforms. Minimize the alteration of landforms as a consequence of grading, cutting, excavating, filling or other development.
- c. 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.

This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation, or convert agricultural soils. In such cases, build new access roads to minimize alteration of existing landforms and natural characteristics.

8.18 Development Design

- 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.

- b. 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.

8.20 Scale

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

8.28 Definition of Scenic Corridors

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

8.29 Designation of Officially Adopted State Scenic Roads and Corridors

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

8.31 Regulation of Scenic Corridors in Rural Areas

- a. Apply the policies of the Scenic Road Element of the County General Plan.
- b. Apply Section 6325.1 (Primary Scenic Resources Areas Criteria) of the Resource Management (RM) Zoning District as specific regulations protecting Scenic Corridors in the Coastal Zone.
- c. Apply the Rural Design Policies of the LCP.
- d. Apply the Policies for Landforms and Vegetative Forms of the LCP.
- e. Require a minimum setback of 100 feet from the right-of-way line, and greater where possible; however, permit a 50-foot setback when sufficient screening is provided to shield the structure from public view.
- f. Continue applying special regulations for the Skyline Boulevard and Cabrillo Highway State Scenic Corridors.

IMPLEMENTATION PLAN

Section 6355. Substantive Criteria for Issuance of a Planned Agricultural Permit

F. Criteria for the Conversion of Lands Suitable for Agriculture and Other Lands

All lands suitable for agriculture and other lands within a parcel shall not be converted to uses permitted by a Planned Agricultural Permit unless all of the following criteria are met:

1. All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable, and
2. 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 (Section 30108 of the Coastal Act), and
3. Clearly defined buffer areas are developed between agricultural and non-agricultural uses, and
4. The productivity of any adjacent agricultural lands is diminished, including the ability of the land to sustain dry farming or animal grazing, and
5. Public service and facility expansions and permitted uses do not impair agricultural viability, either through increased assessment costs or degraded air and water quality, and

For parcels adjacent to urban areas, permit conversion if the viability of agricultural uses is severely limited by conflicts with urban uses, and the conversion of land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development, and conditions 3, 4, and 5 of this subsection are satisfied.

SAN MATEO COUNTY GENERAL PLAN

The following policies of the Scenic Road Element of the San Mateo County General Plan are incorporated in the LCP by reference in LUP Policy 8.31a.

4.46 Regulation of Development in Scenic Corridors

Institute special controls to regulate both site and architectural design of structures located within rural scenic corridors in order to protect and enhance the visual quality of select rural landscapes.

4.47 Topography and Vegetation

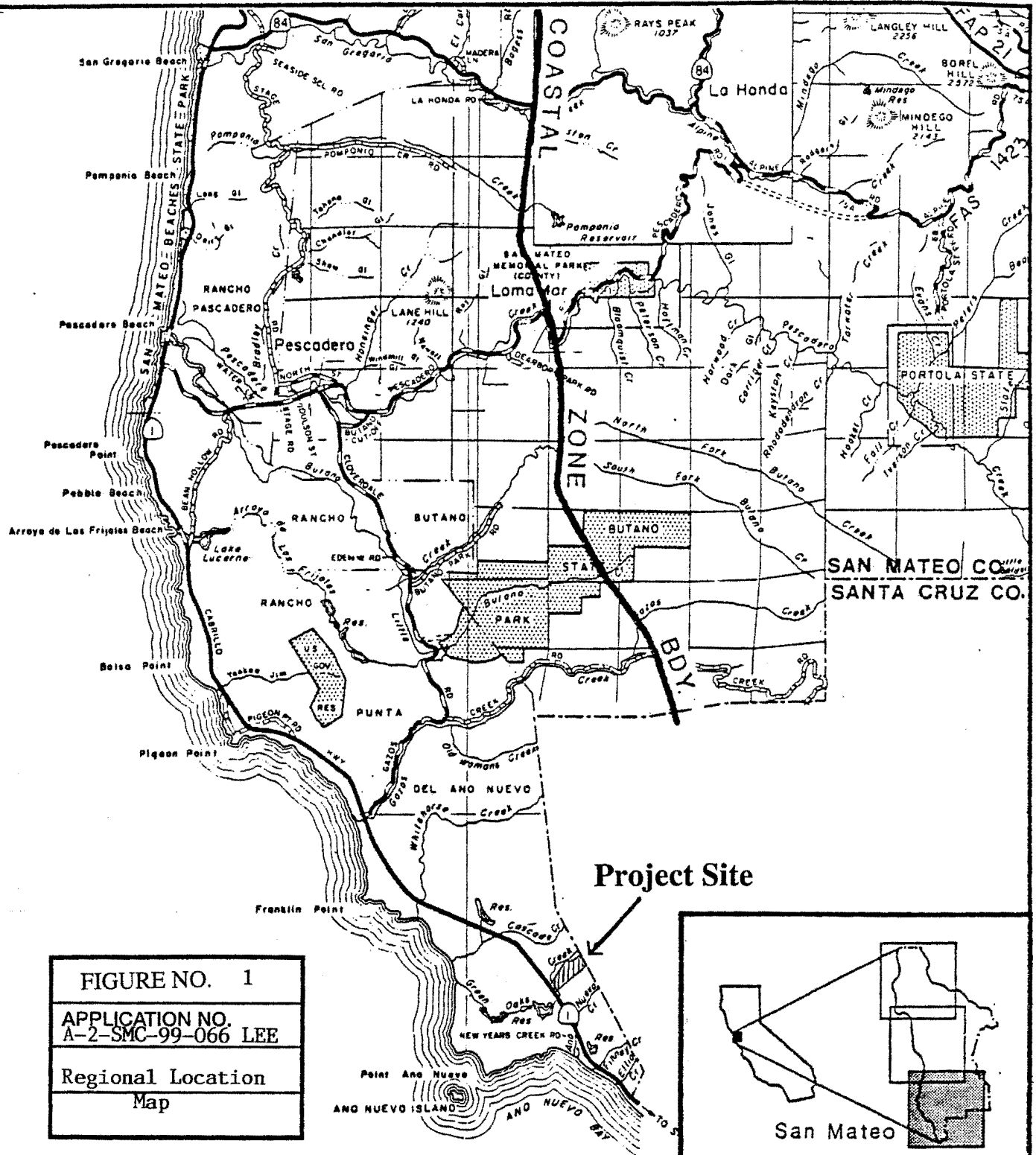
Design structures which conform to the natural topography and blend rather than conflict with the natural vegetation.

4.58 Views

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

FIGURES

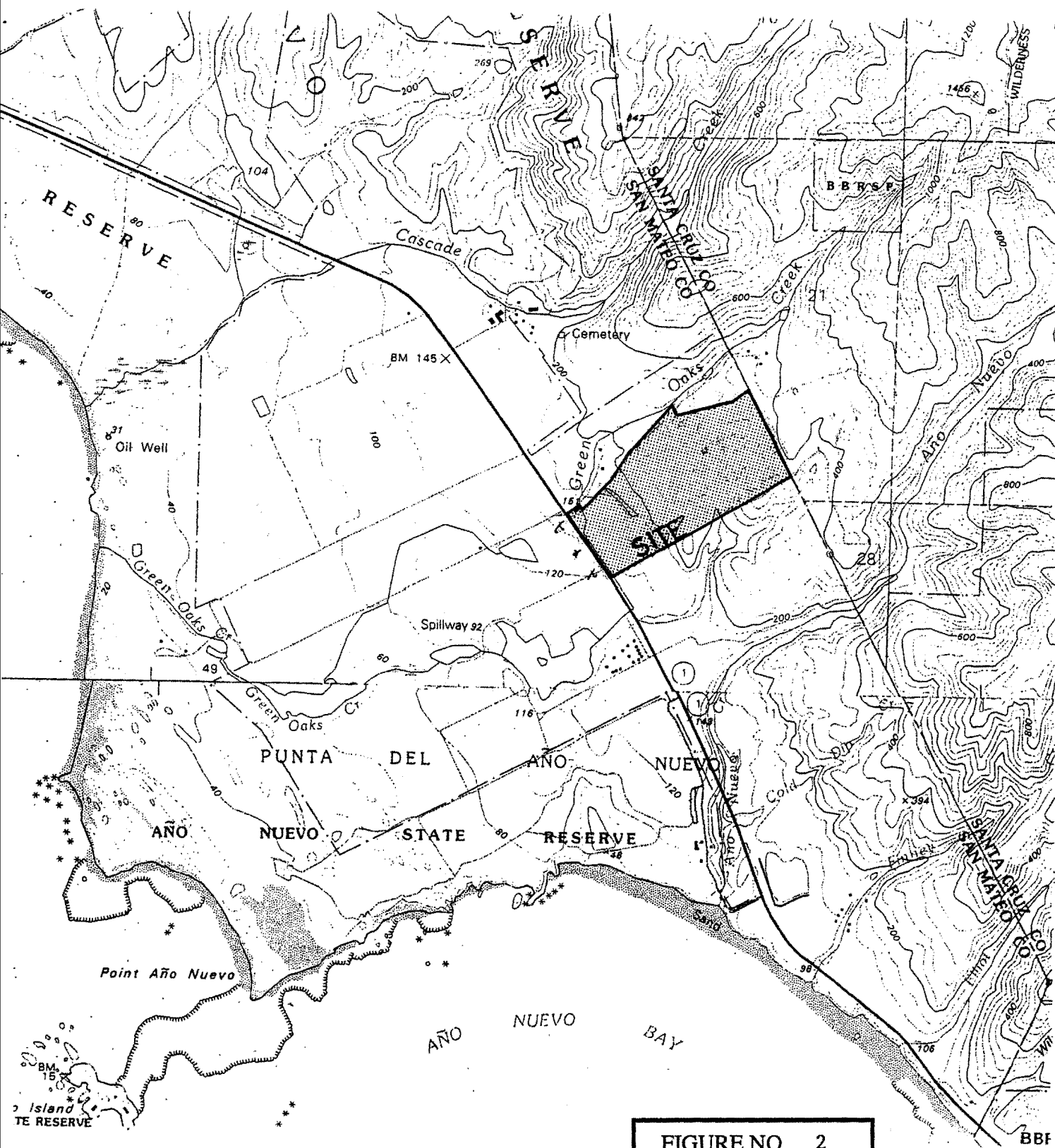
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LOCATION MAP

