

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
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# W-16a

## RECORD PACKET COPY

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Staff:	SC
Staff Report:	02/26/01
Hearing Date:	03/14/01
Commission Action:	

### STAFF REPORT: APPEAL SUBSTANTIAL ISSUE DETERMINATION

**Appeal Number**..... A-2-SMC-00-038  
**Local Government**..... San Mateo County  
**Decision** ..... Approved with conditions, 10/17/00  
**Applicants** ..... John & Astrid Anderson  
**Appellants** ..... Committee for Green Foothills; Kent Harvey; Kathryn Slater-Carter  
**Project Location** ..... 400 Dehoff Canyon Road, San Mateo County (APN 066-440-70)  
**Project Description** ..... Construct a one-story 2,881 square foot single-family residence  
**File Documents** ..... San Mateo County Certified Local Coastal Program; Coastal Development Permit PLN1999-00399; Geotechnical & Geologic Site Evaluation Report by GeoForensics, Inc.  
**Staff Recommendation**..... No Substantial Issue

### 1.0 EXECUTIVE SUMMARY

Staff recommends that the Commission, after conducting the public hearing, determine that **no substantial issue** exists with respect to the grounds on which the appeal has been filed. The approved project is a one-story single-family residence, approximately 2,881 square feet in size, with an attached two-car garage.

The subject site is a 30-acre parcel located at 400 Dehoff Canyon Road, a private road located in an unincorporated area approximately two miles south of the city of Half Moon Bay. The parcel is located within the Cabrillo Highway State Scenic Corridor. The applicants propose to build a new single-family residence on an existing foundation and to convert an existing 950-square foot residence on the property to affordable housing.



California Coastal Commission

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The appellants contend that the project does not comply with the San Mateo County Local Coastal Program because the approved residence is not located on the least visible portion of the property and would be visible from Cabrillo Highway and other public viewpoints; the approved residence will break ridgeline and skyline views; the approved residence will not be clustered with existing buildings on the parcel; there is no certainty that there is adequate septic capacity or water availability on this parcel for two residences; agriculture is the principal permitted use for this parcel; the parcel should be limited to one density credit; the design and scale of the approved residence are not consistent with the area; and procedural irregularities at the County level independently justify a rehearing of this matter.

These contentions do not raise a substantial issue of conformity of the approved project with the certified LCP. First, the approved project is not located in a pristine area that is devoid of other development. Also, the extent and scope of the approved development are modest, the project site is  $\frac{3}{4}$  of a mile from the nearest public viewpoint, and only a portion of the development will be visible from public viewpoints. In addition, the County's Conditions of Approval require screening of the visible portion of the project. Furthermore, the project is not located on a ridgeline or skyline. Clustering the approved development with existing buildings on the parcel would result in massive landform alterations and removal of Monterey pine trees. The well for the project has qualified for certification and the proposed site for the septic system is adequate. Furthermore, no prime agricultural land will be converted by the approved development. Also, density credits are not required for affordable housing in this rural area and the existing residence on the property qualifies for conversion to affordable housing. In addition, the approved project is consistent in size and scale with other development in the area. Furthermore, the County's Conditions of Approval require the applicants to submit exterior color and material samples for review. Finally, contentions regarding procedural irregularities at the County level do not present valid grounds for appeal.

## 2.0 STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

**MOTION:** *I move that the Commission determine that Appeal No A-2-SMC-00-038 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

### **STAFF RECOMMENDATION:**

Staff recommends a YES vote. Passage of this motion will result in a finding of No Substantial Issue, and the adoption of the following resolution and findings 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 NO SUBSTANTIAL ISSUE:**

The Commission hereby finds that Appeal No. *A-2-SMC-00-038* presents no 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.

**3.0 PROJECT SETTING & LOCATION****3.1 Foundation Site History**

The San Mateo County Board of Supervisors approved the County's Local Coastal Program on August 5, 1980. The Coastal Commission certified the LCP with suggested modifications on November 5, 1980. The Board of Supervisors accepted these modifications on December 15, 1980. Prior to certification of the San Mateo County LCP, all development in the San Mateo County Coastal Zone required a coastal development permit from the Coastal Commission.

In 1978 the previous owners of this parcel (parcel C) received County approval to subdivide the property into two parcels. The County issued a building permit for a single-family residence on January 7, 1980. However, the previous owners never received a coastal development permit to subdivide the parcel or to build a single-family residence. The driveway and foundation were completed. The California Coastal Commission then intervened and filed a lawsuit against the previous owners seeking to enjoin the two-lot subdivision and home construction. The San Mateo County Superior Court (Judge Thomas Jenkins) ruled in favor of the previous owners and against the Coastal Commission. The Coastal Commission appealed and the Court of Appeal affirmed in part and reversed in part Judge Jenkins' trial decision. On remand, Judge Jenkins ruled as follows (Exhibit 4):

1. Parcels 1 and 2 of Parcel C shall be recombined into one parcel, i.e. the original parcel C.
2. With regard to any further construction of the partially completed home, the owners were enjoined from "proceeding further with construction of the partially-completed house... and from occupying, selling, offering for sale, or making any use whatsoever of said house, until such time as a further building permit is issued in full compliance with all applicable land use statutes, ordinances, rules, and regulations, including but not limited to, relevant Coastal Act provisions." The judgment, however, allowed the existing foundation to remain in place.

When this judgment became final, the owners were free to sell the recombined parcel C with the partially completed home. The current owners purchased the property in 1988. They now wish to complete a home on the existing foundation.

**3.2 Project Location and Description**

The project site is an approximately 30-acre parcel located on the south side of Dehoff Canyon Road in an unincorporated area approximately 0.3 mile south of the Half Moon Bay city limits. The parcel is approximately ¾ of a mile east of Cabrillo Highway and is located within the Cabrillo Highway



State Scenic Corridor. The parcel is irregular in shape and is accessed along the northerly periphery of the parcel (Exhibit 3). Arroyo Cañada Verde Creek borders the parcel on the north and west perimeters. The property is vegetated primarily with grassland and is located in a Planned Agricultural District (PAD) but is currently not under agricultural production.

The approved foundation site is situated on a terraced bench approximately midway through the slope of a hill (Exhibit 10). This site is located at the northeasterly portion of the property and is served by an existing driveway (Exhibit 9). The existing driveway is approximately 600 feet long and ascends a slightly greater than 20% slope. The proposal involves regrading the existing driveway to a 20% slope, installation of a subsurface drainage system along the driveway, and removal of a minimal amount of sediment to smooth out the driveway.

As stated above, a foundation was constructed on this site approximately 20 years ago, but the residence was never completed. The new owners of the property now wish to complete a home on the existing foundation. The approved project is a one-story single-family residence, approximately 2,881 square feet in size, with an attached two-car garage. There are approximately 100 Monterey pine trees in the vicinity of the approved building site but none would need to be removed to complete construction of the residence. The original engineers and geologists identified no geologic hazards on this site. The current geotechnical and geologic engineers also did not observe any potential hazards affecting this site (Exhibit 7). Because the foundation is already constructed, little, if any, grading work would be required to complete construction of a house on this site. Further, the relatively gentle slopes immediately downslope of the residence would provide a good environment for dispersal of surface waters, which would be collected from impermeable surfaces in the developed areas. The topography allows for the dispersal of collected waters into two different drainage swales, thereby limiting the impact of any collected water to a single drainage path below the property. Also, the width of the terraced bench at this site will allow the leach field to consist of long runs, thereby limiting the downslope extent of disturbance. From a geotechnical perspective, the foundation site appears to be the best. Existing vegetation provides partial screening of the foundation site. Three of the four story poles erected on this site were visible from Cabrillo Highway.

## **4.0 APPEAL PROCESS**

### **4.1 LOCAL GOVERNMENT ACTION**

On February 9, 2000, San Mateo County planning staff recommended approval of a Planned Agricultural District Permit for development of a single-family residence on an existing foundation (foundation site), with conditions. Based on information provided by staff and evidence presented at the hearing, the Planning Commission continued the request to a future time. This was done in order to obtain further soil information regarding the site and to allow time for a field trip to the site, with installation of story poles prior to the field trip. After the field trip, planning staff reversed their initial recommendation and concluded that an alternate building site (the corral site) would have the least significant impacts to the scenic corridor. On July 26, 2000, the San Mateo County Planning Commission approved with conditions the originally recommended building site (foundation site),



contrary to staff recommendation. The decision was appealed to the San Mateo County Board of Supervisors by Kathryn Slater-Carter, Kent Harvey, and Catherine MacKinnon. On October 17, 2000, the Board denied the appeal by a vote of 3-2, upheld the decision of the Planning Commission, and made findings and adopted conditions of approval as detailed in Exhibit 2.

#### **4.2 Filing of Appeal**

On November 6, 2000, the Coastal Commission received notice of the County's final action approving, with conditions, a coastal development permit for the project. The Commission's appeal period commenced the following working day and ran for ten working days from receipt by the Commission of the County's notice of final local action (November 7, 2000 through November 21, 2000). On November 6, 2000, the Commission received an appeal from Kent Harvey; on November 20, 2000, the Commission received an appeal from The Committee for Green Foothills; on November 21, 2000, the Commission received an appeal from Kathryn Slater-Carter (see Exhibit 1 for the text of all appeals). Following the receipt of the appeals, the Commission mailed a notification of appeal to the County and the applicants.

In accordance with the Commission's regulations, on November 7, 2000, staff notified the County of San Mateo of the appeal and requested all relevant documents and materials regarding the subject permit, to enable staff to analyze the appeal and prepare a recommendation as to whether a substantial issue exists. Section 13112 of the Commission's regulations provides that upon receipt of a notice of appeal, a local government shall refrain from issuing a coastal development permit (CDP) and shall deliver to the Executive Director all relevant documents and materials used by the local government in consideration of the CDP application. The County permit file information was received on November 6, 2000.

Pursuant to section 30261 of the Coastal Act, the appeal hearing must be set within 49 days from the date that an appeal is filed. The 49th day from the appeal filing date was December 26, 2000. On November 13, 2000, the applicants waived their right for a hearing to be set within the 49-day period, to allow Commission staff sufficient time to review the project information and the appellants' contentions.

#### **4.3 Appeals under the Coastal Act**

Coastal Act section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable to the California Coastal Commission because it is located in a sensitive coastal resource area designated in the LCP as the Cabrillo Highway State Scenic Corridor and because it is



located in a Planned Agricultural District in which residential development is not a principal permitted use.

The grounds for appeal under section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a *de novo* coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under section 30604(b), if the Commission conducts a *de novo* hearing, the Commission must find that the approved development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is not located between the first public road and the sea.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. Typically, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. Unless it is determined that there is no substantial issue, the Commission would continue with a full public hearing on the merits of the project, which may occur at a subsequent meeting. If the Commission were to conduct a *de novo* hearing on the appeal, the applicable tests under sections 30604(b) and (c) of the Coastal Act for the Commission to consider would be whether the project is in conformity with the certified Local Coastal Program and with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976.

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

#### **4.4 Standard of Review**

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., title 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 appeal presents no substantial issue.

## **5.0 RECOMMENDED FINDINGS AND DECLARATIONS**

### **5.1 Appellants' Contentions**

Please see Exhibit 1 for the full text of the appeals.

1. The residence is not located on the least visible portion of the property, inconsistent with LCP policy 8.5(a), and is not consistent with LCP visual resource policies 8.18 and 8.20 regarding development design and scale.
2. The residence would break ridgeline and skyline views, inconsistent with LCP policy 8.7(a).
3. The residence will not be clustered with existing buildings on the parcel, inconsistent with zoning regulation 6355A(2).
4. There is no certainty that there is adequate septic capacity or water availability for two residences on this parcel, as required by LCP policy 3.6 and zoning regulation 6355B(1).
5. Residential development is not the principal permitted use for this parcel, as required by LCP policy 1.8(a).
6. The parcel should be limited to one density credit, pursuant to LCP policy 1.8(b).



7. The design and scale of the approved development are inconsistent with the provisions of LCP policies 8.18(a)(c), 8.19, and 8.20.
8. Procedural irregularities at the County level independently justify a rehearing of this matter.

## 5.2 Appellants' Contentions That Raise Valid Grounds

All of the above-referenced contentions, except for contention #8, are valid grounds for appeal because they allege the approved project's inconsistency with the certified LCP. The Commission must determine whether these valid grounds for appeal raise a substantial issue of conformity with the certified LCP. This question is addressed below.

### 5.21 Visual Resources

San Mateo County LCP Policy 8.5(a) 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 that 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.*

San Mateo County LCP Policy 8.18(b) 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.*

The appellants contend that the project does not comply with the San Mateo County Local Coastal Program because a new residence constructed on the foundation site would be visible from Cabrillo Highway and various other public viewpoints. Also, they contend that the approved residence is not located on the least visible portion of the property, as required by LCP Section 8.5.

The approved foundation site is located on the south side of Dehoff Canyon Road, which is a private road located in the Cabrillo Highway State Scenic Corridor. The site is approximately ¼-of-a-mile inland of Cabrillo Highway and approximately 0.3 mile south of the Half Moon Bay city limits. The Cowell Beach Accessway is located approximately 200 feet southwest of Dehoff Canyon Road, just off the Cabrillo Highway.





The corral site is located approximately 150 feet northwest of the foundation site (Exhibit 8). This site is also served by the existing driveway, which is accessed from Dehoff Canyon Road (Exhibit 9).

A number of structures are visible in the general vicinity of Dehoff Canyon Road as viewed from Cabrillo Highway and the Cowell Beach Accessway and bluffs (Exhibits 11A & 12). These structures include several residences, outbuildings and barns, a trailer, and a multistory structure under construction on Dehoff Canyon Road, directly adjacent to Cabrillo Highway. Also, a multistory residence on a ridge east of the approved project site is clearly visible from Cabrillo Highway and the Cowell Beach Accessway and bluffs (Exhibit 12). The corral site and the foundation site are both visible from Cabrillo Highway and the Cowell Beach Accessway and bluffs. However, none of the above-mentioned structures, the foundation site, or the corral site is visible from Cowell Beach.

The foundation site is located on a terraced bench approximately midway up the slope of a hill. Existing vegetation and landforms screen portions of the foundation site from Cabrillo Highway and the Cowell Beach Accessway. Monterey pine trees screen the north side of the foundation site from view (Exhibit 13). Monterey pine trees and a small hill screen the south side of the foundation site from view (Exhibit 14). Three of the four story poles erected on the foundation site were visible from Cabrillo Highway and the Cowell Beach Accessway and bluffs. If the approved 16-foot-tall house were completed on the foundation site, only a portion of the house would be visible from Cabrillo Highway and the Cowell Beach Accessway. In addition, visibility of the residence would be limited because Cabrillo Highway and the Cowell Beach Accessway are at least  $\frac{3}{4}$  of a mile from the foundation site.