1 0 1 2
miles





TRW•REDI
1-800-345-7334



SCALE IN 1/10 OF AN INCH

89-23

Project Site
APN 089-230-220

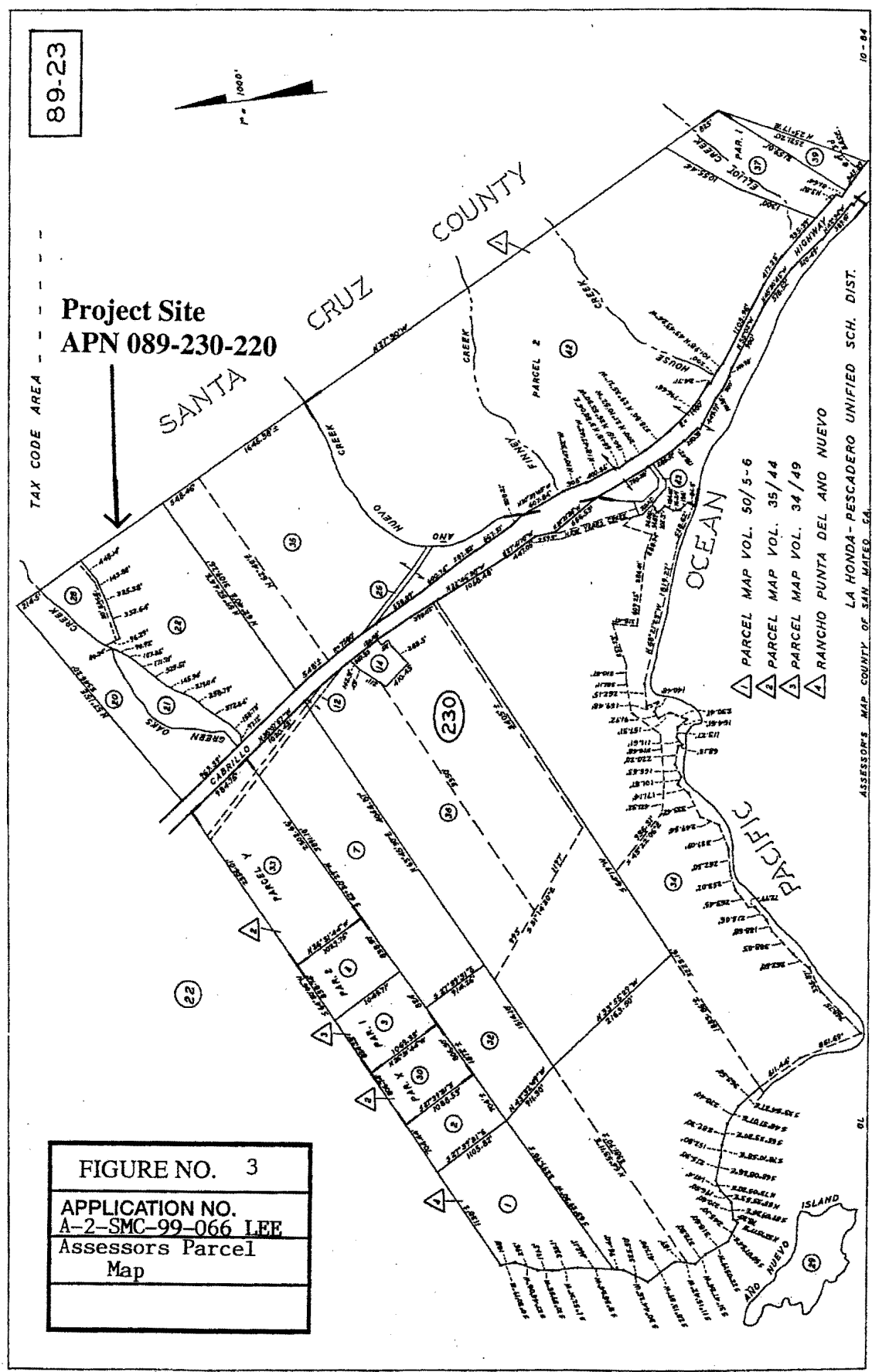


FIGURE NO. 3
APPLICATION NO. A-2-SMC-99-066 LEE
Assessors Parcel Map

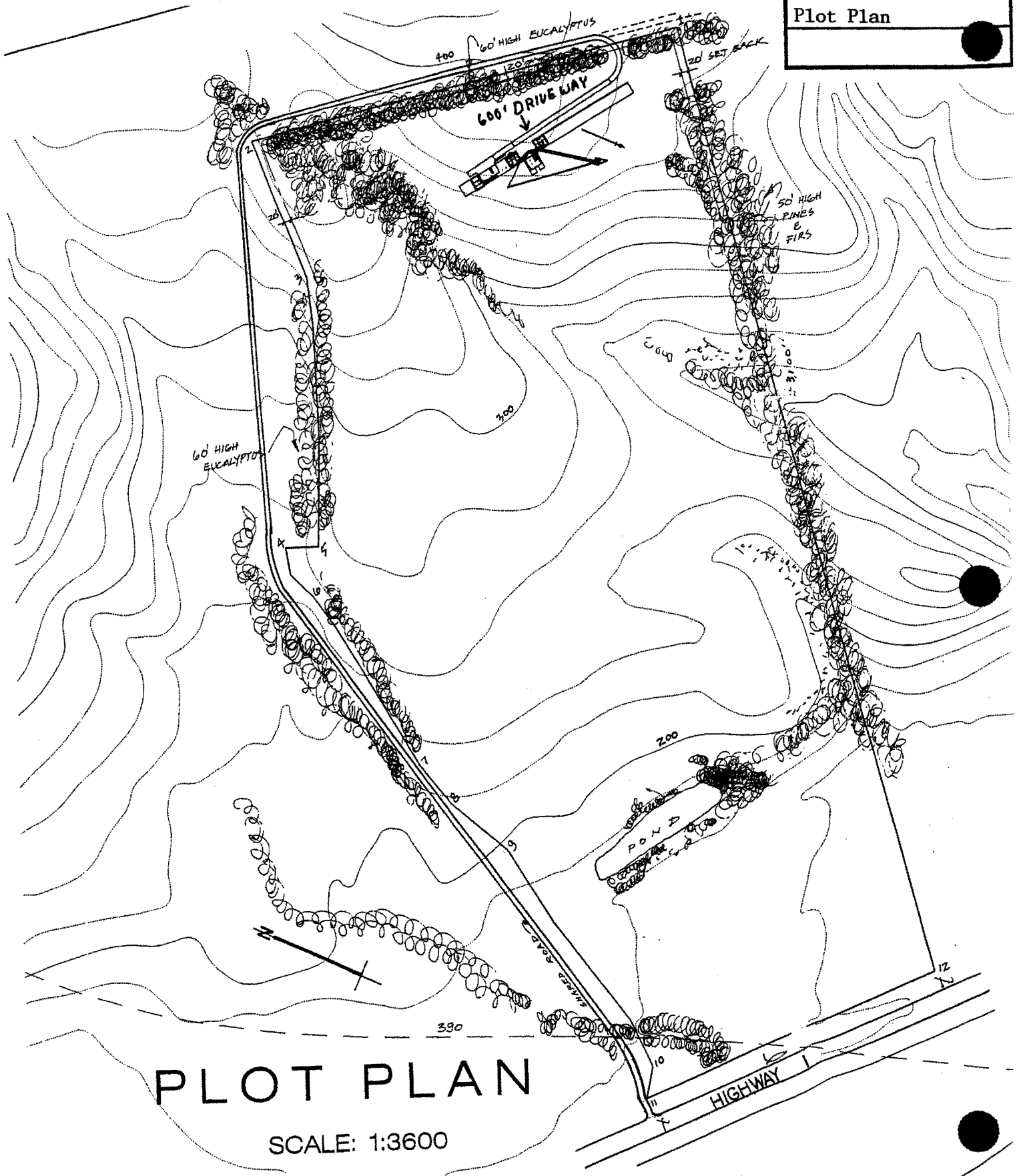
10-84

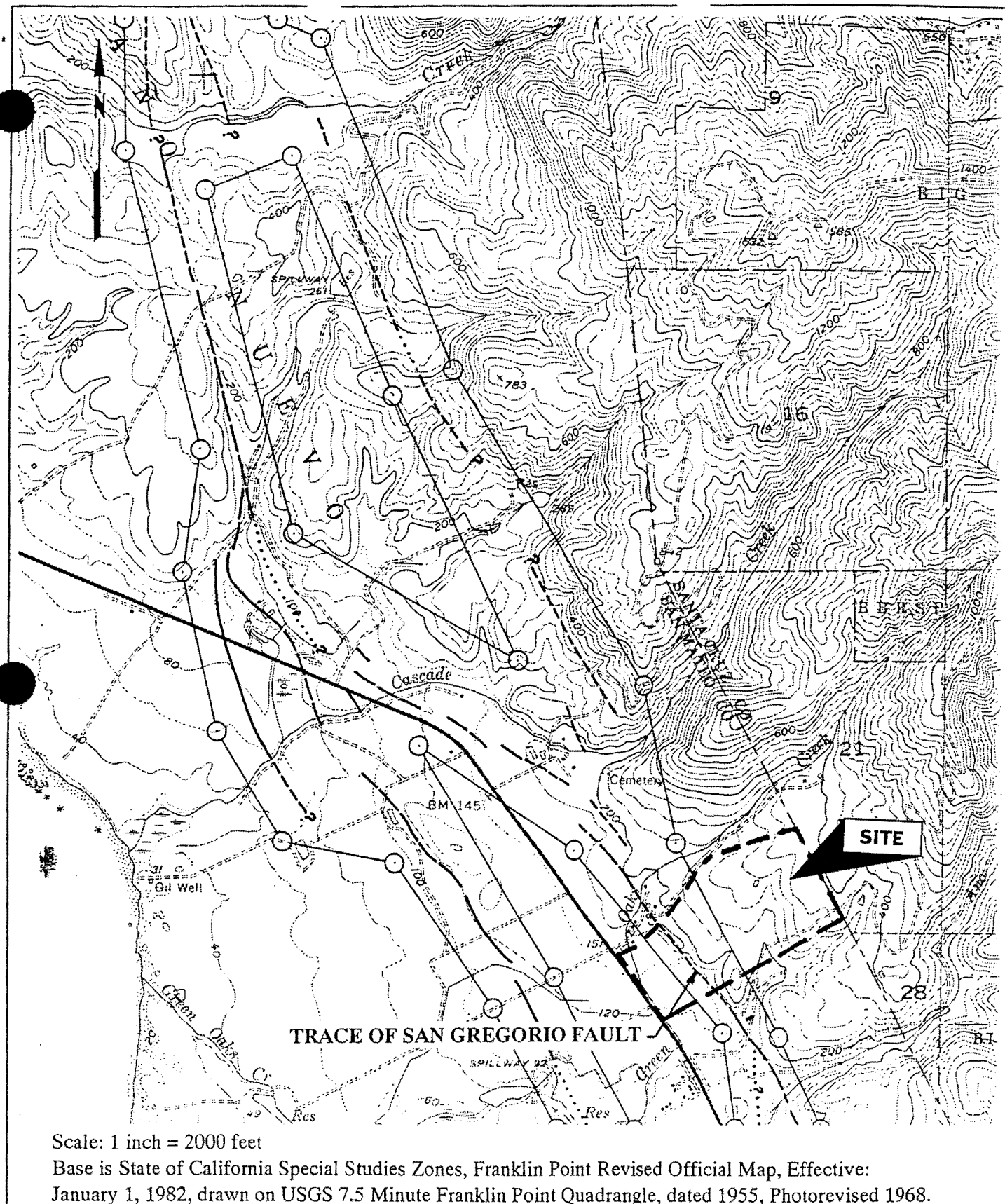
LA HONDA-PESCADERO UNIFIED SCH. DIST.
ASSESSORS MAP COUNTY OF SAN MATEO, CA

FIGURE NO. 4

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

Plot Plan

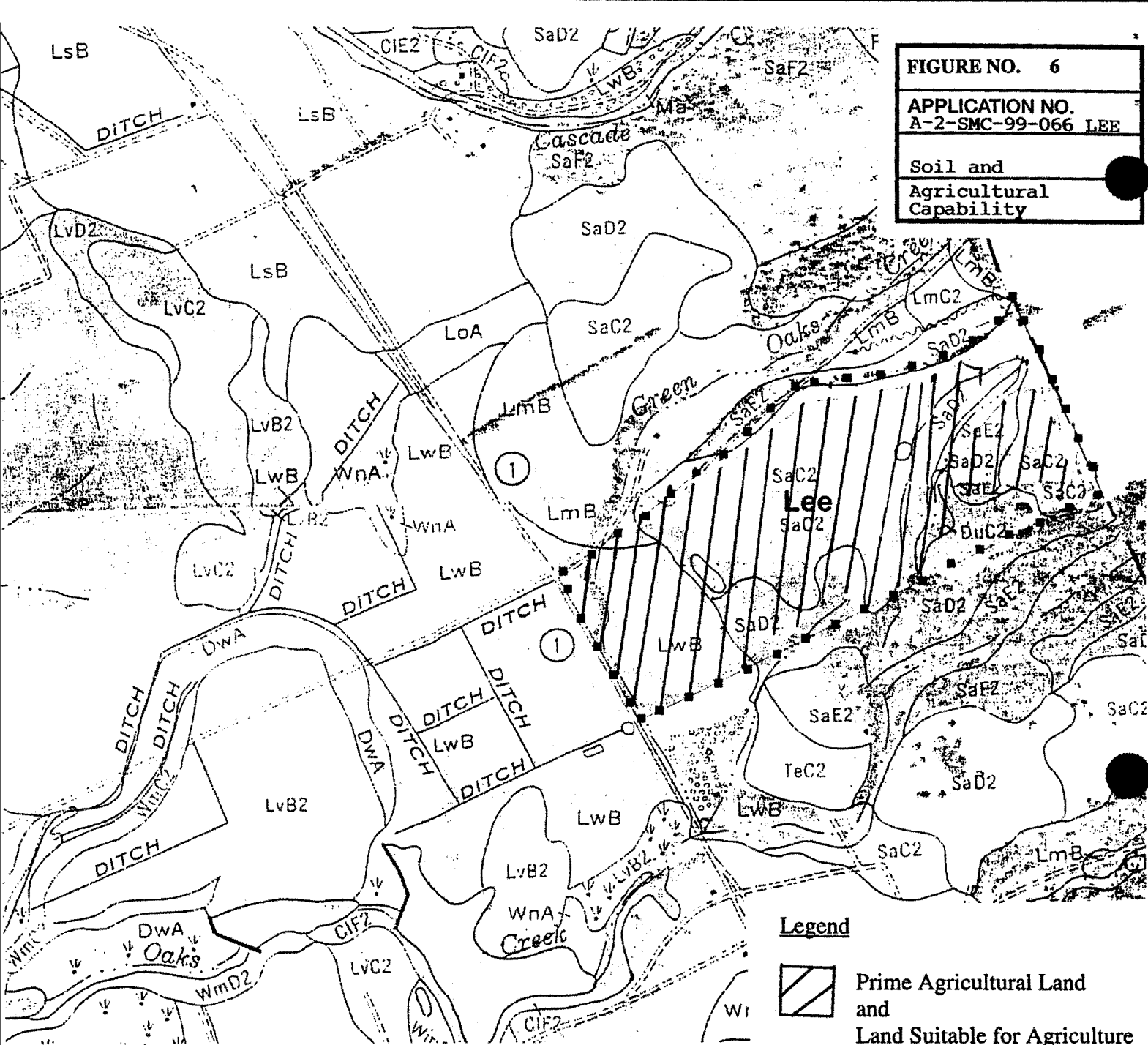




CINITY MAP
 LEE RESIDENCE
 ANO NUEVO, CALIFORNIA

ROMIG CONSULTING ENGINEERS

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



Soils and Capability Classes

Symbol on Map	Soil	Capability Class	Capability Class Description	LCP Definition - Prime Agricultural Land and Land Suitable for Agriculture?
LwB	Lockwood loam, gently sloped, seeped	IIw-2	Soils can be cultivated regularly; moderate limitations because of excess water.	Yes, all Class I and II soils are considered prime agricultural land, according to LUP Policy 5.1a.
DuC2	Dublin clay, sloping, eroded	IIIe-1	Soils can be cropped regularly, but they have a narrower range of use; well-drained, sloping soils; best suited to range use, but can also be suitable for production of hay crops, grain, and flax.	Yes, under the LCP lands where grazing is potentially feasible are Lands Suitable for Agriculture. Forested areas not suitable for timber harvest are not considered agricultural lands.
SaC2	Santa Lucia loam, sloping, eroded	IIIe-1	Same as above.	Same as above.
SaD2	Santa Lucia loam, moderately steep, eroded	IV-e-1	Soils that should be cultivated only under very careful management; moderately steep soils; best maintained under a permanent cover of grass, but also suited to rotation of hay, grain, and flax.	Same as above.
SaE2	Santa Lucia loam, sloping, eroded	IV-e-1	Same as above.	Same as above.






Source: U.S. Department of Agriculture 1961.

66/20/88 G:\p\lee\p\o\q\o\p\g

Figure 2 - Habitat Types
Located on Lee Property
APN# 089-230-220
San Mateo County, CA

FIGURE NO. 7
APPLICATION NO. A-2-SMC-99-066 LEE
Habitat Types

LEGEND -

-  Coastal Scrub
-  Grassland/
Disturbed Meadow
-  Eucalyptus Forest
-  Monterey Pine/
Douglas Fir Forest
-  Riparian

SCALE - 1 Inch = approx. 500 feet

Source: Thomas Reid Associates, 1999

PROPERTY BOUNDARY

House and Pond
Location

Pond

Disturbed Meadow

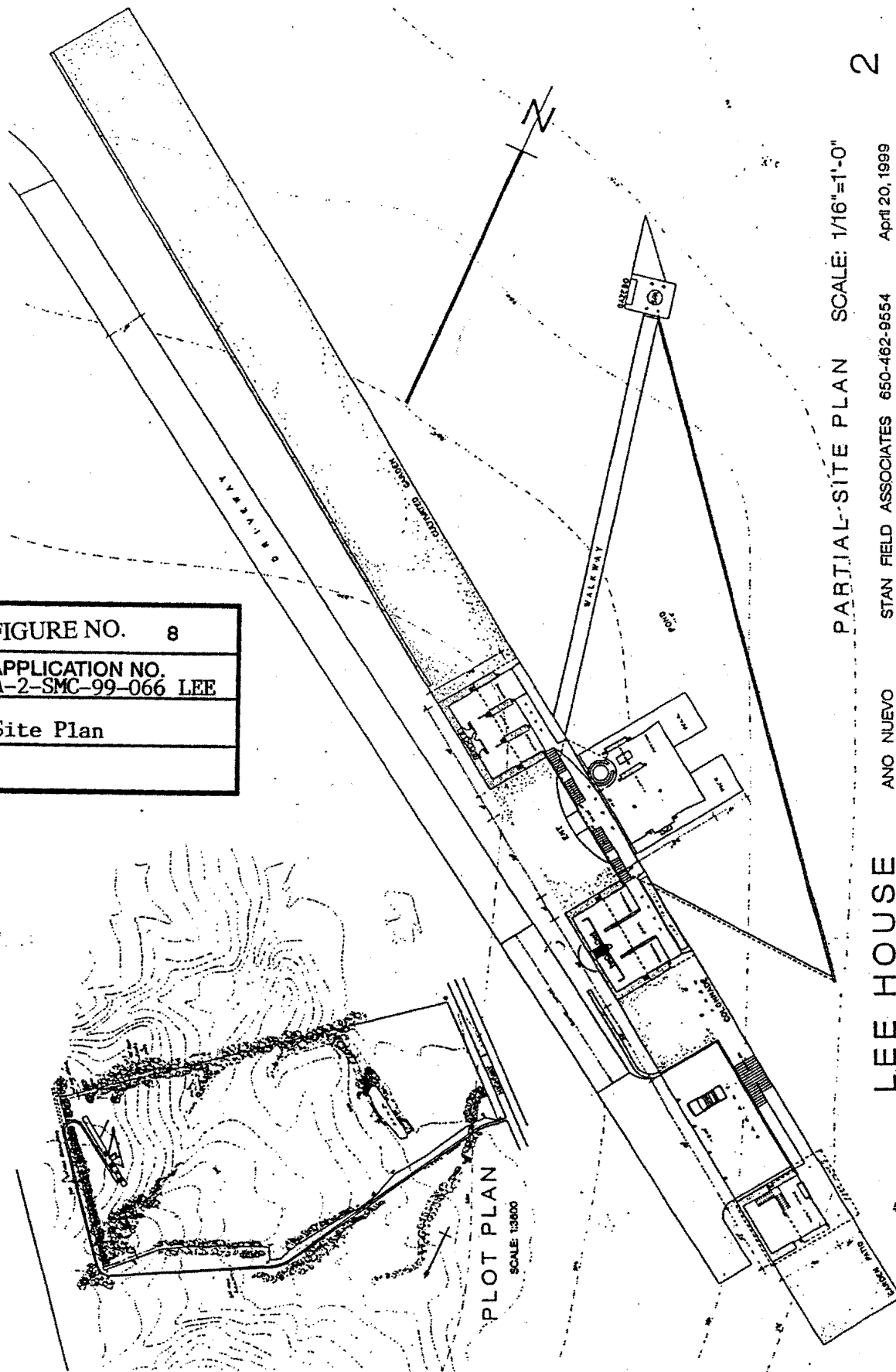
HIGHWAY 1

Ano Nuevo
State Reserve



N

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



2

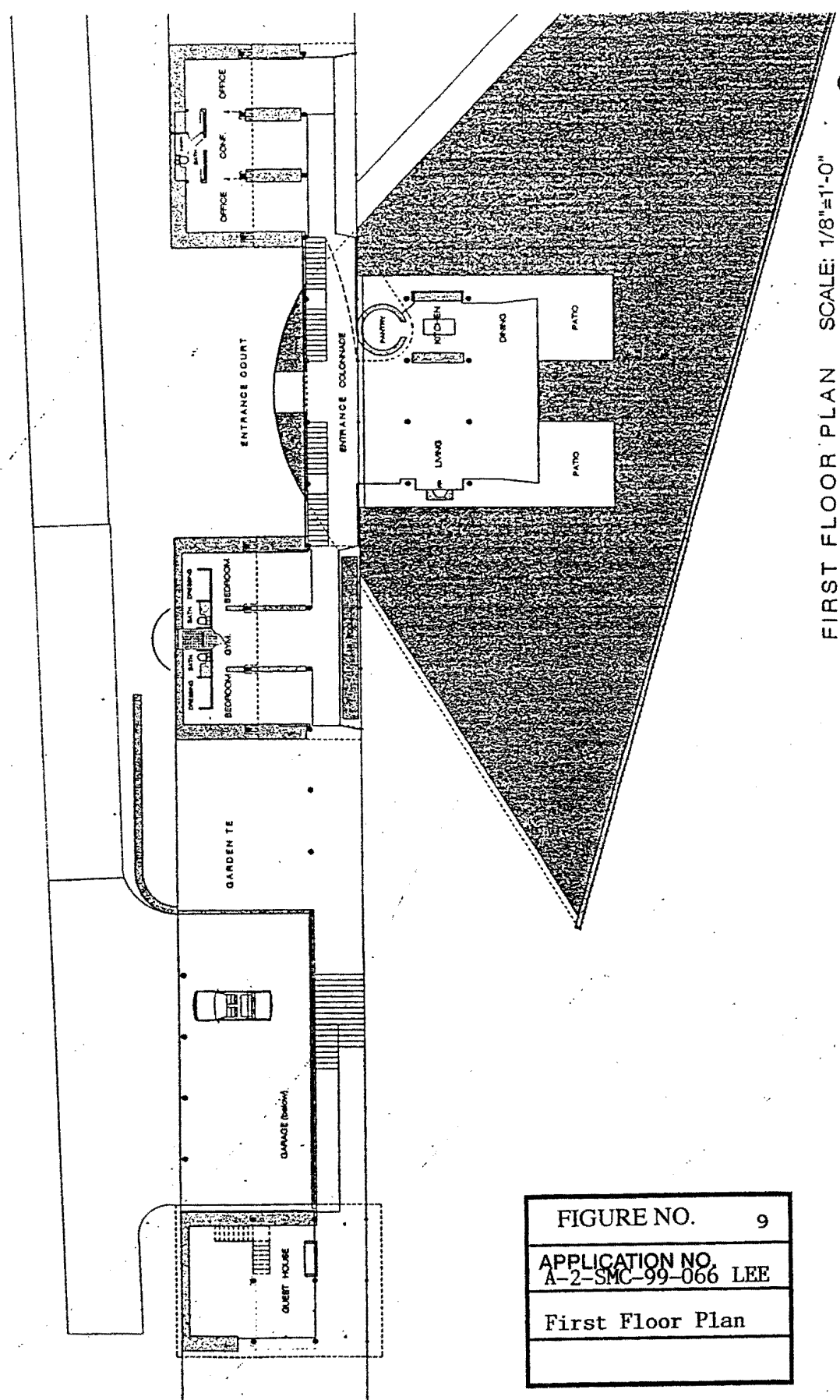
PARTIAL-SITE PLAN SCALE: 1/16"=1'-0"

April 20, 1999

STAN FIELD ASSOCIATES 650-462-9554

ANO NUEVO

LEE HOUSE



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

3

STAN FIELD ASSOCIATES 650-462-9554 April 20, 1999

ANO NUEVO

LEE HOUSE

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

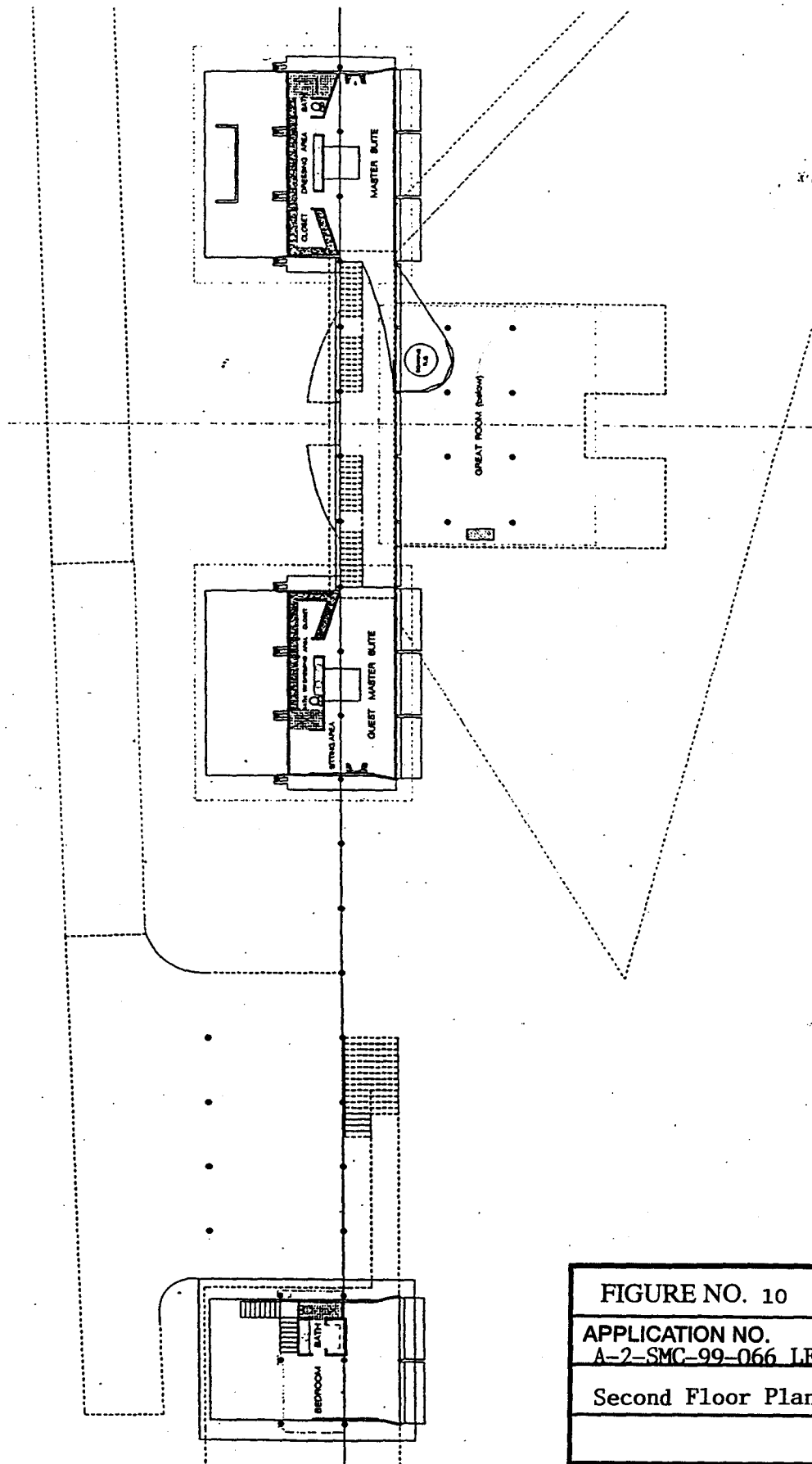
San Mateo County Planning Commission

Applicant: Stan Field

Attachment: C

File Numbers: PLN 1999-00296

2-21



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

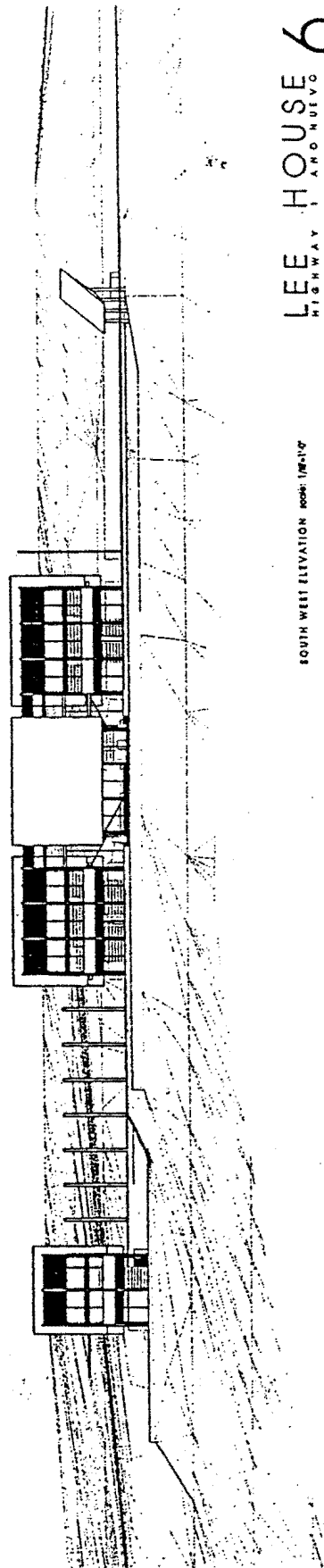
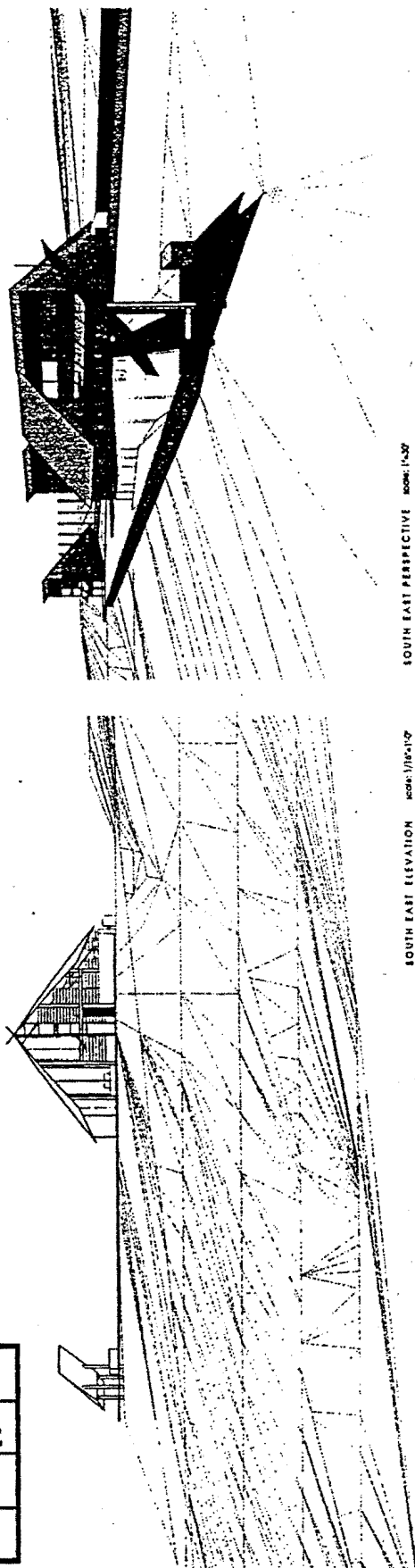
4