Upon Coastal Commission staff's visit to the site, the two story poles placed on the corral site were visible from Cabrillo Highway and the Cowell Beach Coastal Accessway and bluffs. As stated above, three of the four story poles on the foundation site were visible from these same viewpoints. A residence constructed on the foundation site would be *slightly* more visible from Cabrillo Highway and the Cowell Beach Accessway than a residence constructed on the corral site. However, this does not raise a substantial issue regarding LCP Policy 8.5(a), which requires that new development be located on the portion of the property that is least visible from state and scenic roads. First, the extent and scope of the development as approved by the local government are modest. The approved residence is a one-story, 16-foot tall, 2,881 sq. ft. structure (Exhibit 19). This is a modest residential development, compatible with the scale and character of the surrounding landforms and development as seen from Cabrillo Highway and the Cowell Beach Accessway and bluffs (Exhibits 11A & 12).

Only a portion of this 16-foot structure would be visible from public views. The closest public view is Cabrillo Highway, which is  $\frac{3}{4}$  of a mile from the foundation site. Also, the County conditioned its approval to require that the applicants provide landscaping to screen the view of the residence from Cabrillo Highway (Exhibit 2, Condition #6). Accordingly, the development as conditioned is in compliance with LCP Policy 8.18(b), which requires screening to minimize visibility from scenic roads and other public viewpoints.



In the San Mateo County Planning Commission's Notice of Decision dated 7/28/00, this condition stated, in part:

*The applicants shall submit a landscape plan to the Planning Division for review and approval depicting the planting of vegetation and/or trees along the west side of the proposed residence to completely screen the view of the residence from Cabrillo Highway at maturity... (Emphasis added.)*

The words "completely" and "maturity" are not contained in the final Conditions of Approval (Exhibit 2, Condition #6). Appellant Harvey contends that this change renders the condition meaningless. LCP Policy 8.18(b), however, requires "screening to minimize the visibility of development from scenic roads and other public viewpoints." This policy does not state that vegetative screening must completely block development from public viewpoints, at maturity. Therefore, the development approved by the County with a condition that requires that landscaping screen the view of the residence from Cabrillo Highway raises no substantial issue of conformity with LCP Policy 8.18(b).

Appellant Harvey provides photographs of the foundation site from a number of locations, as well as photographic simulations of the approved residence on the foundation site (Exhibit 1, pp. 34-43). The image of the residence is based on a drawing provided by the applicants and used in the 2/9/00 San Mateo County staff report. To prepare these photographic simulations, the image of the new residence was prepared by coloring a portion of the drawing. The image was scaled down and electronically pasted onto the photographs to show the potential view after completion of construction. However, regarding the house, the appellant does not provide the scale used in the simulation.

The applicants also provide photographic simulations of the approved residence on the foundation site. These were professionally prepared and are to scale (Exhibit 11B). These professionally prepared photographic simulations appear quite different from the ones prepared by the appellant. In the appellant's simulated views of the foundation site from Cabrillo Highway and the Cowell Beach Accessway (Exhibit 1, pp. 35, 36, 42, 43), the simulated residence appears to extend down onto the slope below the foundation site. In the professionally prepared photographic simulations (Exhibit 11B), the approved residence occupies only the terraced bench area, which is where the existing foundation is located (Exhibits 10, 13, & 14). Only the top portion of the house is visible in the professionally prepared simulations. An existing slope and Monterey pine trees screen portions of the northwest and southwest sides of the residence (also shown in Exhibits 13 & 14). In the appellant's simulations, the entire western-facing side of the residence is visible. Also, the height of the residence in the appellant's photographic simulations is not to scale (Exhibit 1, pp. 35, 36, 42, 43). The approved residence is a 16-foot-tall one-story structure. The foundation site is  $\frac{3}{4}$  of a mile from Cabrillo Highway. The residence on the foundation site is too tall in the appellant's photographic simulations, compared to the one-story structures in the foreground in the same photographs, which are adjacent to Cabrillo Highway.



The appellant acknowledges that he “does not have sufficient information to determine how much of the new residence will be visible or the precise size of the new residence relative to its background but believe that the images shown... are fair representations” (Exhibit 1, pg. 34). Given this statement and the inconsistencies between the appellant’s photographic simulations and the applicants’ professionally prepared simulations, the Commission finds that the appellant’s simulations are not realistic regarding the visual impact of the approved project on public views.

Appellant Harvey states that there are presently no houses visible in the area of Dehoff Canyon Road, as viewed from east of Cabrillo Highway (Exhibit 1, pp. 39-40). The appellant also provides a photographic simulation of the approved house as seen from Dehoff Canyon Road, a private road (Exhibit 1, pg. 39). For the reasons stated above, this photographic simulation does not truly represent the visual impact the approved residence will have from public viewpoints. Furthermore, a number of existing structures in the vicinity of the approved development are visible from Cabrillo Highway and the Cowell Beach Accessway and bluffs (Exhibits 11A & 12). Therefore, the approved project will not significantly alter the scenic quality of the surrounding area as seen from public viewpoints and thus does not raise an issue of regional or statewide importance. For all these reasons, the approved development would not create a significant impact on coastal visual resources inconsistent with the visual resource protection policies of the certified LCP. Therefore, the appeal raises no substantial issue in regard to conformity of the approved development with the visual resource protection policies of the certified San Mateo County LCP regarding visibility of the approved site.

## 5.22 Rural Structural and Community Features

San Mateo County LCP Policies 8.18(a)(c) state:

- 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.*



- c. *Require that all non-agricultural development minimize noise, light, dust, odors and other interference with persons and property off the development site.*

San Mateo County LCP Policy 8.19 states:

- a. *Employ colors and materials in new development which blend, rather than contrast, with the surrounding physical conditions of the site.*
- b. *Prohibit highly reflective surfaces and colors except those of solar energy devices.*

San Mateo County LCP Policy 8.20 states:

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

Appellant Harvey contends that the project does not comply with the provisions of LCP Policies 8.18(a)(c), 8.19, and 8.20, which address design and scale of development. As stated above, the approved project is a 2,881 sq. ft., 16-foot-tall, one-story residence which will be built on an existing foundation. The approved single-family dwelling is consistent with existing development in the area. The relatively modest size and height of the approved structure do not raise a substantial issue of conformity with LCP policies 8.18(a)(c), 8.19, or 8.20.

Appellant Harvey contends that the grassland surrounding the foundation site is green during the winter and golden brown during the summer. The appellant contends that it is therefore difficult to conceive of a color scheme that will be consistent with LCP Policy 8.18(a), which states that "exterior materials shall harmonize with the predominant earth and vegetative colors of the site." LCP Policy 8.18(a), however, does not require exterior materials to be the same color as the surrounding vegetation at all times of the year. It would be infeasible to comply with LCP policy 8.18(a) if interpreted in the manner suggested. In addition, LCP Policy 8.19 requires "colors and materials... which blend, rather than contrast, with the surrounding physical conditions of the site." This policy does not require that colors and materials *exactly* match the surrounding physical conditions. Furthermore, the approval of this project is conditioned by the County to require the applicants to submit exterior color samples for walls, material samples and a roof sample for review and approval by the Planning Director prior to issuance of the building permit (Exhibit 2, Condition #4).

As stated above, the County has conditioned its approval to require the applicants to submit exterior color, material, and roof samples for review by the Planning Director prior to issuance of the building permit (Exhibit 2, Condition #4). Appellant Harvey contends that this does not allow an opportunity for other interested parties to evaluate external colors regarding visibility of the new residence. The Visual Resources Component of the San Mateo County LCP, however, does not require that new development be subject to such an evaluation.

Appellant Harvey contends that the number and size of windows in the approved residence potentially will cause significant reflection and glare straight into the appellant's windows, onto the



appellant's deck, as well as onto Cabrillo Highway and Cowell Beach, inconsistent with LCP Policy 8.18(a). The County's Conditions of Approval do not require the installation of non-reflective glass. As shown in Exhibit 19, the proposed residence is a 16-foot-tall one-story single-family dwelling. The number and size of windows are not excessive. In addition, as seen in Exhibit 11B, the roofline is the primary portion of the house visible from public viewpoints. Few, if any, windows will be visible from public viewpoints. Also, the County has determined, with the use of topographic maps, that the approved foundation site residence is 1,300 feet from the appellant's residence. Furthermore, the foundation site is  $\frac{3}{4}$  of a mile from Cabrillo Highway and greater than  $\frac{3}{4}$  of a mile from the Cowell Beach Accessway and bluffs (the approved residence will *not* be visible from Cowell Beach). Given these distances, any glare or reflection from the windows of the approved residence would not have a significant affect on the appellant's residence or the aforementioned public areas.

Appellant Harvey contends that a new residence on the foundation site will materially interfere with his privacy and ability to quietly enjoy his property, in conflict with LCP Policy 8.18(c) which requires minimization of "noise, light, dust, odors and other interference with persons and property off the development site." As stated above, the approved project is a single-family dwelling situated approximately 1,300 feet from the appellant's residence. The Commission finds that there is sufficient distance between the approved development and the adjacent residence to protect the neighbor from interference due to noise, light, dust, odors, etc., consistent with LCP Policy 8.18(c).

The appellant also contends that the applicants' proposal to graze goats on their property presents a risk of "uncontrollable noise and odors", inconsistent with LCP Policy 8.18(c). The parcel is zoned in a Planned Agricultural District and historically the property was used for grazing. As such, the applicants have the right to graze goats on their property and may do so whether or not a residence is built on the foundation site. Commission staff has observed cattle grazing directly adjacent to the appellant's home. In addition, grazing is not considered development under the San Mateo County LCP and therefore is not regulated through the coastal development permit program.

Appellant Harvey contends that the new residence will not blend with the environment, as required by San Mateo County LCP Policy 8.18(a), but rather will obtrusively change the landscape. In addition, the appellant contends that the new residence will not relate "in size and scale to adjacent buildings and landforms," as required by LCP Policy 8.20. The appellant provides two photographs of Dehoff Canyon Road east of Cabrillo Highway, one of which contains a photographic simulation with the approved residence (Exhibit 1, pg. 39). It is true that no other houses are visible on Dehoff Canyon Road, which is a private road, from this vantage point. However, as seen in Exhibits 11A & 12, a variety of developments exist on Dehoff Canyon Road and in the general vicinity of Dehoff Canyon Road, as seen from Cabrillo Highway and the Cowell Beach Accessway. The approved 2,881 sq. ft. one-story residence appears consistent with the size and scale of these other developments. Also, as stated above, the appellant's photographic simulation greatly overstates the size and visual impact of the approved project. In addition, the simulated house extends far down the slope below the foundation site. As stated above, the residence in the applicants' photographic simulation is to scale and is situated properly on the foundation site and does not extend down the



slope below the foundation site (Exhibit 11B). Only the top portion of the house is seen in the simulation. Therefore, this modest residential development will blend with the environment and will not obtrusively change the landscape.

In summary, the approved project is conditioned by the County to require the development to minimize visual impacts, consistent with LCP Policies 8.18(a)(c) and 8.19. In addition, the approved building site is 1,300 feet from the appellant's residence and therefore will not interfere with persons and property off of the development site, consistent with LCP Policy 8.18(c). Furthermore, grazing is not considered development under the San Mateo County LCP and therefore is not regulated through the coastal development program. Additionally, the design and scale of the approved residence are consistent with development that exists in the area adjacent to Cabrillo Highway and on the lower portion of Dehoff Canyon Road. Therefore, the approved development is consistent with LCP Policy 8.20. The extent and scope of the approved development are modest and will blend with the surrounding landscape, consistent with LCP Policy 8.18(a). Therefore, the appeal raises no substantial issue regarding the conformity of the approved project with the rural structural and community features of the certified San Mateo County LCP.

### 5.23 Ridgeline/Skyline Views

San Mateo County LCP Policy 8.7a states:

*Prohibit the location of development, in whole or in part, on a skyline or ridgeline, or where it will project above a skyline or ridgeline, unless there is no other developable building site on the parcel... Prohibit the location of development, in whole or in part, on a skyline, or where it will project above a skyline, when a developable building site exists on a ridgeline. A skyline is the line where sky and landmasses meet, and ridgelines are the tops of hills or hillocks normally viewed against a background of other hills.*

One of the appellants, Mr. Kent Harvey, contends that the project does not comply with the San Mateo County Local Coastal Program because the approved foundation site residence would break both the ridgeline and the skyline as viewed from public viewpoints (Exhibits 11A, 11B, & 12) and from the Harvey residence on Dehoff Canyon Road.

San Mateo County LCP Policy 8.7(a) defines ridgelines as "the tops of hills or hillocks..." The definition of hillock is "a little hill" (Random House Dictionary Rev., 1982). The foundation site is not located on a hillock. Instead, the foundation site is located on a terraced bench approximately midway through the slope of a hill (see Exhibit 20). The slope continues upward behind the existing foundation. The hill is topped with mature Monterey pine trees. The tops of these trees, not the foundation site, form a ridgeline when viewed from Cabrillo Highway and the Cowell Beach Accessway (see Exhibits 11A, 11B, & 12). Therefore, the approved 16-foot high residence will not break any ridgeline views as seen from Cabrillo Highway or the Cowell Beach Accessway.



The Commission does not dispute the appellant's contention that the approved residence may break the ridgeline and skyline as viewed from his private residence on Dehoff Canyon Road, a private road. The appellant contends that LCP Policy 8.7 "does not qualify its protection by reference to public views (Exhibit 1, pg. 27)." However, the Commission historically has not considered protection of such private views to be an issue of regional or statewide significance. LCP Policy 8.5(a) supports this position by specifically protecting and defining public views as a resource protected under the LCP.

In summary, the approved foundation site development will not be located on a ridgeline or a skyline and will not project above a skyline or a ridgeline as seen from public viewpoints. San Mateo County LCP Policy 8.5(a) specifically protects and defines public views as a protected resource. Therefore, the appeal raises no substantial issue regarding the conformity of the approved development to the visual resource protection policies of the certified San Mateo County LCP regarding ridgeline and skyline views.

## **5.24 Clustering of Development**

San Mateo County Zoning Regulation 6355A(2) states:

*All development permitted on a [Planned Agricultural District] site shall be clustered.*

San Mateo County LCP Policy 8.9(a) states:

*Locate and design new development to minimize tree removal.*

San Mateo County LCP Policy 8.17(a) states:

*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.*

San Mateo County LCP Policy 9.18(a) states:

*Prohibit development on slopes of 30% or more, unless (1) no alternative exists or (2) the only practicable alternative site is on a skyline or a ridgeline...*

The appellants contend that the project does not comply with the provisions of PAD Section 6355A which allows the conversion of land within the Planned Agricultural District only if several criteria are met, particularly the requirement that all permitted development shall be clustered. Existing development on the property is located in an area known as the valley site. The valley site consists of a 950-square foot residence, a barn, and outbuildings. This site is clearly the most developed portion of this parcel (Exhibits 5 & 6). A shed is present on the corral site and a foundation is present on the foundation site. Given this, the valley site would appear to be the most acceptable site



to build a new residence in accordance with Zoning Regulation 6355A(2) regarding clustering of development in a Planned Agricultural District. However, a number of factors combine to make the valley site unacceptable for new development.