STAN FIELD ASSOCIATES 650-462-9554 April 20, 1999

LEE HOUSE

FIGURE NO. 10
APPLICATION NO. A-2-SMC-99-066 LEE
Second Floor Plan

FIGURE NO. 11
APPLICATION NO. A-2-SMC-99-066 LEE
Elevations and Perspectives



LEE HOUSE 6
HIGHWAY 1 AND NUEVO
STAN FIELD ASSOCIATES

SOUTH WEST ELEVATION SCALE: 1/8\"/>

SOUTH EAST PERSPECTIVE SCALE: 1/8\"/>

SOUTH EAST ELEVATION SCALE: 1/8\"/>

San Mateo County Planning Commission

Applicant: Stan Field

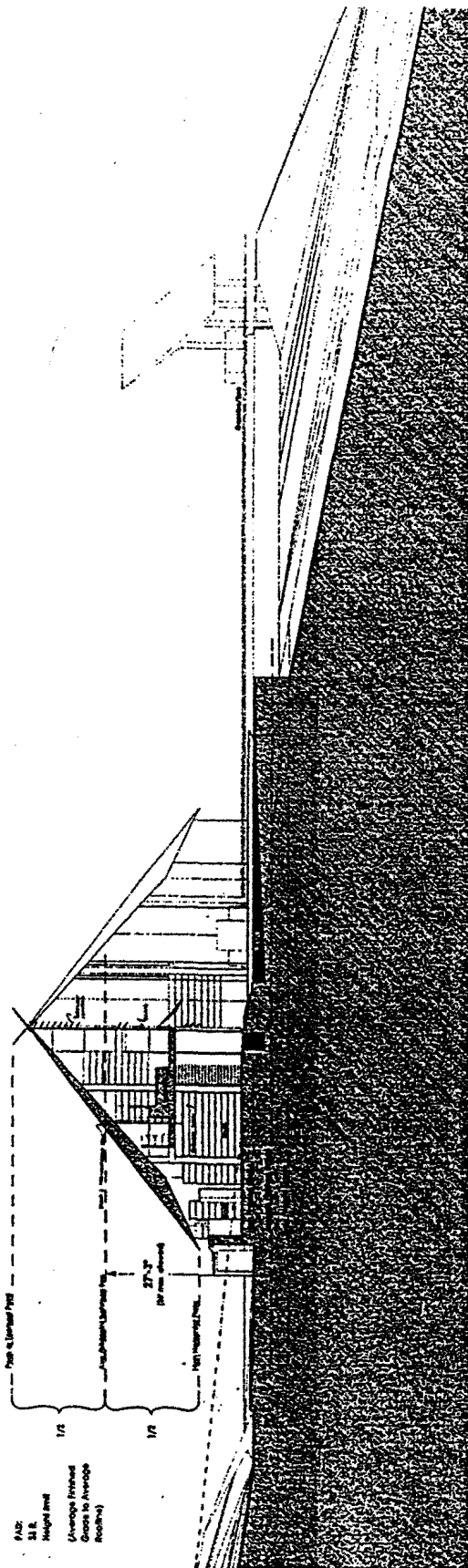
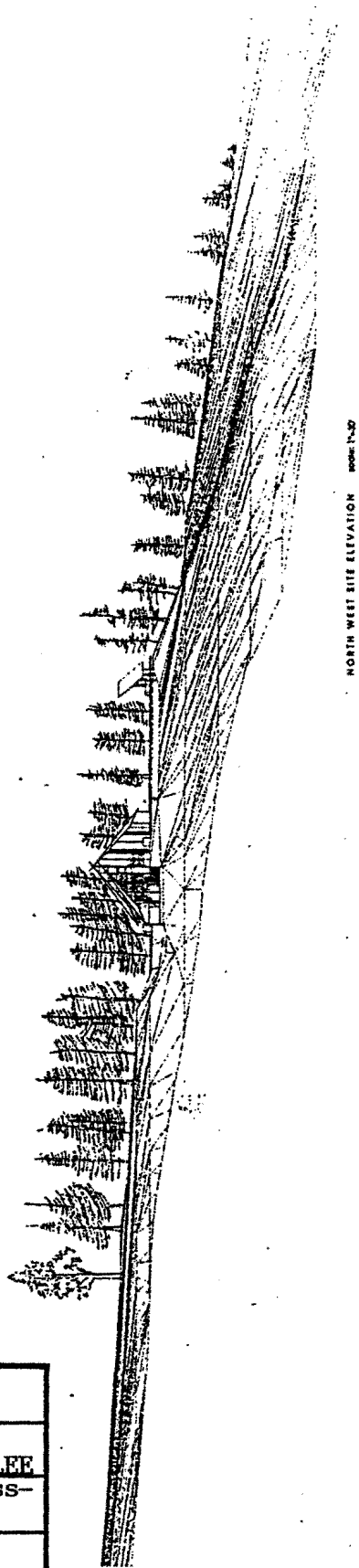
Attachment: D

File Numbers: PLN 1999-00296

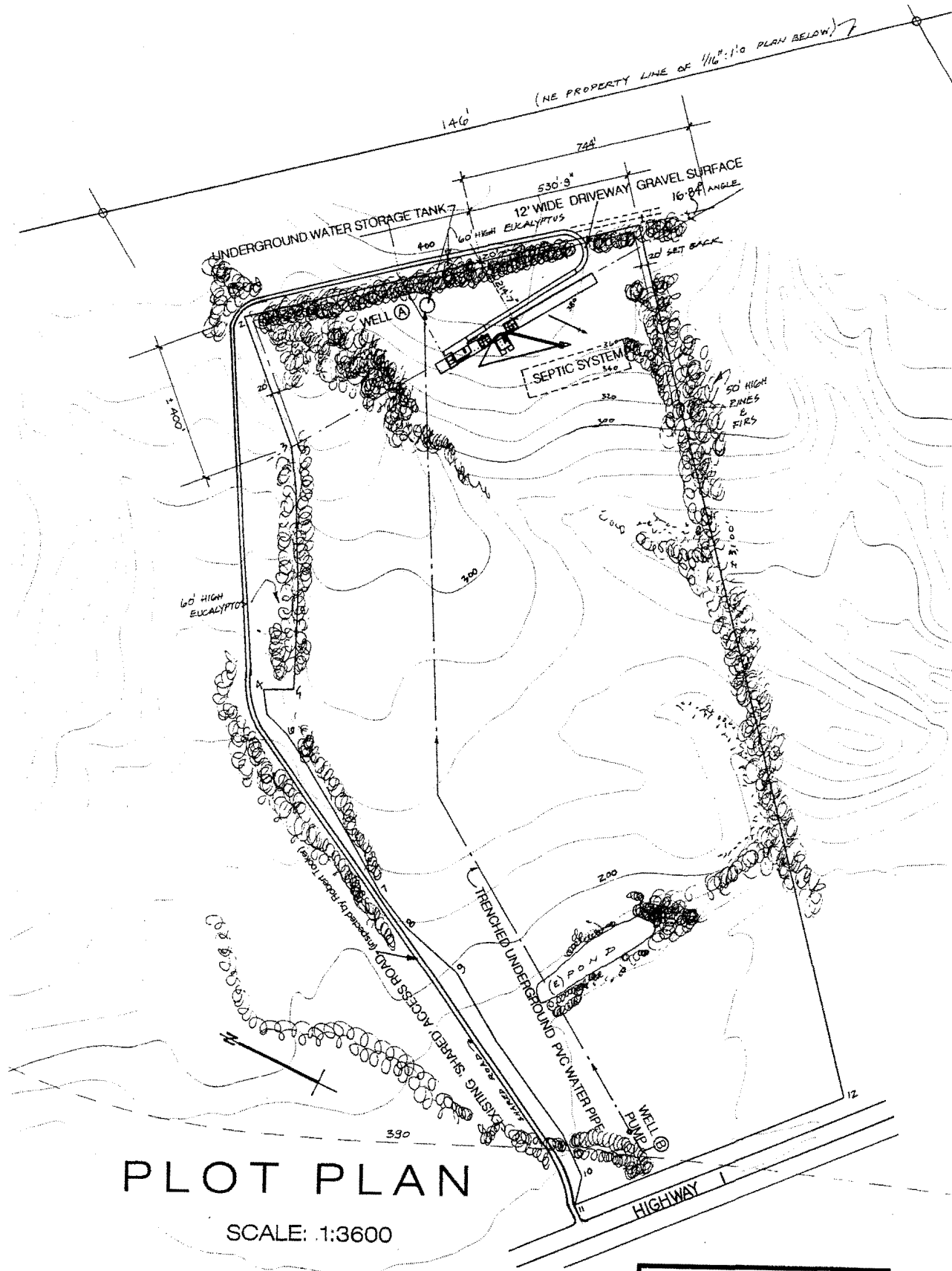
FIGURE NO.12

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

Elevation & Cross-
Section Showing
House Height



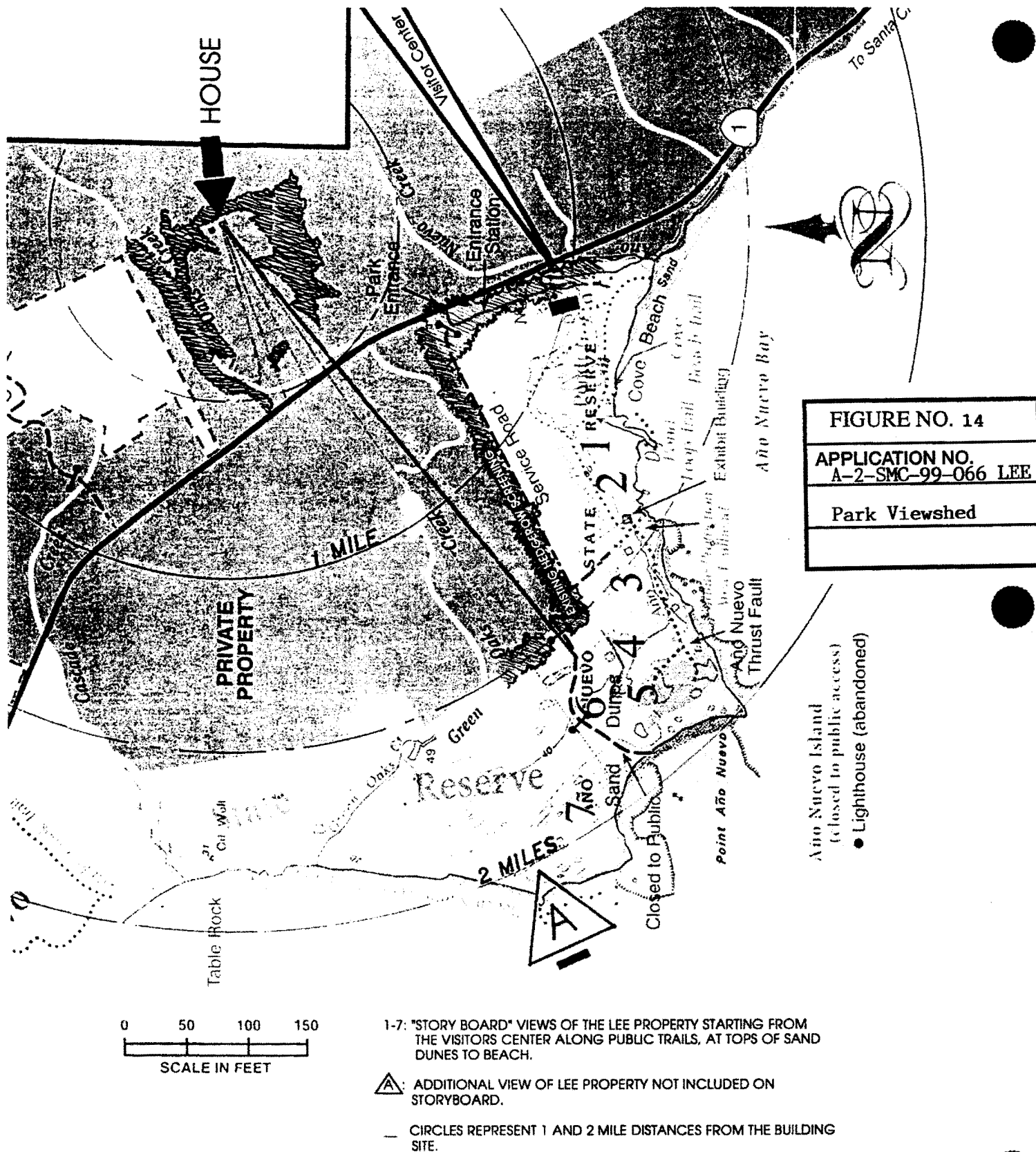
LEE, HOUSE 5
HIGHWAY AND OLIVE
STAN FIELD ASSOCIATES



PLOT PLAN

SCALE: 1:3600

FIGURE NO. 13
APPLICATION NO. A-2-SMC-99-066 LEE
Water Line, Wells, and Septic System



PARK VIEWSHED & LOCATION MAP

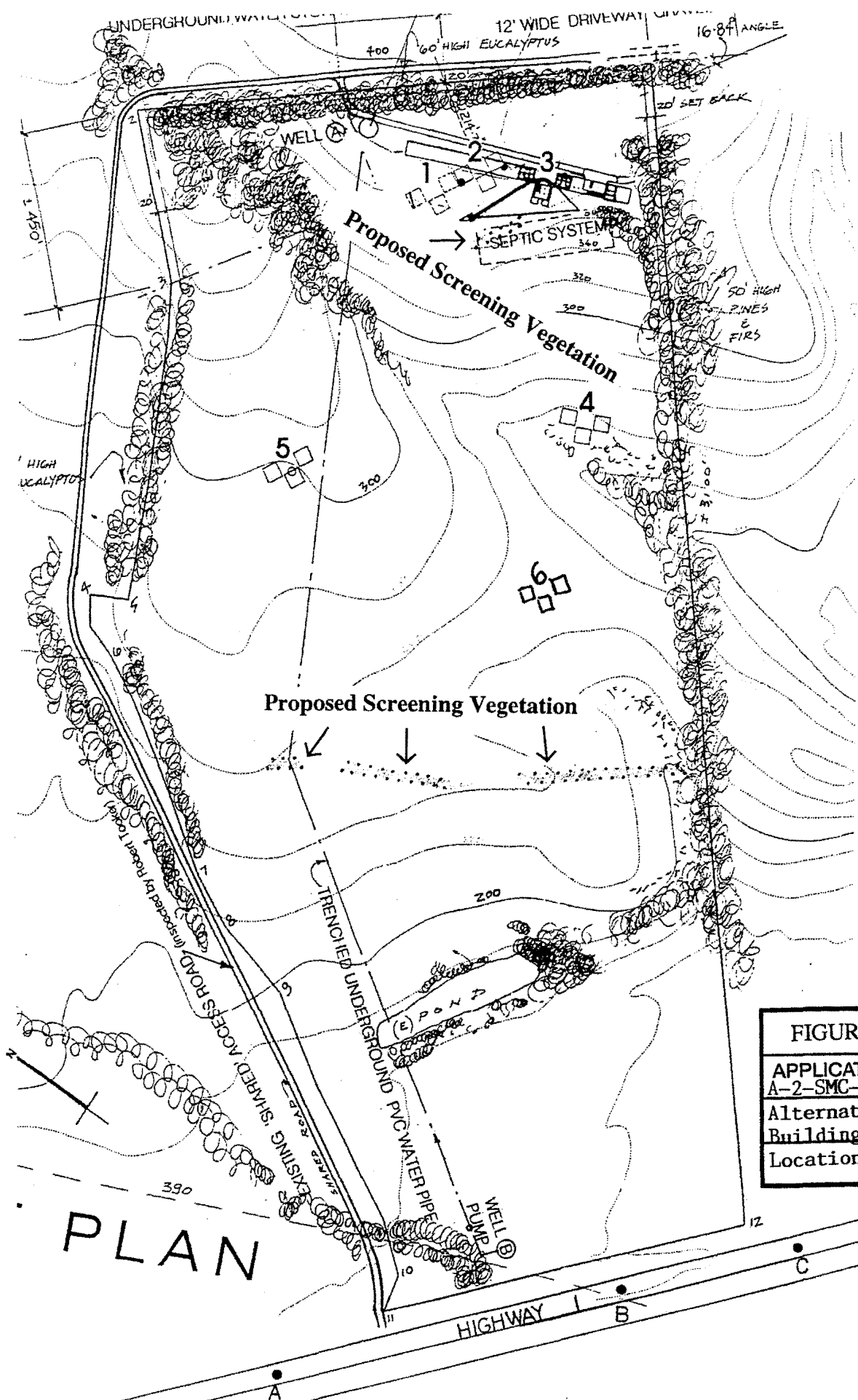


FIGURE NO. 15

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

Alternative
Building Site
Locations

BUILDING POSITION MAP SHOWING FIVE ALTERNATIVE BUILDING SITES (NTS)

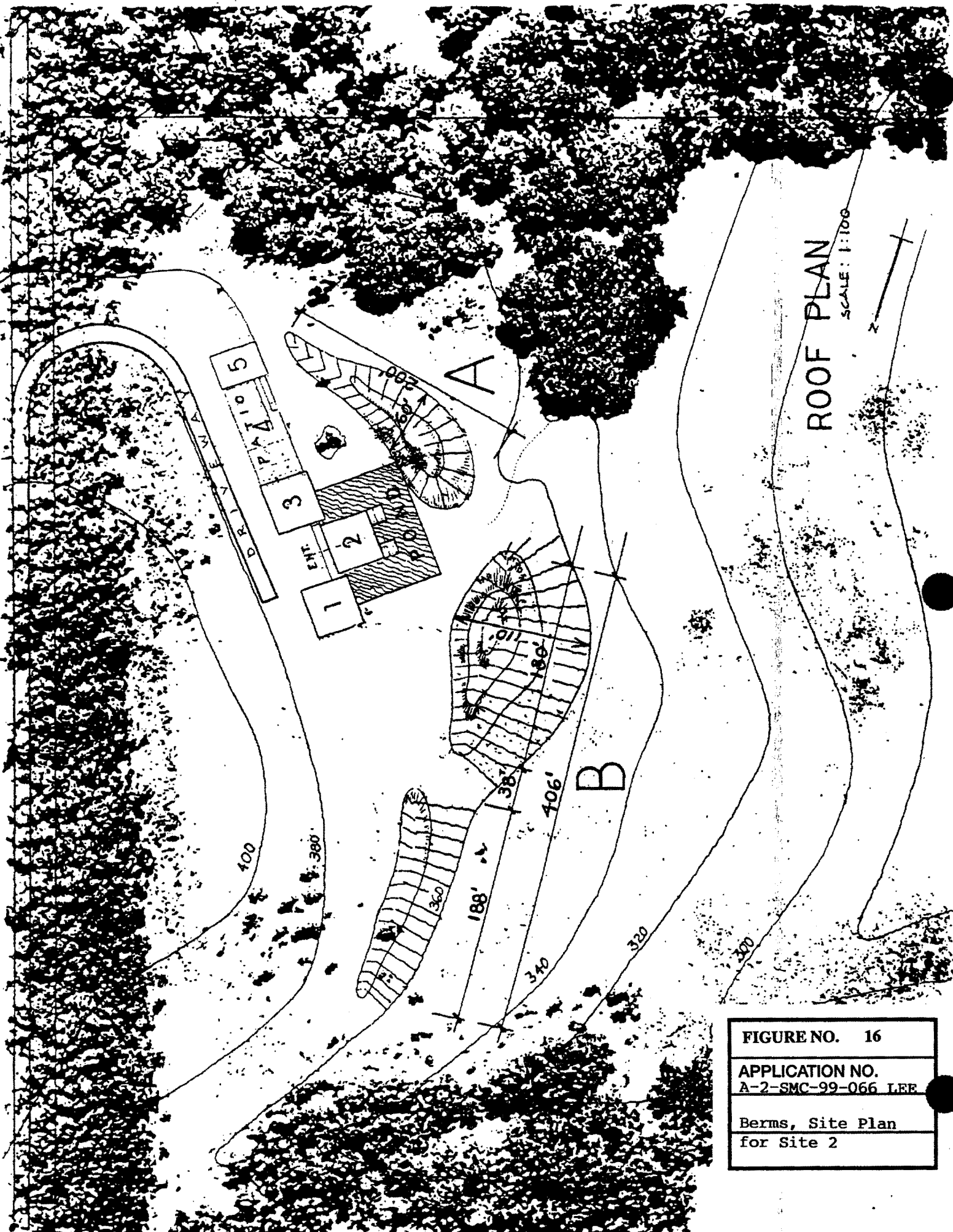
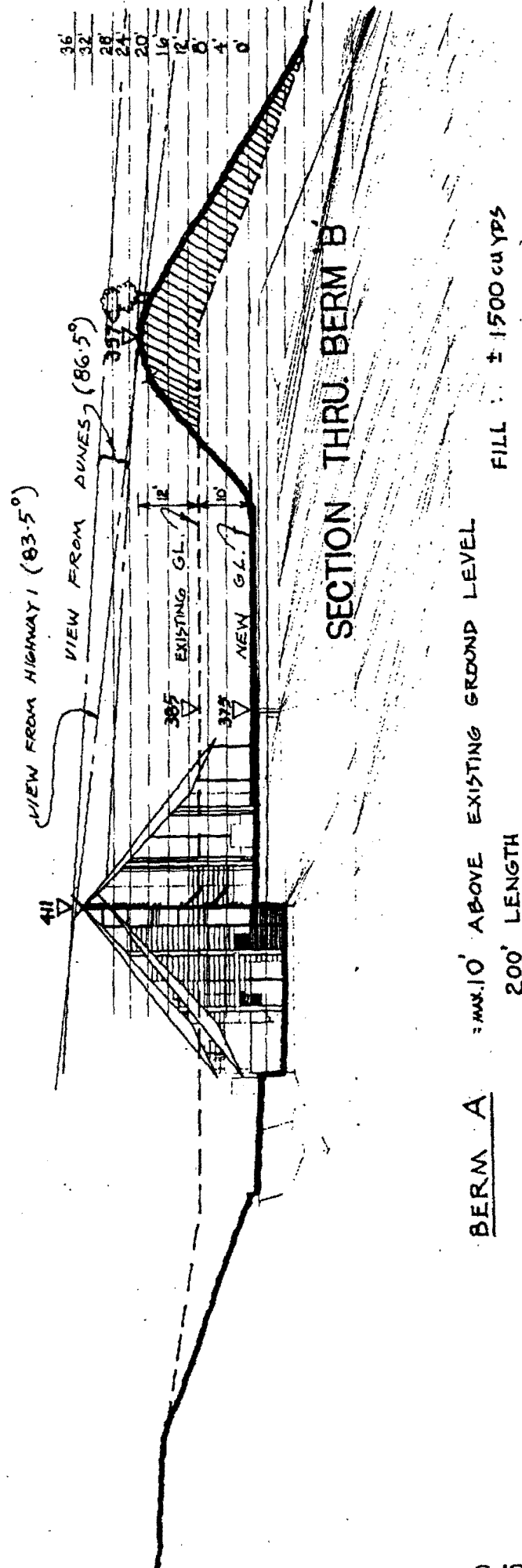


FIGURE NO. 16
APPLICATION NO. A-2-SMC-99-066 LEE
Berms, Site Plan for Site 2



BERM A : max. 10' ABOVE EXISTING GROUND LEVEL
200' LENGTH

BERM B : max. 12' ABOVE EXISTING GROUND LEVEL
406' LENGTH

FILL : ± 3200 cu yds
NORTH WEST ELEVATION scale: 1/32" = 1' 0"

BERMS TO BE MADE FROM DIRT EXCAVATED FOR HOUSE & POND (± 6000 - 7000 cu yds cut) AVAILABLE. RESIDUE TO BE USED FOR FRONT RIDGE BERM, IF NECESSARY. BERMS TO BE SOLD EARTH WITH NATIVE PLANTING TO BLEND WITH THE NATURAL MEADOW - NATIVE GRASSES PLUS KYOTY BUSHES.

FIGURE NO. 17
APPLICATION NO. A-2-SMC-99-066 LEE
Berms, Site Section through Berm B