As seen in Exhibit 6, the valley site consists of an existing residence and an adjacent level area that appears acceptable for development of a residence. However, this level area serves as the leach field for the existing residence. A new residence may not be built on top of a leach field. The geotechnical and geologic site evaluation report (Exhibit 7) states that there are no other adequate leach field sites in this area. This statement appears to be well founded given the riparian habitat that exists on the opposite side of Dehoff Canyon Road, directly across from the existing residence, and the sharply sloping hillside adjacent to the leach field area.

Even if the leach field could be relocated, the road easement and required PAD setback would total 75 feet. This would require any new residence to be built onto the steep 2:1 (50%) slope adjacent to the leach field. This would require massive landform alteration with large cuts into the existing hillside, the removal of large quantities of soil, the removal of at least nine Monterey Pine trees, and the construction of a multistory house with adjacent massive retaining walls.

In addition, LCP Policy 9.18(a) prohibits development on slopes of 30% or more unless no alternative exists or if the only practicable alternative is on a skyline or ridgeline. Development on the valley site would be located on a 50% slope. The foundation site is level and, as previously stated, is not located on a ridgeline or a skyline. In addition, LCP Policy 8.9(a) requires that new development be located and designed to minimize tree removal. At least nine Monterey pine trees would need to be removed to locate a residence on the valley site. No tree removal would be necessary to construct a house on the foundation site.

In summary, LCP Section 6355 requires that all development in a Planned Agricultural District be clustered. However, because of the existing leach field, development of a new residence on the valley site adjacent to existing development would be sited on a 50% slope, with resultant landform alterations and the construction of massive retaining walls. This type of development would be in direct conflict with LCP Policies 8.17(a) and 9.18(a). In addition, at least nine Monterey pine trees would need to be removed to build a residence on the valley site, which would be in conflict with LCP Policy 8.9(a). On the other hand, development at the foundation site would not necessitate any landform alteration or tree removal. Therefore, the appeal raises no substantial issue regarding the conformity of the approved development with the above policies of the certified San Mateo County LCP concerning clustering of development.

## **5.25. Septic Capacity/Water Availability**

San Mateo County LCP Policy 3.6 states:





- a. *In order to reduce home-to-work travel distance within the Coastal Zone, and to encourage shared responsibility for housing by subarea roughly proportional to employment opportunities available in the subarea, allocate the [affordable unit] fair share as follows:*
2. *In the South Coast, allocate 100% to the extent water and sewer capabilities are available.*

San Mateo County Zoning Regulation 6355 states:

*... Each application for a division or conversion of land shall be approved only if found consistent with the following criteria: B(1). The existing availability of a potable and adequate on-site well water source for all non-agricultural uses is demonstrated.*

The appellants contend that, as conditioned and approved by the County of San Mateo, there is no certainty that there is adequate septic capacity or water availability on this parcel for two residences. San Mateo County's Conditions of Approval for the approved project state that "prior to the building application stage, the applicants shall conduct a soil percolation test under the supervision of Environmental Health." Also, "prior to the building application stage, the applicants shall submit proof of domestic water meeting quality and quantity standards (Exhibit 2, #22 and #23).

A well was installed on the foundation site by the previous owners. A separate well currently serves the existing 950-square foot residence. The current owners of the property received certification for an individual water system of the foundation-site well on October 14, 1997 (Exhibit 15). This certification states that pump test requirements and bacteriological quality standards were met for the proposed well. Complete resampling would be required prior to "well final" to "resample for manganese and specific conductance after installation of water filter." The certification also states "Based upon information as of this date, this well qualifies for certification for a building permit... A final inspection is required for system approval/operation."

The existing 950-square foot residence, which is approved for affordable housing, has an adequate septic system in place. Regarding the newly proposed residence, the septic site is located in an area adjacent to the foundation site. A septic site investigation was performed in January 2000 (Exhibit 16). Percolation test pits were constructed and filled with water. The percolation rate for the foundation site was an 'A,' the best possible rating.

In conclusion, as of October 14, 1997, the well qualified for certification for a building permit, with a final inspection required prior to system approval and/or operation. A well is now serving the existing 950-square foot residence, which is approved for affordable housing. The existing residence also has an adequate septic system. Also, the proposed site for the septic system has received a percolation rating of 'A.' Thus, the approved project is in compliance with San Mateo County Zoning Regulation 6355 and San Mateo County LCP Policy 3.6 (a)(2). Therefore, the appeal raises



no substantial issue regarding the conformity of the approved development with the housing and Planned Agricultural District policies of the certified San Mateo County LCP.

## 5.26 Agriculture is the Principal Permitted Use for this Parcel

San Mateo County LCP Policy 1.8(a) states:

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

San Mateo County Zoning Regulation 6350 states:

*The purpose of the Planned Agricultural District is to: 1) preserve and foster existing and potential agricultural operations in San Mateo County in order to keep the maximum amount of prime agricultural land and all other lands suitable for agriculture in agricultural production, and 2) minimize conflicts between agricultural and non-agricultural land uses...*

San Mateo County Zoning Regulation 6351A defines "Prime Agricultural Land" as:

- (1) All land which qualifies for rating as Class I or Class II in the U.S. Department of Agriculture Soil Conservation Service Land Use Compatibility Classification, as well as all Class III lands capable of growing artichokes or Brussel sprouts. (2) All land which qualifies for rating 80-100 in the Storie Index Rating. (3) Land which supports livestock use 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. (4) 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. (5) Land which has returned from the production of an unprocessed agricultural plant product on an annual value that is not less than \$200 per acre within three of the five previous years. The \$200 per acre amount in subsection (4) and (5) shall be adjusted regularly for inflation, using 1965 as the base year, according to the recognized Consumer Price Index.

San Mateo County Zoning Regulation 6351B defines Lands Suitable for Agriculture as:

*Land other than Prime Agricultural Land on which existing or potential agricultural use is feasible, including dry farming, animal grazing, and timber harvesting.*

San Mateo County Local Coastal Program Policy 5.6(b) states:



*Conditionally permit the following uses [on lands suitable for agriculture]: (1) single-family residences...*

The appellants contend that agriculture is the principal permitted use for this parcel and that the proposed development is inconsistent with PAD Section 6355, which prohibits the conversion of lands suitable for agriculture unless certain criteria are met.

The soil on this parcel, as defined in The U.S. Department of Agriculture's Soil Survey for the San Mateo Area, is primarily "Cayucos clay loam, moderately steep to steep, eroded." The capability ratings for these Cayucos soils are IV and VI, which are soils with severe limitations that are generally restricted for the grazing of cattle and sheep. The more gently sloping areas may be used for small grain, small grain hay, or flax. There is one small pocket, approximately 100 sq. ft. at the north property line parallel to Arroyo Cañada Verde Creek, that is rated as Class II soil, which is suitable for a wide range of crops. This area will not be impacted by the approved development.

There currently are no agricultural uses on this property. The majority of the parcel does not meet the definition of "prime agricultural land" due to its poor soil rating for cultivation purposes. Therefore, no prime soils will be converted by the approved project. This parcel does contain land suitable for agriculture, which is defined as land that is feasible for dry farming, animal grazing, and timber harvesting. Historically this land was used to graze dairy cattle. Development of the foundation site will not preclude future grazing on this parcel. Thus, the approved project is in compliance with San Mateo County Zoning Regulation 6350. In addition, San Mateo County LCP Policy 5.6(b) conditionally allows for single-family residences on lands suitable for agriculture. In addition, the appellants have not demonstrated and the local record does not contain evidence that this project will have significantly adverse effects on coastal resources (see above sections). Thus, the approved project is consistent with LCP Policy 1.8(a). Therefore, the appeal raises no substantial issue regarding the conformity of the approved project with the agricultural and development policies of the certified San Mateo County LCP.

## **5.27 Density Credits**

San Mateo County LCP Policy 1.8 states:

- b. Permit in rural areas land uses designated on the Local Coastal Program Land Use Maps, and conditional uses up to the densities specified in Tables 1.2 and 1.3.*
- c. (1) Require density credits for all new or expanded non-agricultural land uses in rural areas, including all residential uses, except affordable housing...*

San Mateo County LCP Policy 3.23(a) states:



*In addition to the number of density credits permitted by zoning regulations, allow 30 dwelling units of affordable housing to be built and land divided for this purpose in rural areas of the South Coast... under the following circumstances: (2) On-site well water and sewage disposal requirements for each dwelling unit are met. (3) The units meet all of the requirements of other LCP policies.*

San Mateo County LCP Policy 3.23(b) states:

*Allow two additional increments of 30 units of affordable housing in the rural areas of the South Coast...under the following circumstances: (1) Permits for the original... units of affordable housing have been granted. (3) The additional units will not result in any greater conversion of prime agricultural land than would be permitted without the bonus.*

The County approved the development of a new residence on the foundation site and conversion of the existing 950-square foot residence to affordable housing. The subject parcel is 30 acres and as a legal parcel is allowed one density credit as shown on Table 1.2 (Exhibit 17). An appellant states that different factors in Table 1.3 (Exhibit 18) limit this parcel to one density credit. However, San Mateo County LCP Policy 1.8(c) does not require density credits for affordable housing. Thus, the approved affordable housing unit does not require a density credit. The one density credit available for the property is therefore sufficient for the one market-rate single family dwelling approved by the County.

LCP Policy 3.23(a) allows for 30 additional units of affordable housing in rural areas of the South Coast, in addition to the number of density credits permitted by zoning regulations, if on-site well water and sewage disposal requirements for each dwelling unit are met and if the units meet all of the requirements of other LCP policies. Furthermore, LCP Policy 3.23(b) allows for two additional increments of 30 units of affordable housing in rural areas of the South Coast if the additional units do not result in conversion of prime agricultural land. The total number of existing affordable housing units in the South Coast is 7, which is within the maximum number allowed by LCP Policies 3.23(a) and 3.23(b). As stated above, a well and a septic system currently serve the existing residence. Also, as stated above, the approved project will not result in the conversion of any prime agricultural land. Thus, the approved conversion of the existing residence to affordable housing is consistent with LCP Policies 1.8, 3.23(a), and 3.23(b). Therefore, the appeal raises no substantial issue regarding the conformity of the approved development with the housing policies of the certified San Mateo County LCP.

### **5.3. Contentions that do not Raise Valid Grounds for Appeal**

One of the appellants, Mr. Kent Harvey, contends that procedural irregularities at the County level independently justify a rehearing of this matter (Exhibit 1, pg. 13). Specifically, Mr. Harvey states: (1) that he received no notice of the July 26, 2000 Planning Commission hearing at which the permits were approved, although he had received a mailed notice at his correct mailing address for a



prior hearing regarding the approved project and regarding a field trip to the project site in May 2000; (2) that the audiotape of the July 26, 2000 hearing contains a gap such that any testimony by the applicants and/or their counsel and the Planning Commission's reasons for disregarding the original staff recommendation are unknown; (3) that the language of the vegetation condition has been altered without explanation, and (4) that an important written supplement to the materials prepared by Mr. Harvey for the Board of Supervisors hearing was not distributed to the Board Members until after the hearing had commenced.

Section 30603 of the Coastal Act states that the grounds for an appeal of development approved by a certified local government are limited to an allegation that the development does not conform to the certified LCP or the Coastal Act. None of the above contentions regarding procedural irregularities at the County level present valid grounds for appeal because they are not supported by any allegation that the approved development is inconsistent with the County's certified LCP or with the public access policies of the Coastal Act. In addition, regarding items 1, 3, and 4: Mr. Harvey may now address to the Coastal Commission his concerns regarding the approved project, and in fact is doing so. Regarding item 2: the San Mateo County LCP does not require local public hearings to be audiotaped.

#### **5.4 Conclusion**

The Commission finds that, for all of the reasons stated above, the appeals raise no substantial issue of conformity of the approved project with the certified LCP.



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

**SECTION I. Appellant(s)**

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

KATHLEEN SLATER-CARTER  
PO 370821 MONTANA CA  
94037 (650) 728-5449  
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: NEW HOME IN PAD ZONING

3. Development's location (street address, assessor's parcel no., cross street, etc.): 066-440-070  
400 DELHART Cyn. Rd - HMB

4. Description of decision being appealed: San Mateo County

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: \_\_\_\_\_

HE: 4/88

EXHIBIT NO. 1
APPLICATION NO.
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California Coastal Commission

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: \_\_\_\_\_

7. Local government's file number (if any): \_\_\_\_\_

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.

EXHIBIT NO. 1

APPLICATION NO.

A-2-SMC-00-038

PR 20545  
California Coastal Commission

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

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.)

PROJECT DOES NOT CONFORM TO  
EITHER LCP OR PAD ZONING ORDINANCE.  
(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.

Kathryn V. Shub-Carter  
Signature of Appellant(s) or  
Authorized Agent

Date 11/

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 \_\_\_\_\_

EXHIBIT NO. 1

APPLICATION NO. \_\_\_\_\_

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California Coastal Commission



Appeal

San Mateo County

PLN: 1999-00399

Planned Agricultural Development Permit, Coastal Development Permit, and Architectural Review for a new 2,881 sq. ft. single family residence plus attached garage, a new domestic well, a new septic system, regarding of an existing 600 foot long road into a driveway, and conversion of the existing 950 sq. ft. house to an affordable housing unit.

Appellants/owners: John and Astrid Anderson

Location: APN: 066-440-070

400 DeHoff Canyon Rd., Half Moon Bay, San Mateo County

Appellant: Kathryn V. Slater-Carter  
P.O. 370321, Montara, CA. 94037  
Phone: 650-728-5449  
E-mail: [kathryn@montara.com](mailto:kathryn@montara.com)

Reasons for this appeal:

This development is predicated on the assumption that San Mateo County will allow construction of a house that does not meet the requirements of it's Local Coastal Program [LCP] and zoning ordinance in exchange for an agreement to provide one unit of affordable housing.

This appeal is based on the premise that the local need for affordable housing cannot be permitted to override the statewide trust granted to the County to enforce the CA Coastal Act through the LCP.

LCP Policy 1.8 (a) requires that new development in the rural areas must not have "Significant adverse impacts, either individually or cumulatively, on coastal resources." This policy is then further defined in the LCP by the following chapters, which detail the resources to be protected. It is buttressed by the requirements of the zoning ordinance.

Policy 1.8 (b) directs compliance with LCP Tables 1.2 and 1.3 for all new development. Table 1.2 allows development on agriculturally zoned parcels at densities ranging from 1 d.c./40 ac to 1 d.c./160 ac. Table 1.3 details the factors, which determine the specific density of development, allowed. The subject parcel is 30 acres and as a legal parcel is allowed one density credit. The geologist for the project testified on July 26, 2000 that there is some evidence of an existing landslide, thus this site falls under section: restrictions for lands with landslide susceptibility. It exceeds the 1/2 mile distance from

Exhibit 1  
A-2-SMC-00-038  
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the "existing, all-weather road through public road before the County Local Coastal Program was initially certified..." (LCP Table 1.3 D). The topo in the staff report, as well as the staff report dated July 26, 2000 that it has steep slopes and so will fall under the restrictions C, E, and or H in Table 1.3. Thus the different factors in Table 1.3 also limit this parcel to one density credit.