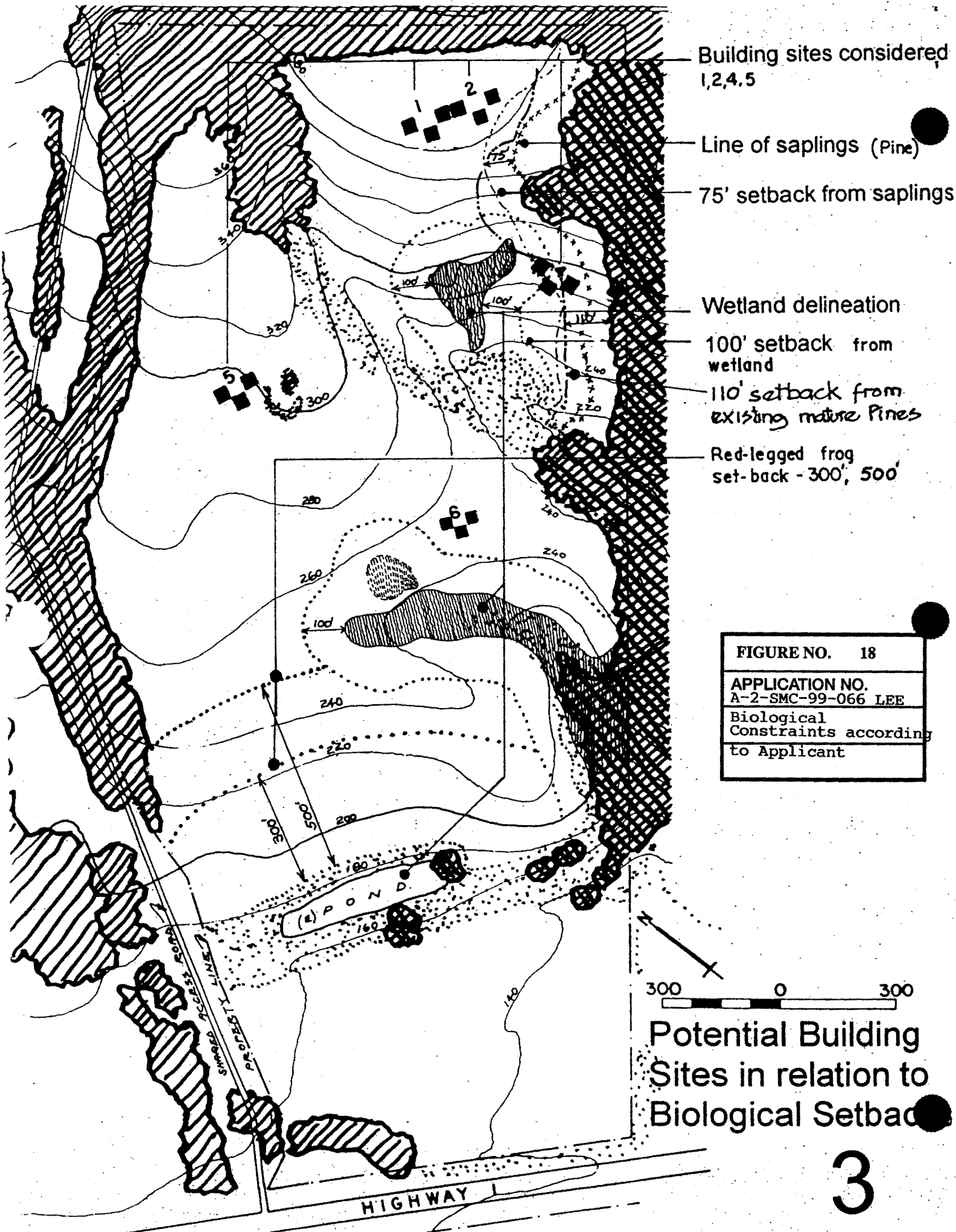
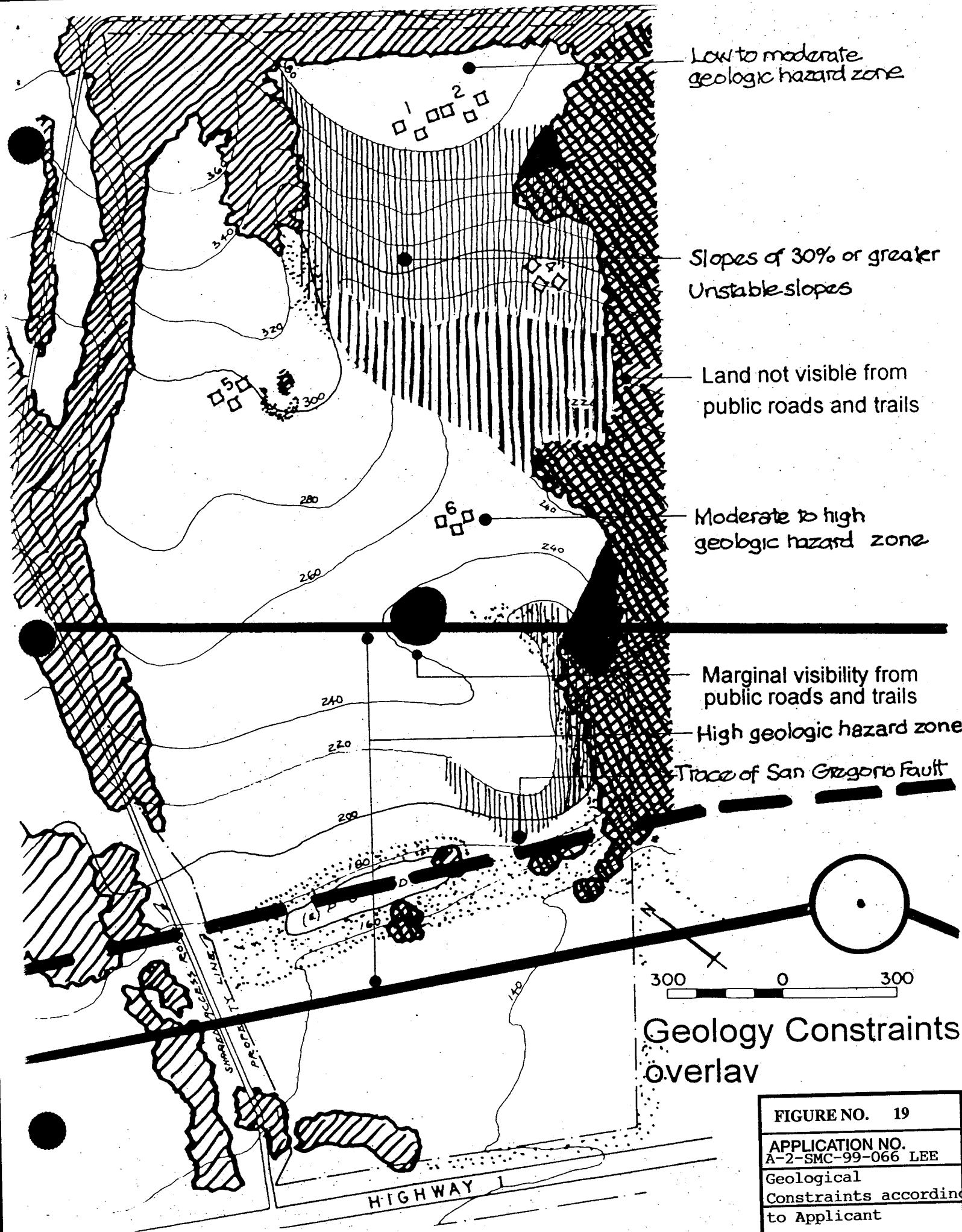
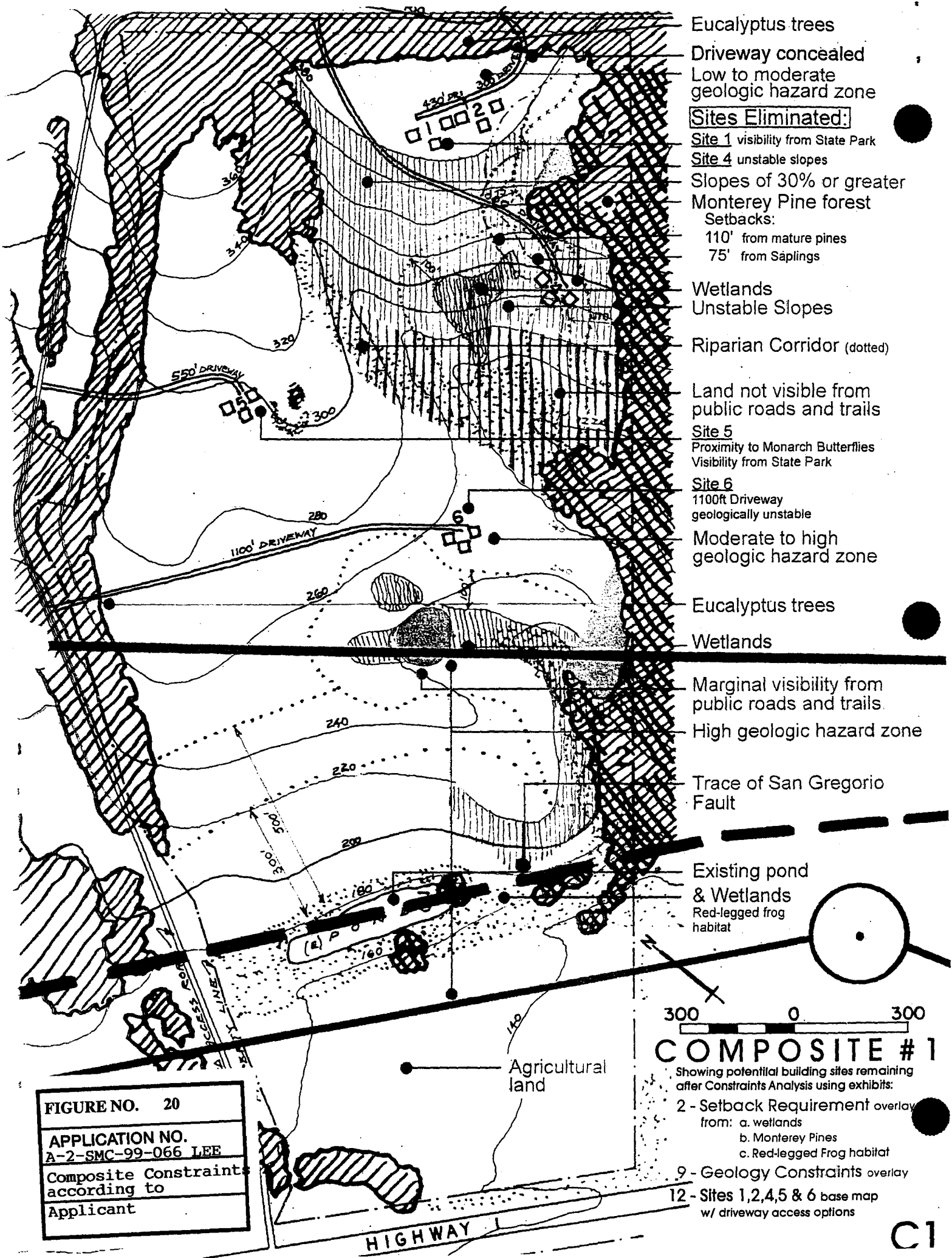


FIGURE NO. 18

APPLICATION NO.
A-2-SMC-99-066 LEE
Biological
Constraints according
to Applicant





Eucalyptus trees
 Driveway concealed
 Low to moderate geologic hazard zone

Sites Eliminated:

Site 1 visibility from State Park

Site 4 unstable slopes

Slopes of 30% or greater

Monterey Pine forest

Setbacks:

110' from mature pines

75' from Saplings

Wetlands

Unstable Slopes

Riparian Corridor (dotted)

Land not visible from public roads and trails

Site 5

Proximity to Monarch Butterflies

Visibility from State Park

Site 6

1100ft Driveway geologically unstable

Moderate to high geologic hazard zone

Eucalyptus trees

Wetlands

Marginal visibility from public roads and trails

High geologic hazard zone

Trace of San Gregorio Fault

Existing pond & Wetlands
 Red-legged frog habitat

Agricultural land

COMPOSITE #1

Showing potential building sites remaining after Constraints Analysis using exhibits:

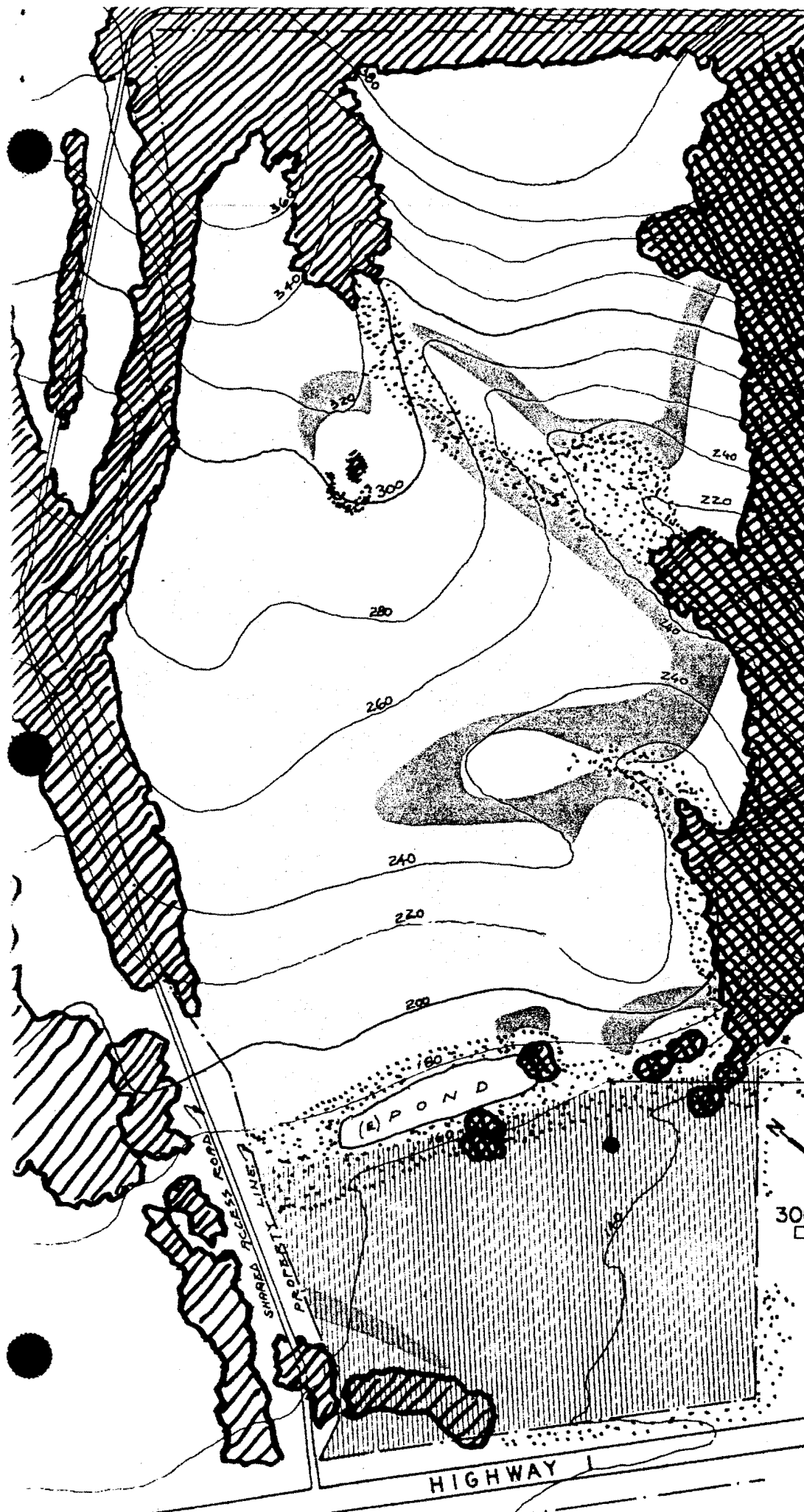
2 - Setback Requirement overlay from:
 a. wetlands
 b. Monterey Pines
 c. Red-legged Frog habitat

9 - Geology Constraints overlay

12 - Sites 1,2,4,5 & 6 base map w/ driveway access options

FIGURE NO. 20
 APPLICATION NO.
 A-2-SMC-99-066 LEE
 Composite Constraint according to Applicant

C1

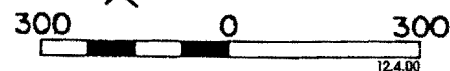


Land directly visible
from Public Roads
and Trails



Areas a 12' object
would be visible from
Public Roads and Trails

10 acres agricultural land



Visual Analysis

FIGURE NO. 21

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

Visual Constraints
according to
Applicant

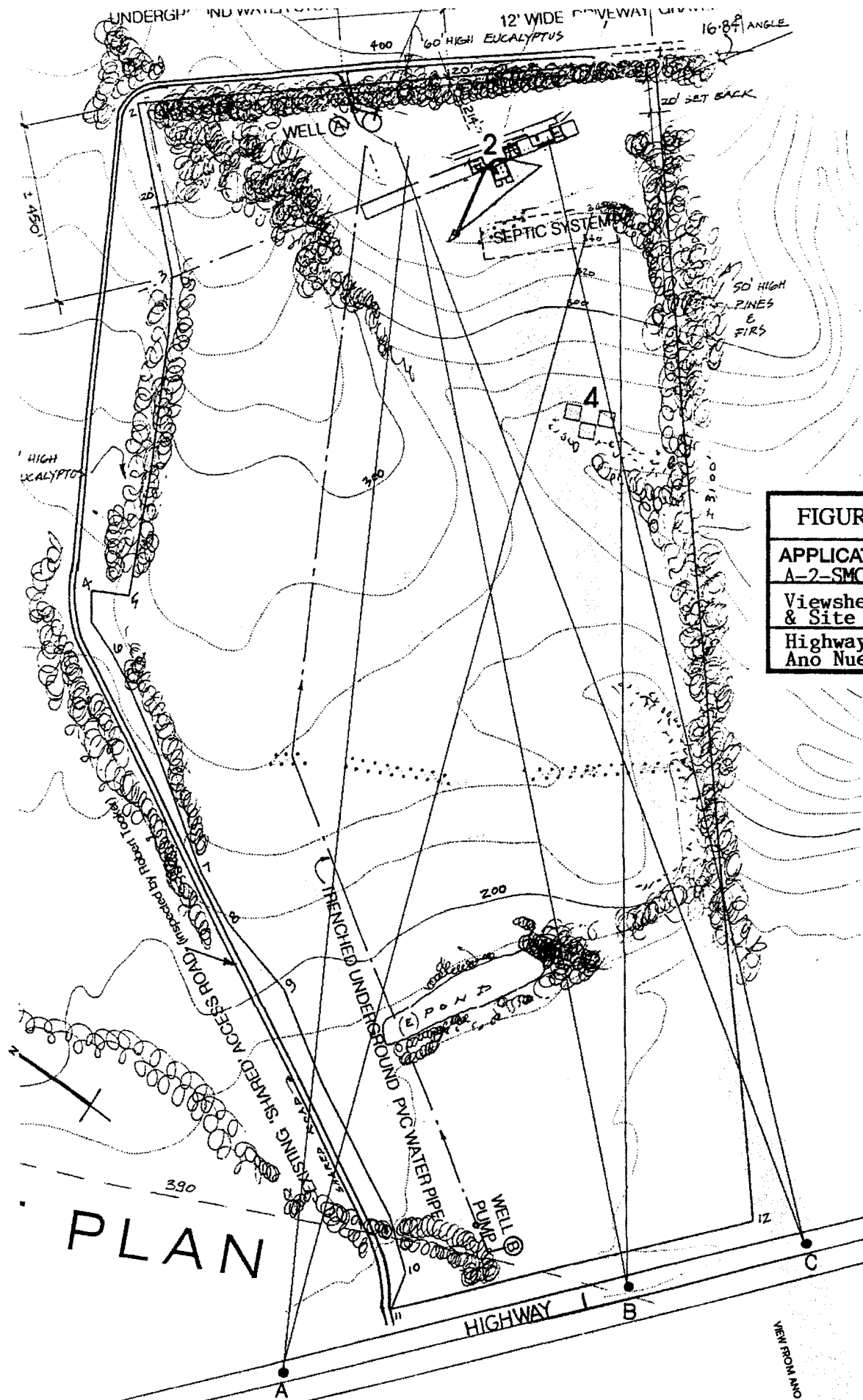


FIGURE NO. 22

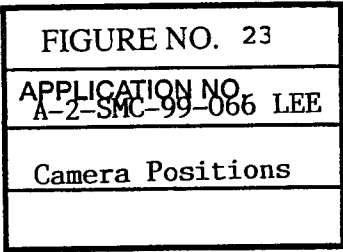
APPLICATION NO.
A-2-SMC-99-066 LEE

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



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

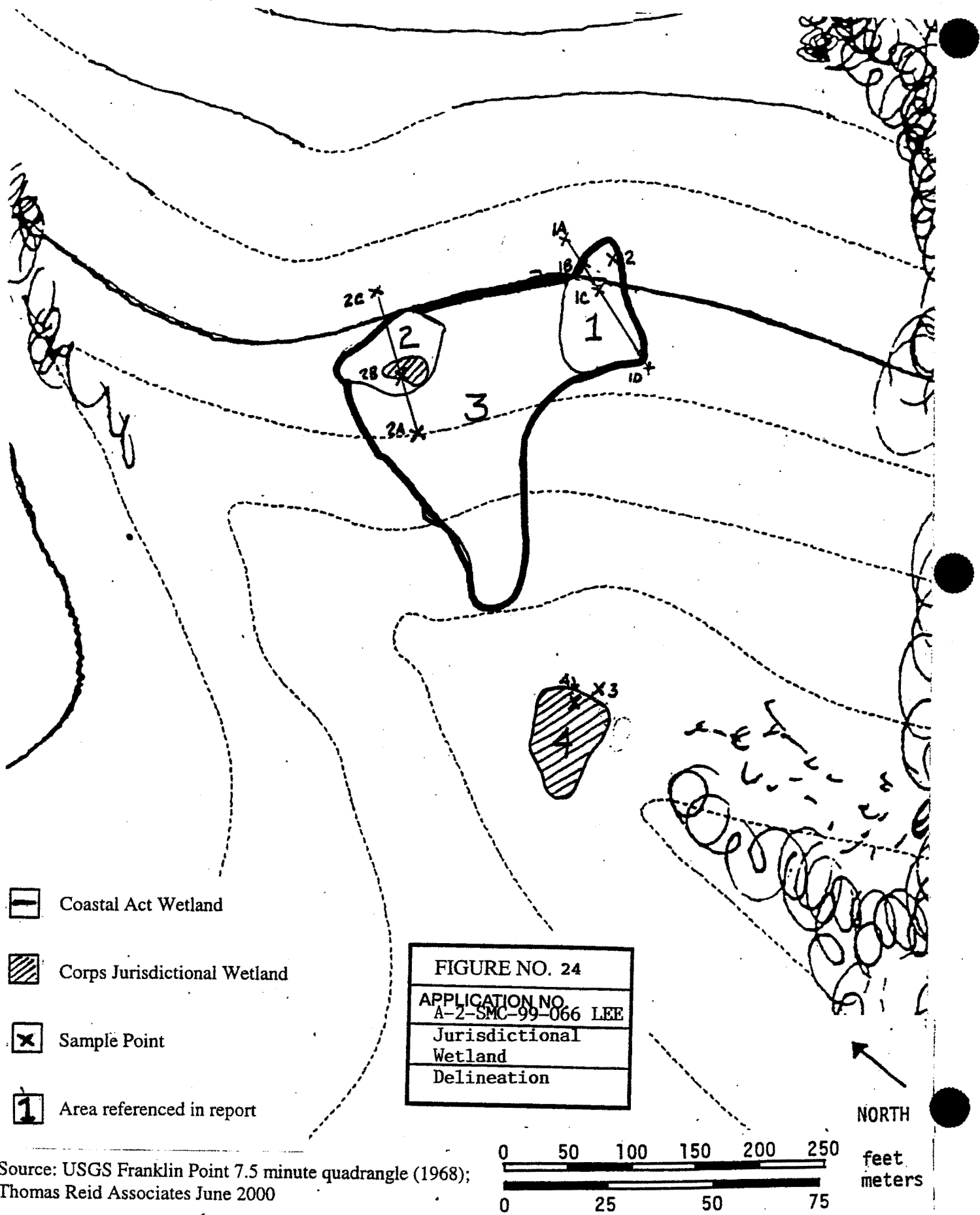
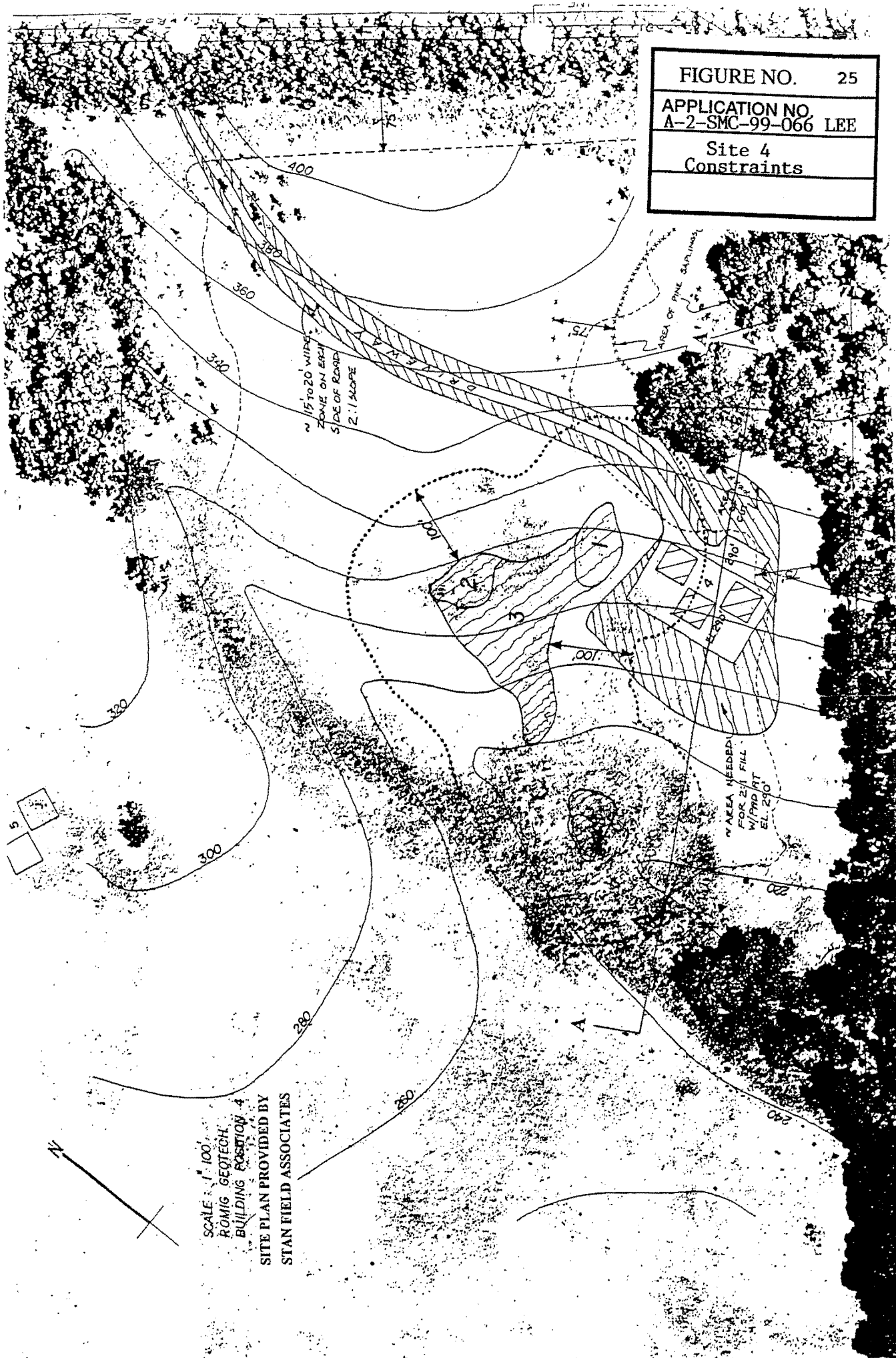