The County claims that Policy 1.8 (c) allows exception to the requirements of 1.8 (b) for affordable housing or farm labor housing. However 1.8 (c) directs compliance with LCP Policy 3.23. This policy allows 30 dwelling units of affordable housing to be built under the density bonus for affordable or farms labor housing. Neither staff report gives an accounting of the existing number of affordable units in the rural areas of the South Coast. Thus compliance with this policies has not been demonstrated.

Further, 3.23 requires that "The units meet all of the requirements of other LCP policies." It may be that the affordable unit can meet all LCP policies, but it is clear that the new unit does not. In this instance the county is asked to mitigate impacts upon coastal resources that would not occur if the existing house were to be remodeled to meet the needs of the applicants.

Policy 3.6 (a)(2) requires that water and sewer capacities are available. As currently approved and conditioned there is no certainty that there is adequate septic capacity or water availability on this parcel for two residences. This is demonstrated by conditions 22 and 23, which require a soil percolation, test and proof of an acceptable domestic water supply. PAD Section 6355 is consistent with policy 3.6 in requiring a potable on-site domestic well water source prior to granting the CDP.

Agriculture is the primary permitted use for this parcel. PAD Section 6355 (2) requires "Adequate and sufficient water supplies needed for agricultural production...are not diminished." There has been no demonstration that an additional residence will not impact the water supplies necessary for agriculture.

PAD Section 6355.A requires that all development "shall be clustered". Applications detail several structures near the existing home. Construction near or remodel/conversion of an existing structure would not only conform to PAD 6355.A it would also eliminate the re-grading, with cuts of up to 10 feet deep, of the 600 foot long road needed to access the other two sites. It would also leave more land available for agriculture.

Although there was much discussion on the visibility of the "old foundation site" from SR1 on the south side of Half Moon Bay, there appears to be no discussion about the visibility of the "corral site" from southbound SR1 in Half Moon Bay. Thus this project has not had an adequate investigation for LCP Policy 8.5 compliance.

The crux of this decision is pitting the local need for affordable housing against the statewide Coastal Act and the Local coastal Program mandates to protect coastal resources for all the current and future citizens of California. It is clear that this parcel is not an appropriate site for an affordable unit and a new residential unit as it cannot meet the requirements for either a CDP or a PAD permit without substantial mitigation.

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## CALIFORNIA COASTAL COMMISSION

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



APPEAL FROM COASTAL PERMIT  
 DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

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

Kent Harvey	Dan Malstrom, Esq. Agent/Representative
20 Partridge Crossing	(see Attachment)
Hamden, Connecticut 06514	( 203 ) 288 8214
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 attachment

3. Development's location (street address, assessor's parcel  
 no., cross street, etc.): 400 Dehoff Canyon Road, Half Moon Bay, CA  
APN 066-440-070

4. Description of decision being appealed:

- a. Approval; no special conditions: \_\_\_\_\_
- b. Approval with special conditions: xx (see Attachment)
- c. Denial: xx (see Attachment)

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-00-038

DATE FILED: 11/7/2000

DISTRICT: \_\_\_\_\_

H5: 4/88

EXHIBIT NO. 1

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 California Coastal Commission

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: October 17, 2000

7. Local government's file number (if any): PLN 1999-00399

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:

John and Astrid Anderson  
POB 3150  
Half Moon Bay, CA 94019-3150

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) See Attachment  
\_\_\_\_\_  
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(2) \_\_\_\_\_  
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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.

EXHIBIT NO. <u>1</u>
APPLICATION NO.
<u>A-2-SMC-00-038</u>
<u>pg 7 of 45</u> California Coastal Commission

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

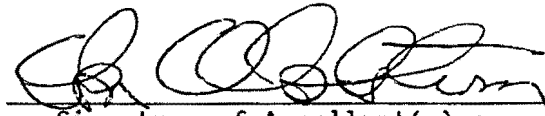
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attachment

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

SECTION V. Certification

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



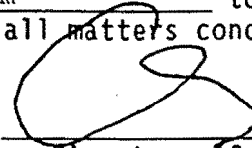
Signature of Appellant(s) or  
Authorized Agent

Date October 25 2000

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

Section VI. Agent Authorization

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



Signature of Appellant(s)

Date October 25, 2000

EXHIBIT NO. <u>1</u>
APPLICATION NO.
<u>A-2-SMC-00-038</u>
<u>98 845</u> California Coastal Commission

Attachment to  
Appeal from Coastal Permit Decision of Local Government  
Date: October 26, 2000

Appeal No.: (to be determined)

Applicants: John and Astrid Anderson

Local Government: San Mateo County

Local Decision: Approval with Conditions

Project Location: 400 Dehoff Canyon Road, Half Moon Bay, CA 94019

APN: 066-440-070

Project Description: Applicants propose to construct a new one-story, 2,881 sq. ft. single family residence with an attached garage, install a new domestic well and septic system, regrade an existing unpaved 600 foot long driveway and designate an existing 950 sq. ft. residence as an affordable housing unit. The Applicants propose to construct the residence on an existing foundation constructed by a previous owner.

Appellant: Kent Harvey, record owner of an adjacent parcel  
(356 S. Cabrillo Highway, APN 066-440-040)

The indicated sections of the Appeal form are supplemented as follows:

Section I. Appellant(s)

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

Appellant:

Kent Harvey  
20 Partridge Crossing  
Hamden, Connecticut 06514  
Telephone 203 288 8214

Appellant's Representative/Agent

Dan Malstrom  
Attorney at Law  
8 Viox Way  
San Rafael, CA 94901-2660  
Voice 415 485 9251  
Fax 415 457 4477  
Email: dan@dmvo.com

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APPLICATION NO.	
A-2-SMC-00-038	
78945	
California Coastal Commission	

## Section II. Decision Being Appealed

2. Brief description of development being appealed: See "Project Description" set forth above.

4. Description of decision being appealed: The San Mateo County Planning Commission approved the project with special conditions. The Planning Commission's decision was appealed to the San Mateo County Board of Supervisors which voted 3 to 2 to deny the appeal, thereby upholding the Planning Commission's decision. The decision being appealed is the Board of Supervisors' denial of the previous appeal.

## Section III. Identification of Other Interested Persons.

a. Name and mailing address of permit applicant:

John and Astrid Anderson  
PO Box 3150  
Half Moon Bay, CA 94019-3150

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.

Terry Burnes  
Planning Administrator  
County of San Mateo  
Mail Drop PLN122  
455 County Center  
2nd Floor  
Redwood City, CA 94063

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

Catharine MacKinnon  
P.O. Box 813  
Half Moon Bay, CA 94019

Michael McCracken, Esq.  
McCracken, Byers & Haesloop  
840 Malcolm Road  
Suite 100  
Burlingame, CA 94010

Dan Malstrom, Esq.  
8 Viox Way  
San Rafael, CA 94901-2660

Kathryn Slater-Carter  
POB 370321  
Montara, CA 94037

Astrid Anderson  
POB 3150  
Half Moon Bay, CA 94019-3150

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APPLICATION NO.	
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981045	
California Coastal Commission	

Susy and Louis Castoria  
426 Dehoff Canyon Road  
Half Moon Bay, CA 94019

Kent Harvey  
20 Partridge Crossing  
Hamden, Connecticut 06514  
(did not personally attend hearings but  
submitted written materials through and  
was represented at the Board of Supervisors  
hearing by Dan Malstrom, Esq.)

Chris Dehoff  
One Mount Vernon Lane  
Atherton, CA 94027

#### Section IV. Reasons Supporting this Appeal

##### Visual Resources Considerations

###### Background

The project is appealable to the California Coastal Commission because a single family residence is not a principally permitted use within the Planned Agricultural District in which the project is sited.

The permits as approved by the County are inconsistent with the San Mateo County General Plan (the "General Plan") and the San Mateo County Local Coastal Program (the "LCP"). A new residence (the "Anderson Residence") is proposed to be constructed on an existing foundation constructed by a previous owner (the "Foundation Site"). It is undisputed that a residence constructed on the Foundation Site would be visible from Cabrillo Highway and various other public viewpoints. Appellant submits that a Foundation Site residence would also break the ridgeline (as defined by the General Plan) from public viewpoints. The Foundation Site was also the subject of Coastal Commission litigation in the 1980's (California Coastal Commission vs. Gregorio Alves, et. al., San Mateo County Superior Court, No. 255969).

As observed from several vantage points along Dehoff Canyon Road (a private road) the proposed Anderson Residence would break both the ridgeline and the skyline. Appellant's residence (the "Harvey Residence") is located directly below the Foundation Site and presently enjoys complete privacy. When viewed from the back of the Harvey Residence, the proposed Anderson Residence will break both the ridgeline and the skyline and look directly down onto and into the bathroom, office and library of the Harvey Residence. These private views are protected by the LCP from ridgeline and skyline encroachment.

EXHIBIT NO.	1
APPLICATION NO.	
A-2-SMC-00-038	
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California Coastal Commission	



The conditions as approved by the County include a requirement for "planting of vegetation and/or trees along the west side of the proposed residence to [completely] screen the view of the residence from Cabrillo Highway [at maturity]." Bracketed language is contained in the original conditions set forth in the Planning Commission's Notice of Decision dated 07/28/00 but is inexplicably omitted from the conditions contained in the Planning Commission Staff's 10/02/00 Report to the Board of Supervisors.

There is at least one alternative building site (the "Corral Site") on the Anderson Property. The Corral Site is already completely screened from public view by natural vegetation. The Planning Commission Staff originally recommended the Corral Site but the Planning Commission disregarded Staff's recommendation for reasons that are not clear. Both the Foundation Site and the Corral Site have panoramic ocean views. Appellant believes that the only disadvantage of the Corral site is the construction cost of a new foundation. A third potential site was mentioned during the 07/26/00 Planning Commission hearing but appears not to have been fully explored.

#### General Plan and LCP Policies

Policy 4.24 of the General Plan requires among other things that structures be located "so that their presence is compatible with the pre-existing character of the site" and "to minimize impacts of noise, light, glare and odors on adjacent properties." General Plan Policy 4.27 allows "structures on open ridgelines and skylines as part of a public view when no alternative building site exists. The term "ridgelines" is defined as "the tops of hills or hillocks normally viewed against a background of other hills" and the term "skyline" is defined as "the line where sky and land masses meet." (General Plan Policy 4.7).

Several LCP policies more specifically address the location and siting of structures. LCP 8.5, the so-called "least visible" rule requires "that the 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." (emphasis added) LCP Policy 8.7 prohibits "the location of development, in whole or in part, on a skyline or ridgeline, or where it will project above a skyline or ridgeline, unless there is no other developable building site on the parcel" (emphasis added) and refers to General Plan Policy 4.7 for the skyline and ridgeline definitions.

The construction of the Anderson Residence on the Foundation Site is precluded by the plain language of LCP Policy 8.5. From public viewpoints, the Foundation Site is the most visible buildable location on the Anderson property. All parties seem to agree

that, except for locations in the vicinity of the current Anderson residence, the Corral Site is the least visible site. Policy 8.5 requires siting where the development "is least visible" (emphasis added). This does not mean "might possibly become less visible than it is now." If a site that is most visible is allowed to be deemed "least visible" conditioned on eventual possible partial vegetative camouflage, when other sites are concededly available that are presently less visible, Policy 8.5 has been effectively reversed.

Construction on the Foundation Site is also a prohibited ridgeline and skyline development. When viewed from Cabrillo Highway, the proposed Anderson Residence will block a ridgeline view. The Foundation Site is on top of a hillock that is presently visible against the background of another hill. Since this is a public view and because an alternative building site (the Corral Site) indisputably exists, General Plan Policy 4.27 by its own terms requires relocation of the Anderson Residence. Further, LCP Policy 8.7 contains no public view limitation, either directly or by reference to the General Plan definitions of "ridgelines" and "skyline." As seen from various viewpoints on Dehoff Canyon Road and the Harvey Residence, the proposed Anderson Residence will break both the ridgeline and the skyline. Because there is at least one other developable building site, Policy 8.7 protects these private views. Additionally, LCP Policy 1.31 provides that LCP policies identified by an asterisk can only be amended by the San Mateo County electorate. LCP Policy 8.7 is so identified.

Appellant will supplementally present evidence to demonstrate visibility of the site and the impact of the proposed Anderson Residence on ridgeline and skyline views.

#### Procedural Considerations

Appellant also submits that procedural irregularities at the County level independently justify a rehearing of this matter. Specifically: (1) Appellant received no notice of the 7/26/00 Planning Commission hearing at which the permits were approved, although he had received timely written notice mailed to him at his correct mailing address of a prior hearing on the Anderson application before the Planning Commission, and of a field trip to the project site in May, 2000; (2) the audiotape of the 07/26/00 hearing contains a mysterious gap such that any testimony by the Applicants and/or their counsel and the Planning Commission's reasons for disregarding the original staff recommendation are unknown; (3) the language of the vegetation condition has been materially altered without explanation; and (4) an important written supplement to the materials prepared by Appellant for the Board of Supervisors hearing was not even distributed to the Board Members until after the hearing had already commenced. These matters will be supplementally detailed by Appellant.

#### Additional Considerations and Information

The project may also adversely affect vegetative, water, fish, wildlife and soil resources. The foregoing discussion is not complete or exhaustive and Appellant will submit additional information to support the appeal request.

STATE OF CALIFORNIA—THE RESOURCES AGENCY

GRAY DAVIS, GOVERNOR

## CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 804-5200  
FAX (415) 804-5400

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

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

Committee for Green Foothills  
c/o Kenzie Roberts 339 La Cresta Dr.  
Portola Valley CA 94028 (650) 854-0449  
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 attachment

3. Development's location (street address, assessor's parcel  
no., cross street, etc.): see attachment

4. Description of decision being appealed:

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

b. Approval with special conditions: X

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

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-2-SMC-00-038

DATE FILED: \_\_\_\_\_

DISTRICT: \_\_\_\_\_

H5: 4/88

EXHIBIT NO. <u>1</u>
APPLICATION NO.
<u>A-2-SMC-00-038</u>
<u>pg. 14 of 45</u>
California Coastal Commission

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: October 17, 2000

7. Local government's file number (if any): PLN 1999-00399

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:

John and Astrid Anderson  
P.O. Box 3150  
Half Moon Bay, CA 94019-3150

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) See attached  
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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.

EXHIBIT NO. <u>1</u>
APPLICATION NO. <u>A-2-SMC-00-038</u>
<u>pg 15 of 45</u> California Coastal Commission

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

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

See attached statement

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.

Committee for Green Footprints

Lenora L. Roberts, Legislation  
Advocate

Signature of Appellant(s) or  
Authorized Agent

Date Nov. 19, 2000

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 \_\_\_\_\_

Exhibit 1

A-2-SMC-00-038

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**APPEAL OF FILE NUMBER PLN1999-00399**

**BRIEF DESCRIPTION OF PROJECT:** Planned Agricultural Development Permit, Coastal Development Permit, and Architectural Review for a new 2,881 sq. ft. single family residence with an attached garage, a new domestic well, a new septic system, regrade an existing unpaved 600 foot long road to meet standards for a driveway, and convert the existing 950 sq. ft. single family residence on the site to an affordable housing unit.

**APPLICANTS/OWNERS AND PROJECT LOCATION:** John and Astrid Anderson; Location: 400 Dehoff Canyon Road, Half Moon Bay, CA , APN: 066-440-070

**APPELLANT:** Committee For Green Foothills, c/o Lennie Roberts, 339 La Cuesta, Portola Valley, CA 94028 Phone: 650-854-0449

**REASONS SUPPORTING THIS APPEAL:** The proposed residence is not located on the least visible portion of the property, as required by LCP Section 8.5 which states in part: *"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..."* There are at least two alternative sites (clustered near the existing farmhouse, barn, and other outbuildings) and the "corral site" (recommended by the Planning Staff in their July 26, 2000 Report to the Planning Commission). Another alternative would be to replace or rebuild the existing single family residence or any of the related structures on the property. All of these alternatives, as analyzed by County Staff, would be not visible from Route One, a designated State Scenic Highway, whereas the "existing foundation" site is largely visible from Route One. The County's proposal to screen the house with a row of trees does not meet the criteria of the above policy.

The project does not comply with the provisions of PAD Section 6355.A which allows the conversion of land within the Planned Agricultural District only if several criteria are met, particularly the requirement, that "all permitted development shall be clustered". The County concluded that clustering would require removal of vegetation and extensive grading, yet there is no map of vegetation on which to base that conclusion. The topographic map submitted by the soils engineer with their March 27, 2000 report does not show existing structures, the road, the existing septic system, or the existing well, so it is not possible to adequately evaluate their contention that a new house site clustered near the existing group of

Exhibit

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structures would not be feasible. (The soils engineer apparently only evaluated one site near the existing structures, and dismissed that location because of an existing septic system drain field, but without more specific site information, this contention is difficult to evaluate).

If the proposed house is clustered in or near the existing buildings (house, tool shed, work room, carport, shed, and barn), the upper, flatter portion of the property, where the applicant proposes grazing, growing of hay, fruit trees, and vegetables, (i.e., on lands suitable for agriculture), any conversion of this agricultural land for the non-agricultural residence, carport, and driveway will be avoided. PAD Section 6355F prohibits conversion of lands suitable for agriculture and other lands within a parcel unless: (1) all agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable, and...(3) clearly defined buffer areas are developed between agricultural and non-agricultural uses. Clustering the new residence within or near the existing buildings would most completely meet these criteria.

PAD Section 6355A also requires that a potable and on-site domestic well water source exists. The project proposes a new second well to serve the new residence. PAD Section 6355 (B)1 (a) requires that "each existing parcel developed with non-agricultural uses (in this case a new single family residence in addition to the one on the property) shall demonstrate a safe and adequate well water source located on that parcel" (emphasis added). The demonstration of a safe and adequate well water source should be required prior to the granting of the Coastal Development Permit, rather than as a condition to be met later. Otherwise, the County can not make the finding that individually or cumulatively, the project would not have a significant impact on coastal resources, in this case, the demonstrably scarce groundwater resource in this area.

The Staff Report to the Planning Commission of July 26, 2000, recommended approval of the "corral site" because the "existing foundation site" would not be in compliance with: (1) LCP Policy 8.5, (2) LCP Policy 8.31, and (3) General Plan Policy 4.58. The Planning Commission (by a 3-1 vote) and subsequently the Board of Supervisors (by a 3-2 vote) overruled that recommendation. *(Note: The "corral site" should be evaluated further for its visibility, by using a photomontage based on story poles erected on the site, as this site may be visible from Route One travelling south.)*

Finally, we would like to point out a significant error in the County Staff Report's summary of the chronology of this project. This summary is misleading in its statement that the building permits, granted by the County on January 7, 1980, were approved and issued "during a period of transition of jurisdiction between the Coastal Commission and the County with respect to Coastal Development Permits". This is not the case. January, 1980, was

Exhibit 1  
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not a period of transition. The County did not approve its Local Coastal Program until August 5, 1980, and the Coastal Commission did not certify it until December, 1980, nearly a year after the building permits were issued for this project. In January, 1980, all Coastal Development Permits were being issued by the Central Regional Coastal Commission. There was certainly no confusion about this process, as several hundred CDP's were considered by the Coastal Commission prior to Coastal Permit authority being transferred to San Mateo County in April, 1981. Therefore, the location of the "existing foundation" has never been weighed against the criteria of the Coastal Act or the LCP. Had it been, we believe it would have been found out of compliance with the LCP's clustering policies, the agricultural protection policies, and the visual resource protection policies. The existence of the unapproved foundation should not be used as a reason now to allow approval of an inappropriate site.

EXHIBIT NO.
APPLICATION NO.
A-2-SMC-00-038
19 of 45 California Coastal Commission



Supplement No. 1 to  
Appeal from Coastal Permit Decision of Local Government  
Date: November 21, 2000

RECEIVED

Appeal No.: A-2-SMC-00-038

JAN 30 2001

Applicants: John and Astrid Anderson

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Local Government: San Mateo County

Local Decision: Approval with Conditions

Project Location: 400 Dehoff Canyon Road, Half Moon Bay, CA 94019  
APN: 066-440-070

Project Description: Applicants propose to construct a new one-story, 2,881 sq. ft. single family residence with an attached garage, install a new domestic well and septic system, regrade an existing unpaved 600 foot long driveway and designate an existing 950 sq. ft. residence as an affordable housing unit. The Applicants propose to construct the residence on an existing foundation constructed by a previous owner.

Appellant: Kent Harvey

BACKGROUND

On July 26, 2000, the San Mateo County Planning Commission approved, with conditions but contrary to Staff recommendation, Coastal Development Permit (CDP) PLN 1999-00399 (Anderson) for construction of a single story, 2,881 sq. ft. residence on a foundation built by a previous owner (the "Foundation Site") as further described in the Planning Commission's Notice of Decision dated July 28, 2000. The approval includes 36 special conditions. Condition 6 addresses visual resources and as of July 28, 2000 provided as follows:

6. The applicants shall submit a landscape plan to the Planning Division for review and approval depicting the planting of vegetation and/or trees along the west side of the proposed residence to completely screen the view of the residence from Cabrillo Highway at maturity. The approved landscape plan shall be installed prior to a final inspection for the building permit. All landscaping (existing and proposed) shall be maintained so as to screen the new residence. Surety shall be posted in accordance with standard Planning Department procedures to guarantee installation and maintenance of the landscaping. (emphasis added).

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APPLICATION NO. A-2-SMC-00-038
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California Coastal Commission

The local appeal period ended on August 9, 2000. There were two independent appeals to the Board of Supervisors: (i) by Appellant Harvey and co-owner; and (ii) by Kathryn Slater-Carter. As contained in the 10/02/00 Planning Commission Staff Report to the Board of Supervisors, Condition 6 omits the terms "completely" and "at maturity" and reads as follows:

6. The applicants shall submit a landscape plan to the Planning Division for review and approval depicting the planting of vegetation and/or trees along the west side of the proposed residence to screen the view of the residence from Cabrillo Highway. The approved landscape plan shall be installed prior to a final inspection for the building permit. All landscaping (existing and proposed) shall be maintained so as to screen the new residence. Surety shall be posted in accordance with standard Planning Department procedures to guarantee installation and maintenance of the landscaping.

The matter was heard by the San Mateo County Board of Supervisors on October 17, 2000. By a vote of 3 to 2, the Board voted to deny the appeal and uphold the decision of the Planning Commission. Appellant Harvey appealed the County's decision to approve the project. The project is appealable to the California Coastal Commission because a single family residence is not a principally permitted use within the Planned Agricultural District in which the project is sited.

#### Project Setting

The following description of the project site is taken from the 02/09/00 Planning Commission Staff Report, at p. 2:

The project site is located on the south side of Dehoff Canyon Road which is 2 miles south of the City of Half Moon Bay and approximately 3/4 mile east of Cabrillo Highway in unincorporated Half Moon Bay. The property is irregular in shape and is accessed along the northerly periphery of the parcel. The parcel is bordered by the Arroyo Canada Verde Creek on the north and west perimeters. The site is vegetated predominantly with grassland and approximately 100 Monterey pine trees in the vicinity of the proposed building site. The proposed building site, located at the northeasterly portion of the property, will be served by an existing driveway located approximately 3/4 mile east of Cabrillo Highway. The existing driveway, located on the easterly side of the property, is accessed from Dehoff Canyon Road. The driveway is approximately 600 feet long and ascends a relatively sharp upslope. The parcel is located within the Cabrillo Highway State Scenic Corridor. The land is currently not under agricultural production.

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APPLICATION NO. A-2-SMC-00-038
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California Coastal Commission

### Project Description


Applicants propose to construct a new one-story, 2,881 sq. ft. single family residence with an attached garage, install a new domestic well and septic system, regrade an existing unpaved 600 foot long driveway and designate an existing 950 sq. ft. residence as an affordable housing unit. The Applicants propose to construct the residence on the Foundation Site, an existing foundation built by a previous owner.

The Foundation Site was the subject of Coastal Commission litigation during the 1980s. (California Coastal Commission vs. Gregorio Alves, et. al., San Mateo County Superior Court, No. 255969). The litigation is described at page 3 of the Planning Commission Staff's 02/09/00 Report:

In 1978, the County Planning Commission approved Architectural and Site Design Review applications for a single family residence. Building permits were issued for the residence in 1980, which were subsequently suspended. These permits were issued during a period of transition of jurisdictional duties between the California Coastal Commission and the County in regard to the issuance of Coastal Development Permits. It was determined that the granting of a Coastal Development Permit and a Planned Agricultural Permit would be required prior to the continued construction of the single family residence. The previous owner did not follow up with the required Planning applications and allowed the building permit to expire.

The property has since changed hands to the applicants. The applicants are proposing to locate the house on the existing foundation that was constructed under the previously issued building permit. In addition, the plan to utilize the existing driveway that was graded under the same building permit.

There is at least one alternative building site (the "Corral Site") on the Anderson Property. The Planning Commission Staff found that the Corral Site "is located further into the slope, is completely screened by existing trees, and would not be visible from Cabrillo Highway." (07/26/00 Planning Commission Staff Report at p. 3). Staff originally recommended the Corral Site but the Planning Commission disregarded Staff's recommendation for reasons that are not clear. The Corral Site has a panoramic ocean view that is not diminished by the existing screening vegetation. The ocean view from the Foundation Site will be obscured by the proposed screening vegetation. Appellant

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APPLICATION NO. A-2-2mc-00-038
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 California Coastal Commission

believes that the screened, post construction view from the Corral Site would be superior to the screened, post construction view from the Foundation site and that the only disadvantage of the Corral Site is the construction cost of a new foundation. A third potential location (moving the residence back from the Foundation Site) was mentioned during the 07/26/00 Planning Commission hearing but appears never to have been fully explored.

## APPELLANT'S CONTENTIONS

### Summary

Appellant submits that the site approved by the County is inconsistent with following provisions of the County's Local Coastal Program:

LCP 8.5, requiring that "the 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..."

LCP \*8.7, prohibiting "the location of development, in whole or in part, on a skyline or ridgeline, or where it will project above a skyline or ridgeline, unless there is no other developable building site on the parcel."

LCP 8.18a, requiring among other things 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, ..."

LCP 8.18b, requiring "screening to minimize the visibility of development from scenic roads and other public viewpoints...."

LCP 8.18c, requiring "that all non-agricultural development minimize noise, light, dust, odors and other interference with persons and property off the development site."

LCP 8.20, requiring that structures relate "in size and scale to adjacent buildings and landforms."

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### Visual Evidence

Appendix A contains pictures of the Foundation Site from various perspectives, as it presently appears and as it will potentially appear after construction of the new residence. Image A-1 is a photograph received from the County and presumably taken on 05/10/00 (the date of the field trip) by Planning Commission Staff from Cabrillo Highway north of the Dehoff Canyon Road intersection, a public view. Image B-1 is a photograph taken by Appellant from Cabrillo Highway just south of the Dehoff Canyon Road intersection and is also a public view. Image C-1 was photographed by Appellant from Dehoff Canyon Road approximately 1/2 mile inland from Cabrillo Highway. Image D-1 was taken by Appellant from the rear deck of Appellant's residence. Image E-1 is a panoramic view of Dehoff Canyon photographed by Appellant just a few hundred feet inland from Cabrillo Highway. Images C-1 and E-1 are views shared by all residents of Dehoff Canyon and Image D-1 is a private view from Appellant's residence. Images A-2 through E-2 show the potential appearance of the Foundation Site after construction of the residence under the methodology described in the Appendix. These images demonstrate that a substantial portion of a residence constructed on the Foundation Site will be visible from Cabrillo Highway and will break at least one ridgeline when viewed from the Highway. When seen from various private views, the new residence will break two ridgelines and the skyline.

### LCP 8.5: The Least Visible Policy

The following facts are undisputed:

(1) a residence constructed on the Foundation Site will be visible from Cabrillo Highway, a State Scenic Road. The County proposes to conceal the residence by requiring new landscaping.

(2) There is at least one alternative buildable site (the Corral Site) which is completely screened from Cabrillo Highway by existing trees and from private views by the trees and an intervening hill.

The proposed Foundation Site residence would also be visible from several other public viewpoints, including Cowell Ranch Beach. No one has yet to suggest that the Foundation Site is anything other than the most visible buildable location on the Anderson property.

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LCP 8.5 requires "that the 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." (emphasis added). Policy 8.5 uses the present tense; it does not allow development on a location that "might possibly become less visible than it is now." If a site that is most visible is allowed to be deemed "least visible" conditioned on eventual possible partial vegetative camouflage, when at least one other site is concededly available and is presently invisible, Policy 8.5 has been effectively reversed.

The evolution of the vegetation condition is at best mysterious and further undermines Policy 8.5. As originally presented, the condition required that the vegetation "completely screen the view of the residence from Cabrillo Highway at maturity." (emphasis added). Without explanation, the County has deleted the words "completely" and "at maturity." As so altered, the condition is meaningless. The County has given itself complete discretion to determine the adequacy and timing of the screening without reference to any objective criteria.

Policy 8.5 concludes as follows: "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 37000.5." Given the uncontested availability of the Corral Site, Appellant submits that there is no conflict in complying with the requirement. However, to the extent that a conflict does exist, the County's proposed resolution will sacrifice significant coastal visual resources in violation of Policy 8.5.