FIGURE NO. 25

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

Site 4
Constraints



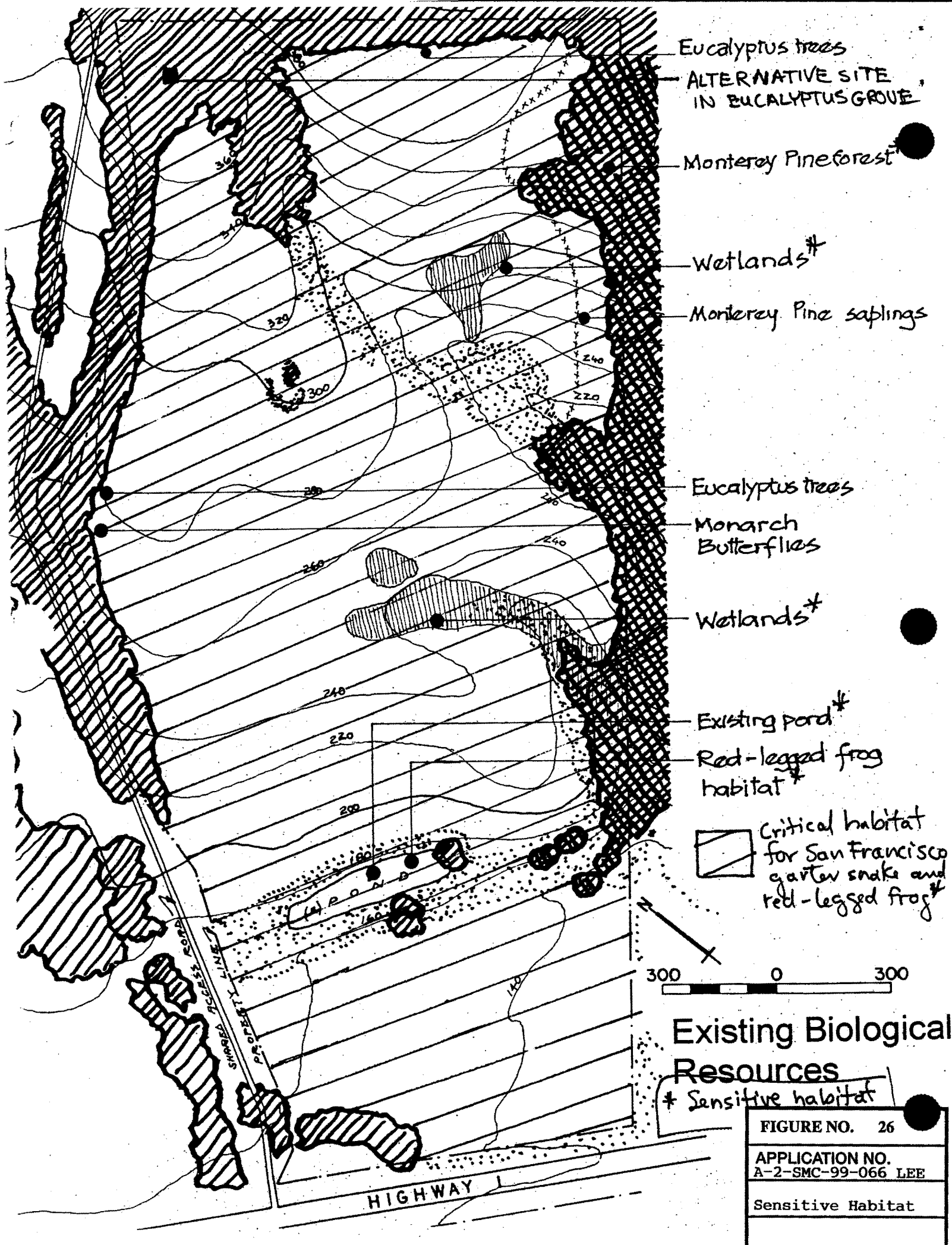


FIGURE NO. 26

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

Sensitive Habitat

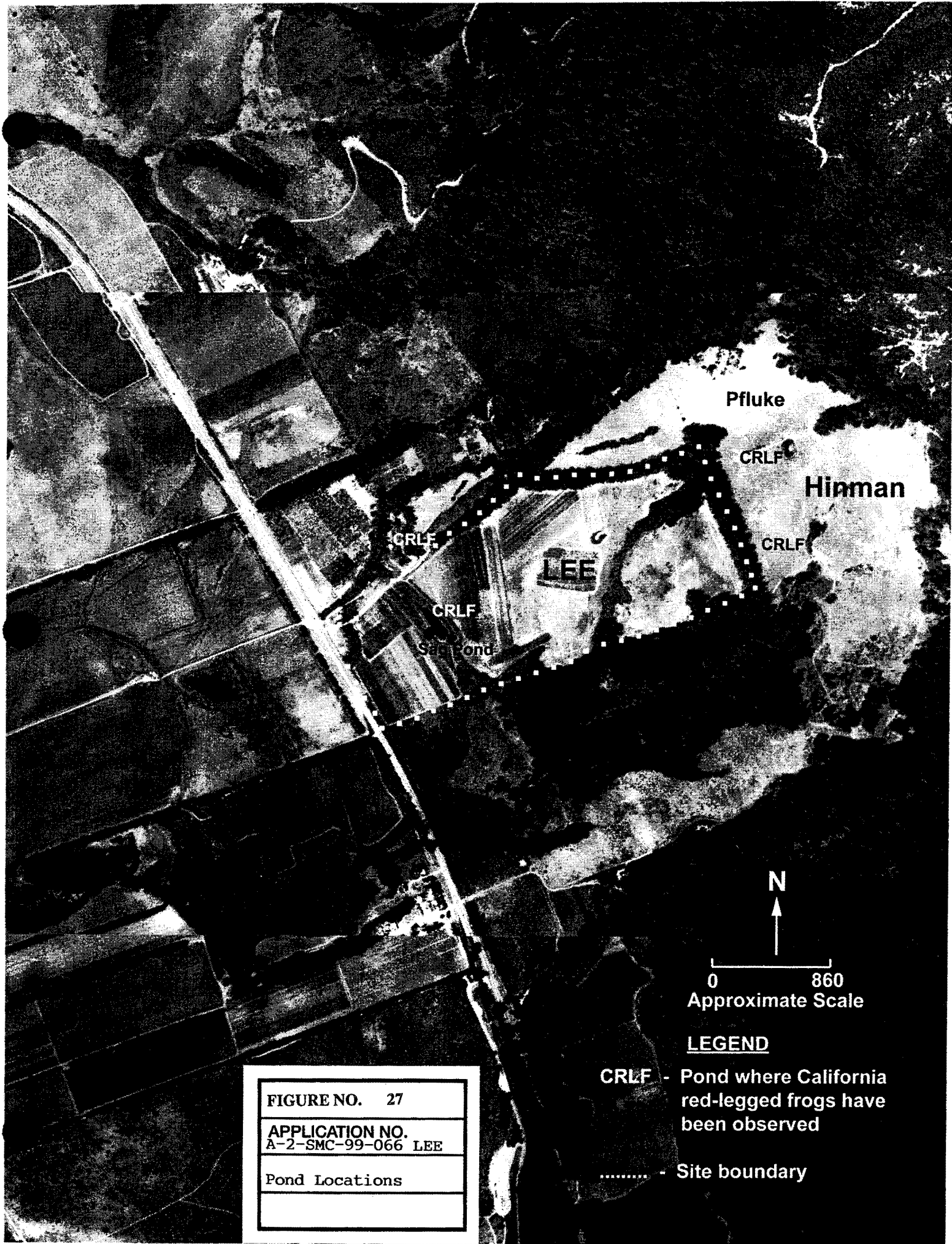


FIGURE NO. 27

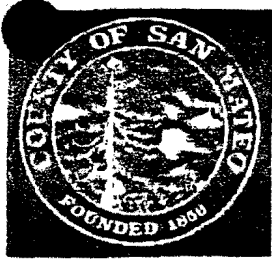
APPLICATION NO.
A-2-SMC-99-066 LEE

Pond Locations

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EXHIBITS

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Environmental Services Agency**Planning and Building Division****County of San Mateo**

Mail Drop PLN122 • 456 County Center • 2nd Floor • Redwood City
California 94063 • Telephone 650/363-4161 • Fax 650/363-4849

Board of Supervisors

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

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

Planning Administrator
Terry L. Burnes

Please reply to:

Damon DiDonato**(650) 363-1852****PROJECT FILE**

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) 904-5260



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 feet 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 Completing 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: _____

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

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 GOVERNMENTCALIFORNIA
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 Wanc/o CCC 45 Fremont StSan Francisco, CA 94105

Zip

(415) 904 5260

Area Code

Phone No.

SECTION II. Decision Being Appealed1. Name of local/port
government: San Mateo County2. Brief description of development being
appealed: See attached3. 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-99-66DATE FILED: 12/16/99DISTRICT: 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

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.

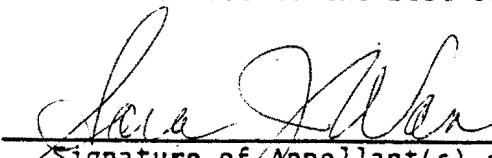
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

please see attached

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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.

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.

County of San Mateo
Department of Environmental Management
Planning and Development Division

Density Analysis
File #: 667(88)

Zone: PAD

DENSITY ANALYSIS RESULTS
(Staff Use Only)

Assessor's Parcel Numbers:

029-230-220 _____

Maximum Allowable Density:* Coastal Zone 1 Non-Coastal Zone _____ Total 1

Calculated Area: 88.81 Acres or _____ Sq. Ft.

*Density is expressed in Density Credits (within PAD, RM-CZ and TPZ-CZ Districts), or dwelling units (elsewhere), which are more or less equivalent for residential uses.

NOTICE TO APPLICANT

1. In subdivisions involving a minimum lot size, the area devoted to roads, rights-of-way, and access easements must be subtracted from lot area calculations; this may result in a lower overall density.
2. Each dwelling must be located on a separate parcel.
3. All applicable County standards and requirements as administered by the Directors of Public Works, Environmental Health, Planning, and the Building Official must be met.

Additional Comments

EXHIBIT NO. 3

APPLICATION NO.

A-2-SMC-99-066 LEE

Density Credits

Analyzed by: D. Lopez

Delineator

Date: 9-28-88

Approved by: B. Johnson

Senior Planner

Date: 30/SEPT/88

County of San Mateo
Department of Environmental Management
Planning and Development Division

DENSITY ANALYSIS

(See Reverse for Explanation and Notes)

Land CategoryRateAreaDensity

1. Lands Within Coastal Zone
(PAD, RM/CZ, TPZ/CZ Districts)

a. Prime Agricultural Land	1/160 (1 max)	14.05	.09
b. Slope Instability/Landslide Susceptibility (None)	1/160 (1 max)	-	
c. Slope 60% or Greater	1/160 (1 max)	.07	.00
d. Remote Lands (1/2 mi.) (no water impoundment)	1/160	12.50	.08
e. Slope 30% But Less Than 50%	1/80	3.38	.04
f. Rift Zones or Active Faults	1/80	20.89	.26
g. 100 Year Flood Plain	1/60	.15	.00
h. Slope 15% But Less Than 30%	1/60	13.38	.22
i. Agric. Preserve or Exclusive Agric. District	1/60	24.39	.41
j. Other	1/40	-	

SUBTOTALS, COASTAL ZONE

88.81 1.10

2. Lands Outside Coastal Zone
(RM, TPZ Districts)

a. 100 Year Flood Plain	1/40		
b. Remote Lands (1 mile)	1/40		
c. Agric. Preserve (Except TPZ)	1/40		
d. Slope Instability/Landslide Susceptibility	1/40		
e. Rift Zones or Active Faults	1/40		
f. Slope 50% or Greater	1/40		
g. Slope 30% But Less Than 50%	1/20		
h. Slope 15% But Less Than 30%	1/10		
i. State Scenic Highway Corridor	1/10		
j. Class I or II Soils (Except TPZ)	1/10		

- c. Slope 50% or Greater
- d. Remote Lands (1/2 mi.) (inc. water impoundment)
- e. Slope 30% But Less Than 50%
- f. Rift Zones or Active Faults
- g. 100 Year Flood Plain
- h. Slope 15% But Less Than 30%
- i. Agric. Preserve or Exclusive Agric. District
- j. Other

1/100 (1 max)		
1/160 (1 max)	.07	.00
1/160	12.50	.08
1/80	3.38	.04
1/80	20.89	.26
1/60	.15	.00
1/60	13.38	.22
1/60	24.39	.41
1/40	-	
SUBTOTALS, COASTAL ZONE		88.81 1.10

2. Lands Outside Coastal Zone
(RM, TPZ Districts)

- a. 100 Year Flood Plain
- b. Remote Lands (1 mile)
- c. Agric. Preserve (Except TPZ)
- d. Slope Instability/Landslide Susceptibility
- e. Rift Zones or Active Faults
- f. Slope 50% or Greater
- g. Slope 30% But Less Than 50%
- h. Slope 15% But Less Than 30%
- i. State Scenic Highway Corridor
- j. Class I or II Soils (Except TPZ)
- k. Other

1/40		
1/40		
1/40		
1/40		
1/40		
1/40		
1/20		
1/10		
1/10		
1/10		
1/5		
SUBTOTALS, OUTSIDE COASTAL ZONE		- -

Maximum Allowable Density: COASTAL ZONE 1 TOTAL 1

Property Description (APNs):

089-230-220 - -
- -
- -

Zoning District: PAD
By: D. Sespa
Date: 9-28-88

Density
Analysis
File # 667(88)

County of San Mateo
Department of Environmental Management
Planning and Development Division

DENSITY ANALYSIS

Explanation of Terms

Land Category

Property is divided into categories based on its physical characteristics or use. The land in each category accumulates density at a different rate. Further explanation of each land category may be found in Zoning Ordinance Sections 6356, 6906 and 6977 (within Coastal Zone) and Sections 6317 and 6770 (outside Coastal Zone).

Rate

A ratio of density to area which is used to determine total density accumulated for all lands in a given category. Categories 1.a, 1.b and 1.c cannot accumulate more than one density credit regardless of the amount of land in the category.

Area

Area (in acres) of land in each category. Categories are analyzed in order listed. A given portion of land is included in the first category which applies and then may not be included in subsequent categories.

Density

Expressed in density credits (within Coastal Zone) or dwelling units (outside Coastal Zone), which are more or less equivalent for residential uses. Density is rounded to the nearest whole number to get maximum allowable density. This determines the maximum number of dwelling units allowed and the maximum number of parcels into which property may be divided. Maximum allowable density also controls intensity of non-residential development in Coastal Zone. (Note that for parcels which lie both within and outside of the Coastal Zone, density within the Coastal Zone may not exceed the amount of density accumulated by that portion of the property within the Coastal Zone.)

Notes on This Density Analysis

CORRESPONDENCE

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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.

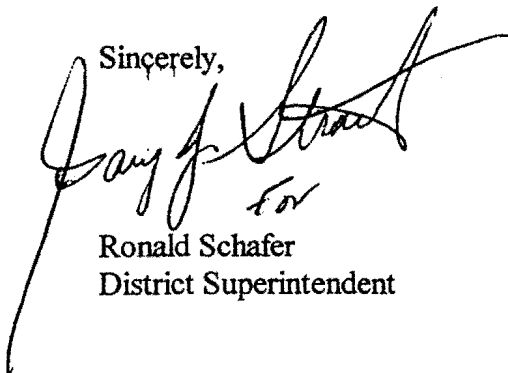
Specific Comments on Negative Declaration

- 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 Ano 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 stylized with a long, sweeping underline that extends to the left and then curves back under the name. Below the signature, the word "For" is written in a smaller, cursive script.

Ronald Schafer
District Superintendent

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

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", with a stylized, cursive script.

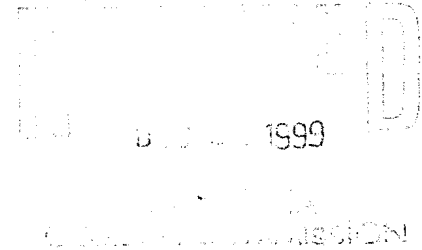
Damon DiDonato
Project Planner

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



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, 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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**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 long 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

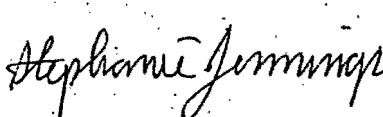

3631 Evergreen Drive
Palo Alto, CA 94303

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 Kasek



RC ROSALIND CAROL

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

APN 089-230-220

RECEIVED

JAN 07 2000

CALIFORNIA
COASTAL COMMISSION

Rosalind Carol

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 'monstrous 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 & thousands more enjoy the open spaces & lack of much of man's imprint of their lands. 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 reason that I can see that requires
a 2nd home or even a primary one to be no longer.
They can enjoy their land & home in this one of beauty
but not at the animal expense of everyone else.
~~and~~ This land is too precious to allow wildly
development. If these two places are allowed in as they
stand I think in not too much more time other
& 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 2000

CALIFORNIA
COASTAL COMMISSION

Thank you

Alan De Martin

Alan De Martin

1696 E. Escalante St.

San Mateo (A. 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.

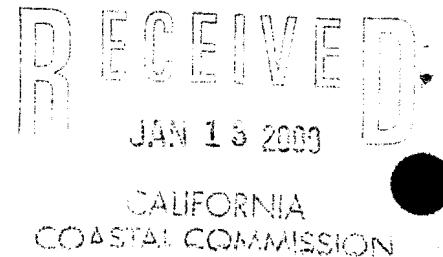
Respectfully yours,
Peter J. Metropoulos

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



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 deleterious 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



State of California • The Resource Agency

DEPARTMENT OF PARKS AND RECREATION • P.O. Box 942896 • Sacramento, CA 94296-0001

(916) 653-8380

Chris Kern

Gray Davis, Governor

Rusty Areias, Director

JAN 12 2000

cc: *C. Lester, Sr.*

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.

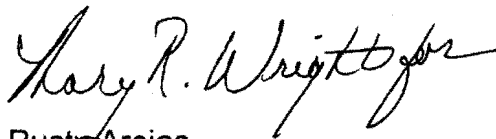
The California Department of Parks and Recreation believes this project as planned will degrade the scenic characteristics in the area of this State Reserve. The site of the proposed construction is very visible from numerous locations on the main public trail in the Reserve. The proposed site is also 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

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 dark ink, appearing to read "Rusty Areias", with a stylized flourish at the end.

Rusty Areias
Director

RECEIVED

JAN 24 2000

CALIFORNIA
COASTAL COMMISSION

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

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, 2008

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 Back 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.