LCP \*8.7: Skyline and Ridgeline Developments.

Policy \*8.7 provides in relevant part as follows:

**\*8.7. Development on Skylines and Ridgelines**

a. Prohibit the location of development, in whole or in part, on a skyline or ridgeline, or where it will project above a skyline or ridgeline, unless there is no other developable building site on the parcel. (emphasis added).

...

A skyline is the line where sky and land masses meet, and ridgelines are the tops of hills or hillocks normally viewed against a background of other hills. (General Plan Policy 4.7). (emphasis added).

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## Protection of Public Views

The Planning Commission staff concluded that the "proposed residence is not proposed on either a skyline or ridgeline." (02/09/00 Staff Report at p. 9). Appellant submits that this conclusion is factually incorrect and that a residence constructed on the Foundation site will break at least one ridgeline. The entire Foundation Site is at the top of a hill whose background presently consists of trees and another hill. The proposed residence will project above this ridgeline and into this background. The second encroachment is easily demonstrated by statements in the 02/09/00 report. In the third full paragraph on p. 5 of the 02/09/00 Report, staff states that "the residence will be partially located behind a small knoll planted with mature Monterey pine trees." (emphasis added). The first full paragraph on p. 9 contains the following sentence: "Due to the distance from the Cabrillo Highway and the fact that the house will be located behind a knoll, there is limited visibility from Cabrillo Highway." (emphasis added).

Webster's New World Dictionary (Second College Edition) defines "knoll" as a "hillock" or "mound." Accordingly, the top of the knoll (or hillock) is a ridgeline within the meaning of Policy \*8.7. As admitted by Staff's statements, a residence constructed on the Foundation Site will be partially located behind this ridgeline and will project above it. Since there is admittedly another "developable building site on the parcel" (the Corral Site), Policy \*8.7 on its face expressly prohibits development of the Foundation Site.

## Protection of Private Views

By its own terms Policy \*8.7 protects all views. This is best demonstrated by comparison to the provisions of San Mateo County's General Plan, whose ridgeline/skyline provision is reproduced below.

### 4.27 Ridgelines and Skyline

- a. Discourage structures on open ridgelines and skylines, when seen as part of a public view in order to preserve visual integrity.
- b. Allow structures on open ridgelines and skylines as part of a public view when no alternative building site exists.
- c. Require structures on ridgelines in forested areas, which are part of a public view to: (1) blend with the existing silhouette; (2) not break or cause gaps within the ridgeline silhouette by removing tree masses; and (3) relate to the ridgeline form..
- d. Define public view as a range of vision from a public road or other public facility.

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LCP \*8.7, by clear contrast, does not qualify its protection by reference to public views. The definitions of skyline and ridgeline (incorporated in LCP \*8.7 by reference to General Plan 4.7) do not contain any limitation on the point of view. Had LCP \*8.7 been intended to cover only public views, the appropriate language could easily have been included, as it is in General Plan 4.27. Therefore, LCP \*8.7 protects both public and nonpublic views from ridgeline and skyline encroachment. This standard is not unreasonable, since the prohibitions of LCP \*8.7 do not apply if there are no other developable sites.

To the extent that LCP \*8.7 conflicts with General Plan 4.27, it is clear that LCP \*8.7 must prevail under LCP \*1.31, which provides as follows:

**\*1.31 Local Coastal Program Amendments**

- a. Local Coastal Program policies, or subsections of such policies, identified by an asterisk (\*), may be amended or repealed only after approval by a majority of the voters of San Mateo County, voting in a valid election. The Board of Supervisors may, by a four-fifths vote after consideration by the Planning Commission, submit proposed amendment(s) to the voters.
- b. Subsection a. does not apply to amendments to Local Coastal Program policies or subsections of such policies, identified by an asterisk (\*), which would further restrict non-agricultural development, density or use, providing that such amendments conform with the California Coastal Act of 1976 or other State law.
- c. Local Coastal Program policies or subsections of such policies, not identified by an asterisk (\*), may be amended by the Board of Supervisors in conformance with the California Coastal Act,

Since LCP \*8.7 carries the requisite asterisk it can be varied only by the electorate and must supersede anything to the contrary in General Plan 4.27. This was implemented by Resolution 50289 (April 26, 1988) which is subsequent to the date of General Plan 4.27 (November 1986).

Images C-1 and C-2 show the before and after views from Dehoff Canyon Road approximately 1/2 mile east of Cabrillo Highway, a view shared by all residents of the Canyon. From this perspective the new residence will break at least one ridgeline and the skyline. Images D-1 and D-2 show the views from the back of Appellant's residence.

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Again, the new residence will break two ridgelines and the skyline and look directly down onto and into the bathroom, office, deck, patio and library of Appellant's Residence. LCP \*8.7 requires Applicants to construct their residence on a non-encroaching site. It does not require Appellant to relocate his residence to preserve the ridgeline and skyline vistas.

#### Other Visual Resources Policies

Policies 8.18 and 8.20 are reproduced below:

##### 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.

c. Require that all non-agricultural development minimize noise, light, dust, odors and other interference with persons and property off the development site.

##### 8.20 Scale

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

Image E-1 is a panoramic view from DeHoff Canyon just a few hundred feet east of Cabrillo Highway. Note that over this entire vista there are no houses visible. The

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only evidence of human intrusion (barely visible at the scale of the image) is the small wooden water tank located on Appellant's property. The tank was already there when Appellant purchased the property and he would gladly relocate it if this would contribute to a resolution of this case. Far from blending with the environment as required by Policy 8.18a, the new residence will obtrusively change the landscape (Image E-2).

Existing vegetation and landforms will not screen the new residence from public views. As presently written, the County's vegetation condition has no objective criteria. The landscaping plan has apparently not yet been submitted. There is no way for anyone to determine what will be screened and when. The existing trees around the Foundation Site have grown little in the 14 years that Appellant has owned his property. They are also currently showing signs of distress. Additionally, the number and size of windows to be contained in the new residence seem to present the potential for significant reflection and glare (particularly during afternoon hours), straight into Appellant's windows, onto Appellant's deck as well as onto Cabrillo Highway and Cowell Ranch Beach.

Since the extent of vegetative screening is unknown, the exterior color scheme of the new residence assumes even greater significance. Much of the Foundation Site is surrounded by grassland that is green during the winter and spring and golden brown during the summer. It is difficult to conceive of a color scheme that will "harmonize with the predominant earth and vegetative colors of the site" when those colors change with the seasons. The County's Condition 4 requires the applicants to submit exterior color samples for review by the Planning Director prior to the issuance of the building permit. Again, there is no opportunity for other interested parties to evaluate the external colors and their effect upon the visibility of the new residence.

Policy 8.18c requires minimization of "noise, light, dust, odors and other interference with persons and property off the development site." Appellant submits that a new residence on the Foundation Site will materially interfere with Appellant's privacy and ability to quietly enjoy his property. In addition, Applicants propose to graze goats on areas that directly abut Appellant's parcel (02/09/00 Planning Commission Staff Report at pp. 26-27), presenting an obvious risk of uncontrollable noise and odors.

Policy 8.20 mandates that structures relate "in size and scale to adjacent buildings and landforms." As shown in Image E-1, there are presently no houses visible in this area of Dehoff Canyon. The new residence will relate to the adjacent landforms (the knoll and background hills) by conspicuously protruding above them and breaking the ridgeline, changing them forever.

#### Other Resources

As noted above, Applicants propose to graze goats on areas adjacent to and in most cases uphill from Appellant's property. Appellant has serious concerns that the

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hillside will be completely denuded by the grazing activity, increasing the risk of erosion and making the area unsuitable as a wildlife habitat. Over the long term, animal waste may be flushed into the hillside, potentially affecting Appellant's own water supply. Item 4g of the County's Environmental Evaluation Checklist indicates that the project will not "generate polluted or increased surface water runoff or affect groundwater resources." Item 6i of the checklist states that the development will not "create significant amounts of solid waste or litter." However, there is nothing to suggest that the effect of the grazing activities was even considered in the environmental evaluation. Appellant is also concerned about the potential impact of the additional draw on the water table (and possibly Appellant's water supply) associated with Applicants' new well. Based on the limited information presently available, Appellant believes that the grazing activities and adverse water table effects would constitute a material "interference" with his property under Policy 8.18c.

#### Procedural Considerations

Appellant is aware that the grounds for appeal to the Coastal Commission are limited by Coastal Act Section 30603(b)(1) and does not request or expect a staff response to this section. Nonetheless Appellant believes that procedural irregularities at the County level independently justify a rehearing of this matter on administrative due process of law grounds which would supersede anything to the contrary in Section 30603(b)(1) and accordingly warrant at least potential Commission consideration. Appellant wishes to preserve all his procedural rights and towards that end feels that it is appropriate to note the following:

(1) As set forth in the Attachment to Appellant's 11/07 filing, neither Appellant nor co-owner received timely notice from the Commission of the 07/26/00 Planning Commission Hearing at which the permits were approved. He certainly would have attended or sent a representative had he been told of the meeting.

(2) The Planning Commission's 07/26/00 decision rejected a Staff recommendation that the residence be relocated to the Corral Site. The tape of the 07/26/00 hearing contains one or more gaps. The testimony of several speakers is missing altogether. Planning Commission Staff's 10/17/00 Memorandum to the Board of Supervisors states that "staff has reviewed the audio tapes from the July 26, 2000 Planning Commission hearing and agree with Mr. Malstrom that there are apparent gaps during the discussion between the Commissioners and staff." It cannot be determined why the Commission rejected Staff's recommendation or why the Foundation Site was deemed least visible. Since the basis for the decision is not known, the decision cannot be adequately appealed.

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Appellant believes that some of the missing testimony concerned the Applicants' inability to afford the increased construction costs associated with the Corral Site. A letter dated 07/19/00 from Applicant's counsel to the Planning Department mentions "extreme financial hardship", the "economic impact on the Andersons," and that they have "virtually exhausted their life savings."

Appellant does not wish to create an undue financial burden on the Applicants or himself. However, if it is acceptable to create individual exceptions to LCP policies simply because the property owner cannot afford to comply with them, the entire planning and review process has been forever undermined. Although costs are irrelevant, Appellant was unable to challenge the credibility of Applicant's cost estimates because he had no notice of the hearing at which they were raised.

(3) The language of the vegetation condition has been materially altered without explanation.

(4) Appellant's representatives were given only four minutes to make their oral presentation before the Board of Supervisors, significantly less than the time allotted to Planning Commission Staff in support of the Applicant's position.

(5) Taken together, the foregoing considerations, LCP related and otherwise, entitle Appellant to an opportunity to make his case before a fact finder. Appellant asked the Board of Supervisors to consider ordering a rehearing at the Planning Commission level, but the request was apparently not communicated to the Board until after the hearing had commenced.

### Conclusion

Appellant submits that a "substantial issue" clearly exists under LCP Policies 8.5, \*8.7, Policies 18 a, b, and c and Policy 20. If Policy 8.5 is interpreted to allow construction on a site visible from a scenic highway when another invisible buildable site admittedly exists, the Policy has been completely defied. The protection of ridgeline and skyline views under Policy \*8.7 cannot be eroded without voter approval. The County's discretion in this area is accordingly limited. Further, construction of a new residence on the Foundation Site is an unnecessary intrusion into the environment and constitutes a material interference with Appellant's property under Policies 18 and 20.

### Additional Information

Appellant understands that additional information relating to the issues heretofore raised in this appeal can be provided for at least five working days following the close of the appeal period.

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Request for Relief

Appellant respectfully requests that the Commission determine that a substantial issue exists with respect to the County's application of the indicated LCP Policies and hold a de novo hearing on the matter.

Respectfully submitted,



Dan Malstrom  
Attorney/Agent for  
Appellant Kent Harvey

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Supplement No. 1 to  
Appeal from Coastal Permit Decision of Local Government  
Date: November 21, 2000  
Appendix A

Appeal No.: A-2-SMC-00-038

Applicants: John and Astrid Anderson

Local Government: San Mateo County

Local Decision: Approval with Conditions

Project Location: 400 Dehoff Canyon Road, Half Moon Bay, CA 94019  
APN: 066-440-070

Appellant: Kent Harvey

Appellant's Counsel: Dan Malstrom, Esq.

**SUMMARY**

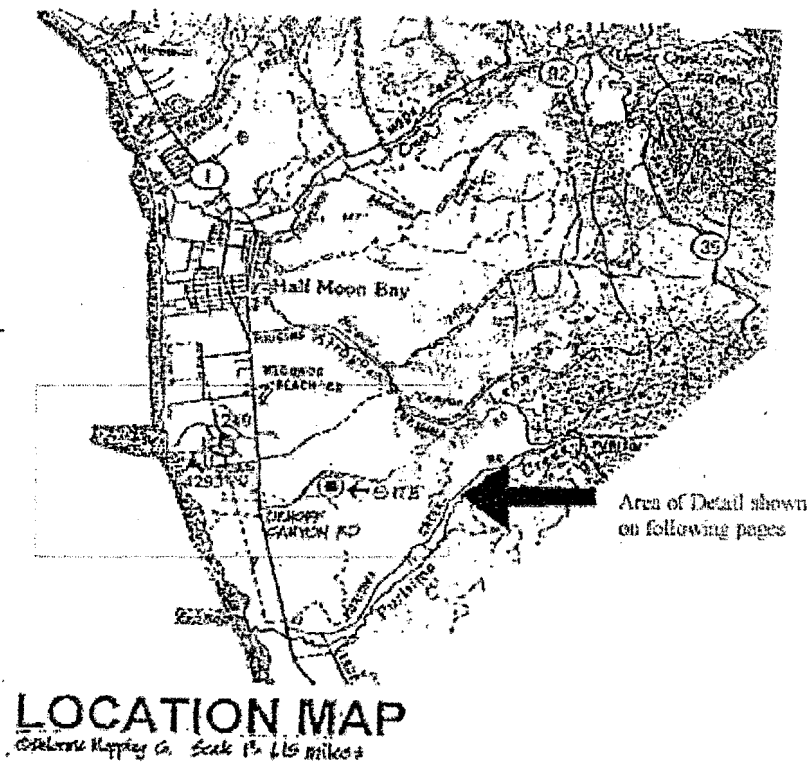
The purpose of this Appendix is to illustrate the views of Dehoff Canyon before and after construction of the new residence on the Foundation Site.

Image A-1 is a photograph received from the County and presumably taken on 05/10/00 (the date of the field trip) by Planning Commission Staff from Cabrillo Highway north of the Dehoff Canyon Road intersection, a public view. Image B-1 is a photograph taken by Appellant from Cabrillo Highway just south of the Dehoff Canyon Road intersection and is also a public view. Image C-1 was photographed by Appellant from Dehoff Canyon Road approximately 1/2 mile inland from Cabrillo Highway. Image D-1 was taken by Appellant from the rear deck of Appellant's residence. Image E-1 is a panoramic view of Dehoff Canyon photographed by Appellant just a few hundred feet inland from Cabrillo Highway. Images C-1 and E-1 are views shared by all residents of Dehoff Canyon and Image D-1 is a private view from Appellant's residence. Images A-2 through E-2 show the potential appearance of the Foundation Site after construction of the residence under the methodology described below. These images demonstrate that a substantial portion of a residence constructed on the Foundation Site will be visible from Cabrillo Highway and will break at least one ridgeline when viewed from the Highway. When seen from various private views, the new residence will break one or more ridgelines and the skyline.

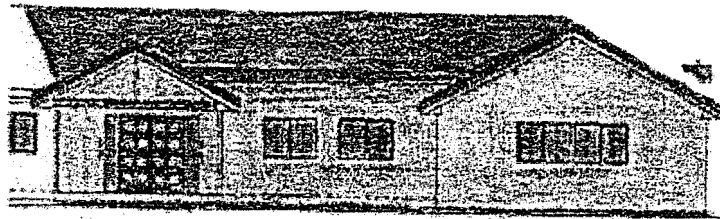
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## DISCUSSION

The following map shows the proposed location of the new residence as indicated by the Site annotation and its arrow.



The image of the New Residence was prepared by coloring a portion the drawing prepared by Applicants and contained as Attachment D-1 to the 02/09/00 Planning Staff report. The color scheme is random but Appellant believes that this is a more realistic depiction than the original black and white drawing.



This image was scaled down and electronically pasted onto the photographs to show the potential view after completion of construction. Appellant does not have sufficient information to determine how much of the new residence will be visible or the precise size of the new residence relative to its background but believe that the images shown on the following pages are fair representations.

Images A-1 and A-2: From Cabrillo Highway north of Dehoff Canyon Road

Image A-1: Present View



Image A-2: Potential View After Construction



Image A-1 is a photograph presumably taken by the County in May 2000 from Cabrillo Highway just north of Dehoff Canyon Road. The story poles are visible at the center of Image A-1 against the trees. In Image A-2, a depiction of the new residence has been added and aligned with the story poles.

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Images B-1 and B-2: From Cabrillo Highway south of Dehoff Canyon Road

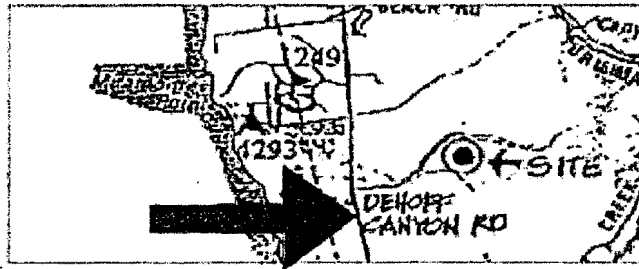


Image B-1: Present View



Image B-2: Potential View After Construction



The new residence will be clearly visible from Cabrillo Highway and will project above a ridgeline.

Images C-1 and C-2: From Dehoff Canyon Road approximately 1/2 mile inland from Cabrillo Highway

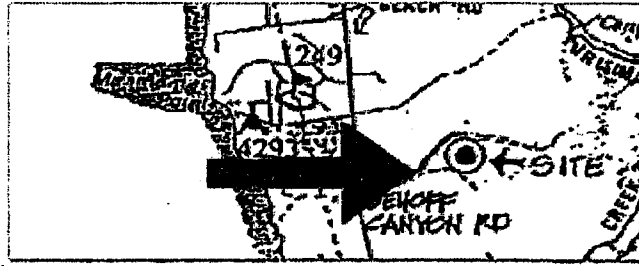
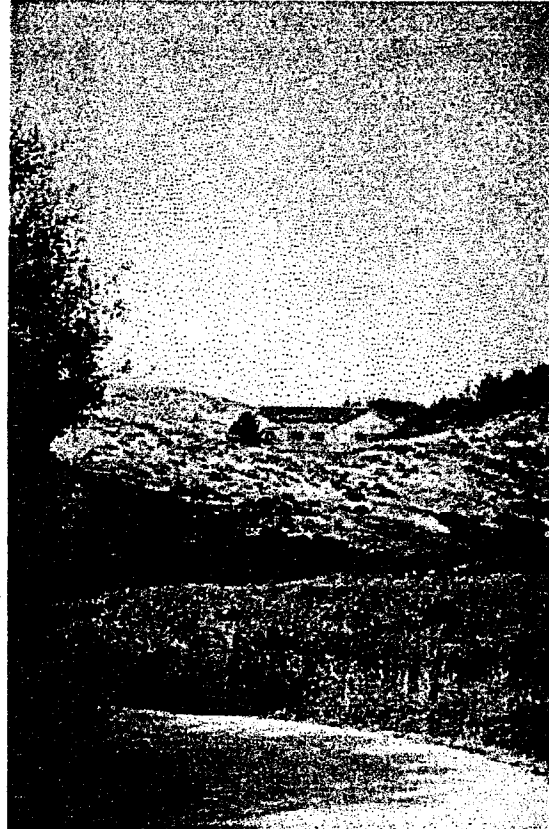


Image C-1: Present View



Image C-2: Potential View After Construction



The above view is from Dehoff Canyon Road approximately 1/2 mile inland from Cabrillo Highway. The new residence will break at least one ridgeline and the skyline, in contravention of LCP \*8.7

Image D-1 on the following page was taken from a deck in the rear of Appellant's home. From this perspective the new residence will break two ridgelines and the skyline. Additionally, the new residence will completely dominate Appellant's view of the canyon and will look directly down on Appellant's bathroom, office, deck, patio and library.

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Images D-1 and D-2  
From Appellants Back Deck

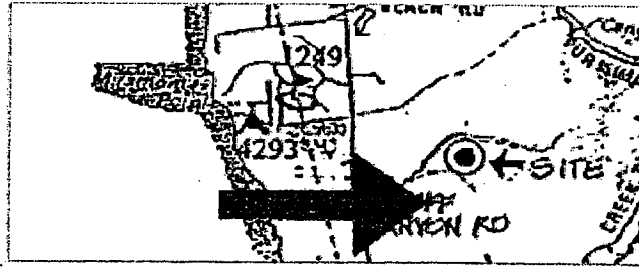


Image D-1: Present View



Image D-2: Potential View After Construction

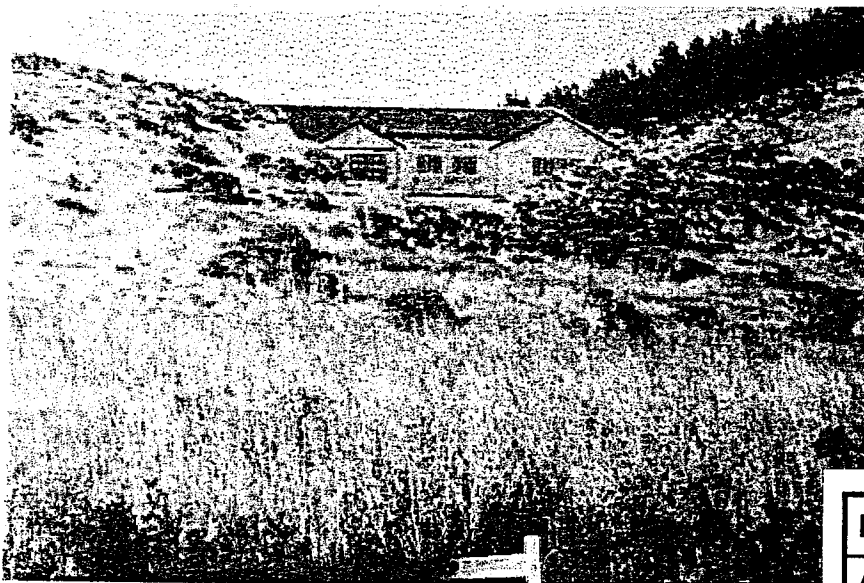
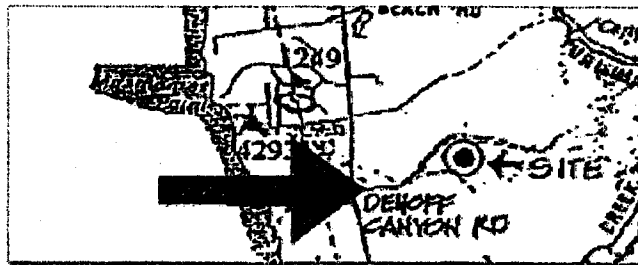


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Images E-1 and E-2 From Dehoff Canyon Road  
just inland from Cabrillo Highway



Present View



Potential View After Construction



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The panoramic view shown in Image E-1 is presently available from Dehoff Canyon Road just east of Cabrillo Highway. There are presently no houses visible in the

canyon. The new residence (a depiction of which appears near the center of Image E-2) will be the first significant human intrusion on this unbroken vista.

### CONCLUSION

While Appellant has an obvious personal interest in the location of the new residence, the images shown above demonstrate that a public interest also exists, namely the protection of visual resources. As set forth in the Supplement, Appellant respectfully requests that the Commission determine that a substantial issue exists with respect to the County's application of the indicated LCP Policies and hold a de novo hearing on the matter. Otherwise the visual character of Dehoff Canyon, both from public and private viewpoints, will be forever altered.

Respectfully submitted,



Dan Malstrom  
Attorney for Appellant Kent Harvey  
Date: November 21, 2000

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Supplement No. 2 to  
Appeal from Coastal Permit Decision of Local Government  
Date: November 27, 2000

Appeal No.: A-2-SMC-00-038

Applicants: John and Astrid Anderson

Local Government: San Mateo County

Local Decision: Approval with Conditions

Project Location: 400 Dehoff Canyon Road, Half Moon Bay, CA 94019  
APN: 066-440-070

**Project Description:** Applicants propose to construct a new one-story, 2,881 sq. ft. single family residence with an attached garage, install a new domestic well and septic system, regrade an existing unpaved 600 foot long driveway and designate an existing 950 sq. ft. residence as an affordable housing unit. The Applicants propose to construct the residence on an existing foundation constructed by a previous owner.

**Appellant:** Kent Harvey

### SUMMARY

The purpose of this Supplement is to: (i) illustrate the views of the Foundation Site from public viewpoints on Cowell Ranch Beach; and (ii) demonstrate that the County did indeed protect a private view in connection with the most recent residential development in the area. Defined terms have the same meaning set forth in Appellant's Supplement No. 1 dated 11/21/00.

### DISCUSSION

Images F-1, F-2, G-1 and G-2 were taken from Cowell Ranch Beach from the approximate locations shown below:

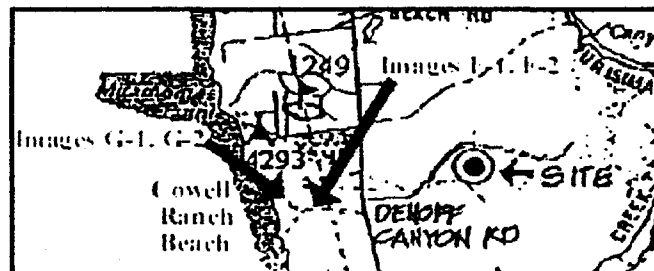


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FOUNDATION  
SITE

(TERRACED  
BENCH)

HILLOCK

EXHIBIT NO. 20

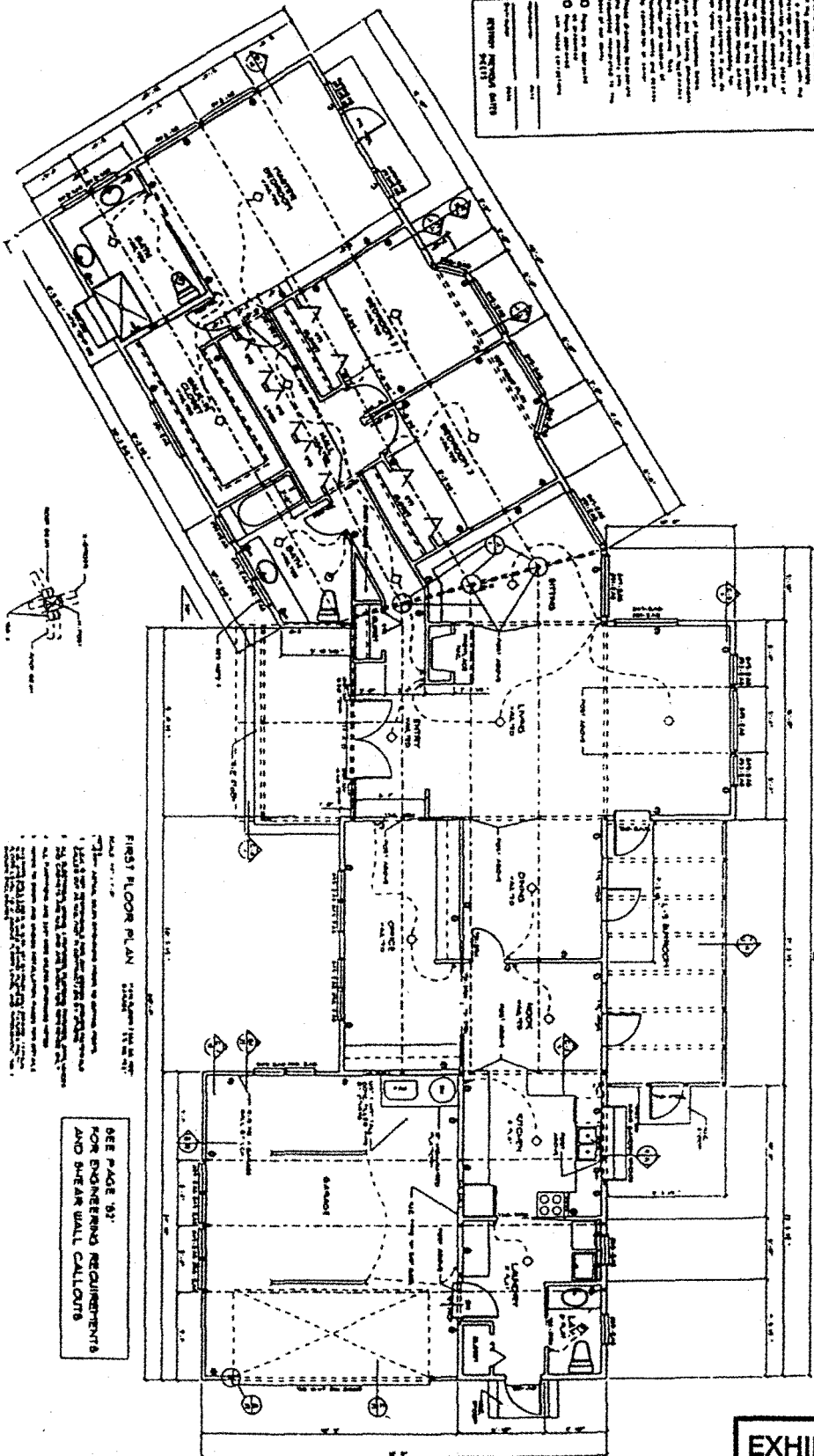
APPLICATION NO.

A-2-SMC-00-038

# San Mateo County Planning Commission Meeting

Applicant: JOHN & ASTRID ANDERSON  
 File Numbers: PLN 999 - 00399

Attachment: E



REVISION	DATE	BY	CHKD
1	10/1/99	J. Anderson	J. Anderson
2	10/1/99	J. Anderson	J. Anderson
3	10/1/99	J. Anderson	J. Anderson
4	10/1/99	J. Anderson	J. Anderson
5	10/1/99	J. Anderson	J. Anderson
6	10/1/99	J. Anderson	J. Anderson
7	10/1/99	J. Anderson	J. Anderson
8	10/1/99	J. Anderson	J. Anderson
9	10/1/99	J. Anderson	J. Anderson
10	10/1/99	J. Anderson	J. Anderson
11	10/1/99	J. Anderson	J. Anderson
12	10/1/99	J. Anderson	J. Anderson
13	10/1/99	J. Anderson	J. Anderson
14	10/1/99	J. Anderson	J. Anderson
15	10/1/99	J. Anderson	J. Anderson
16	10/1/99	J. Anderson	J. Anderson
17	10/1/99	J. Anderson	J. Anderson
18	10/1/99	J. Anderson	J. Anderson
19	10/1/99	J. Anderson	J. Anderson
20	10/1/99	J. Anderson	J. Anderson
21	10/1/99	J. Anderson	J. Anderson
22	10/1/99	J. Anderson	J. Anderson
23	10/1/99	J. Anderson	J. Anderson
24	10/1/99	J. Anderson	J. Anderson
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36	10/1/99	J. Anderson	J. Anderson
37	10/1/99	J. Anderson	J. Anderson
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39	10/1/99	J. Anderson	J. Anderson
40	10/1/99	J. Anderson	J. Anderson
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71	10/1/99	J. Anderson	J. Anderson
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78	10/1/99	J. Anderson	J. Anderson
79	10/1/99	J. Anderson	J. Anderson
80	10/1/99	J. Anderson	J. Anderson
81	10/1/99	J. Anderson	J. Anderson
82	10/1/99	J. Anderson	J. Anderson
83	10/1/99	J. Anderson	J. Anderson
84	10/1/99	J. Anderson	J. Anderson
85	10/1/99	J. Anderson	J. Anderson
86	10/1/99	J. Anderson	J. Anderson
87	10/1/99	J. Anderson	J. Anderson
88	10/1/99	J. Anderson	J. Anderson
89	10/1/99	J. Anderson	J. Anderson
90	10/1/99	J. Anderson	J. Anderson
91	10/1/99	J. Anderson	J. Anderson
92	10/1/99	J. Anderson	J. Anderson
93	10/1/99	J. Anderson	J. Anderson
94	10/1/99	J. Anderson	J. Anderson
95	10/1/99	J. Anderson	J. Anderson
96	10/1/99	J. Anderson	J. Anderson
97	10/1/99	J. Anderson	J. Anderson
98	10/1/99	J. Anderson	J. Anderson
99	10/1/99	J. Anderson	J. Anderson
100	10/1/99	J. Anderson	J. Anderson

EXHIBIT NO. 1

APPLICATION NO

A-2-smc-0

2830



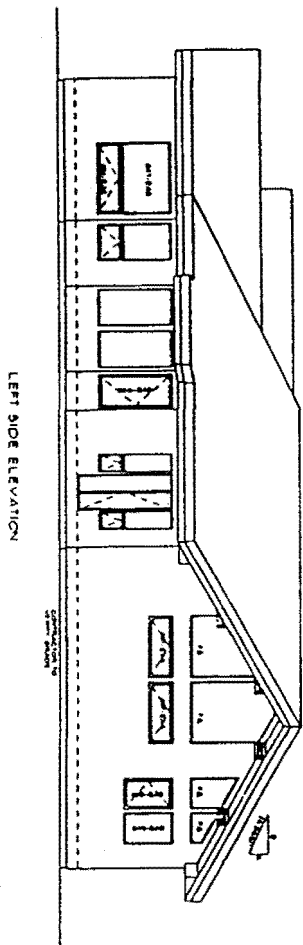
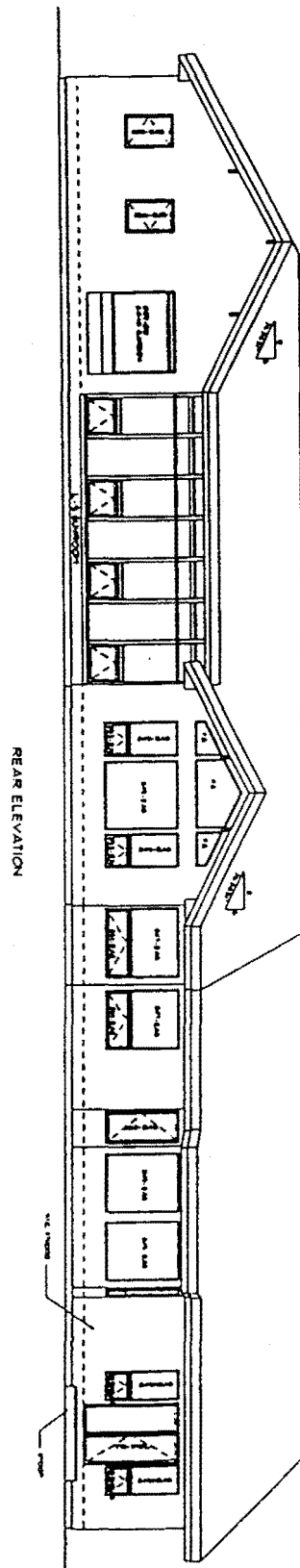


EXHIBIT NO.	19
APPLICATION NO.	
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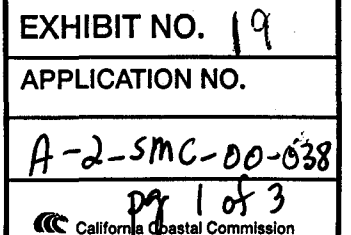
# San Mateo County Planning Commission Meeting

Attachment: D.2

Applicant: JOHN & ASTRID ANDERSSON  
 File Numbers: PLN 1999-00399

Attachment: D.1

File numbers: PLN 1999-00399



**\*TABLE 1.3 (continued)**

**MAXIMUM DENSITY CREDITS**

**K. Bonus Density Credit for New Water Storage Capacity**

One bonus density credit shall be allowed for each 24.5 acre feet of new water storage capacity demonstrated to be needed and developed for agricultural cultivation or livestock. Water from this storage may be used only for agricultural purposes. These bonus credits may be used on site or transferred to another parcel. However, none of the credits may be used on prime agricultural lands or in scenic corridors. Use of the credits shall be subject to Planning Commission approval in accordance with the provisions of this and other County ordinances.

If the same portion of a parcel is covered by two or more of the subsections A. through J., the density credit for that portion shall be calculated solely on the basis of the subsection which permits the least density credit.

GDBI0488.6FM  
(6/9/98)

EXHIBIT NO. 18
APPLICATION NO.
A-2-SMC-00-038
Pg 3 of 3
California Coastal Commission

**\*TABLE 1.3 (continued)**

**MAXIMUM DENSITY CREDITS**

**E. Land With Slope 30% But Less Than 50%**

One density credit per 80 acres for that portion of a parcel which has a slope 30% but less than 50% (i.e., the number of acres of land with a slope 30%, but less than 50% divided by 80).

**F. Land Within Rift Zones or Active Faults**

One density credit per 80 acres for that portion of a parcel which is located within the rift zone or zone of fractured rock of an active fault as defined by the U.S. Geological Survey and mapped on USGS Map MF 355, "Active Faults, Probably Active Faults, and Associated Fracture Zones in San Mateo County," or its current replacement (i.e., the number of acres of land within rift zones or active faults divided by 80).

**G. Lands Within 100-Year Floodplain**

One density credit per 60 acres for that portion of a parcel falling within a 100-year floodplain as most recently defined by the Federal Emergency Management Agency, the U.S. Geological Survey, or the U.S. Army Corps of Engineers (i.e., the number of acres of land within the 100-year floodplain divided by 60).

**H. Land With Slope 15% But Less Than 30%**

One density credit per 60 acres for that portion of a parcel with a slope in excess of 15% but less than 30% (i.e., the number of acres of land with a slope 15%, but less than 30% divided by 60).

**I. Land Within Agricultural Preserves or Exclusive Agricultural Districts**

One density credit per 60 acres for that portion of a parcel within agricultural preserves or the exclusive Agricultural Districts as defined in the Resource Conservation Area Density Matrix policy on March 25, 1986 (i.e., the number of acres of land within Agricultural Preserves or Exclusive Agricultural Districts divided by 60).

**J. All Other Lands**

One density credit per 40 acres for that portion or portions of a parcel not within the above areas (i.e., the number of acres of all other land divided by 40).

**\*TABLE 1.3**

**MAXIMUM DENSITY CREDITS**

In the rural areas of the Coastal Zone which are zoned Planned Agricultural District, Resource Management/Coastal Zone, or Timberland Preserve/Coastal Zone, determine the maximum number of density credits to which any legal parcel is entitled by using the method of calculation shown below, and further defined by the Planned Agriculture, Resource Management/Coastal Zone, and Timberland Preserve/Coastal Zone Zoning District regulations. All legal parcels shall accumulate at least one density credit. Except as provided in Policy 5.11, the sum of the density credits on parcels created by a land division shall not exceed the total credits on the original parcels or parcels divided.

A. Prime Agricultural Lands

One density credit per 160 acres for that portion of a parcel which is prime agricultural land as defined in Policy 5.1 (i.e., the number of acres of Prime Agricultural Land divided by 160).

B. Lands With Landslide Susceptibility

One density credit per 160 acres for that portion of a parcel which lies within any of the three least stable categories (Categories V, VI and L) as shown on the U.S. Geological Survey Map MF 360, "Landslide Susceptibility in San Mateo County" or its current replacement (i.e., the number of acres of land susceptible to landslides divided by 160).

C. Land With Slope 50% or Greater

One density credit per 160 acres for that portion of a parcel which has a slope 50% or greater (i.e., the number of acres of land with a slope 50% or greater divided by 160).

D. Remote Lands

One density credit per 160 acres for that portion of a parcel over 1/2 mile from a public road that was an existing, all-weather through public road before the County Local Coastal Program was initially certified in November 1980 (i.e., the number of acres of remote land divided by 160).

EXHIBIT NO. 18
APPLICATION NO.
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California Coastal Commission

TABLE 1.2						
LAND USES AND DEVELOPMENT DENSITIES						
LAND USE	DENSITY	URBAN AREA	RURAL SERVICE CENTER	RURAL RESIDENTIAL AREA	FARM LABOR HOUSING AREA	RURAL AREA
<b>RESIDENTIAL</b>						
(1) Very Low	(0.0-0.2 d.u./ac.)		X	X	X	X
(2) Low	(0.3-2.0 d.u./ac.)	X	X		X	
(3) Medium Low	(2.1-6.0 d.u./ac.)	X	X		X	
(4) Medium	(6.1-8.0 d.u./ac.)	X	X		X	
(5) Medium High	(8.1-16.0 d.u./ac.)	X				
(6) High	(16.1-32.0 d.u./ac.)	X				
<b>COMMERCIAL</b>						
(7) General Commercial	-----	X	X			
(8) Neighborhood Commercial	-----	X	X			
(9) Coastside Commercial Recreation	-----	X	X			
(10) Offices	-----	X				
<b>INDUSTRIAL</b>						
(11) General	-----	X				
(12) Heavy	-----	X				
<b>OTHER</b>						
(13) Institutional	-----	X	X			
(14) Transportation	-----	X				
<b>OPEN SPACE</b>						
(15) Public Recreation	(1 d.c./40 ac.- 1 d.c./160 ac.) <sup>1</sup>	X	X			X
(16) Private Recreation	(1 d.c./40 ac.- 1 d.c./160 ac.) <sup>1</sup>	X	X			X
(17) General Open Space	(1 d.c./40 ac.- 1 d.c./160 ac.) <sup>1</sup>	X	X		X <sup>2</sup>	X
(18) Agriculture	(1 d.c./40 ac.- 1 d.c./160 ac.) <sup>1</sup>	X	X		X <sup>2</sup>	X

<sup>1</sup>See Table 1.3 for explanation of computation of maximum density of development for compatible conditional uses.

<sup>2</sup>Maximum density permitted is eight dwelling units per acre.

EXHIBIT NO. 17
APPLICATION NO.
A-2-SMC-00-038
California Coastal Commission

# Langley Hill Quarry

Ph: 650-851-0129 • Septic Systems Installed & Repaired • Lic. No. A702033

SMC Certified Installer No. 00-01

Tested By: KEVIN VAUGHN - Soil Percolation Tester # 00-07 = WATER Added

Observed in Field By: [Signature] Date: 1-27-2000

1/2 HOUR INTERVALS	READINGS	HOLE #1	HOLE #2	HOLE #3	HOLE #4	HOLE #5	HOLE #6
8:30	FINISH	5 1/16"	5 1/16"	6 1/16"	6 1/16"	6 7/16"	8 1/16"
18:00	START	4" =	4" =	4" =	4 1/16" =	4" =	4" =
	= DIFF. =	1 1/16"	1 1/16"	2 1/16"	2 1/16"	2 7/16"	4 1/16"
9:00	FINISH	5 1/16"	5 10/16"	7"	7 1/16"	7"	11 15/16"
28:30	START	5 1/16"	5 1/16"	6 1/16"	6 1/16"	6 7/16"	8 1/16"
	= DIFF. =	9/16"	6/16"	10/16"	1"	9/16"	3 9/16"
9:30	FINISH	6 1/16"	6"	7 9/16"	7 10/16"	7 6/16"	9 9/16"
39:00	START	5 1/16"	5 0/16"	7"	7 1/16"	7"	6"
	= DIFF. =	1 1/16"	6/16"	8/16"	6/16"	6/16"	3 9/16"
10:00	FINISH	6 8/16"	6 3/16"	7 14/16"	7 15/16"	7 12/16"	11 15/16"
49:30	START	6 8/16"	6"	7 8/16"	7 10/16"	7 6/16"	9 9/16"
	= DIFF. =	6/16"	5/16"	6/16"	5/16"	6/16"	2 6/16"
10:30	FINISH	6 14/16"	6 10/16"	8 3/16"	8 3/16"	8 1/16"	9 12/16"
59:00	START	6 8/16"	6 3/16"	7 14/16"	7 15/16"	7 12/16"	6"
	DIFF.	6/16"	5/16"	5/16"	6/16"	6/16"	3 12/16"
11:00	FINISH	4 12/16"	4 12/16"	5 8/16"	5 5/16"	5 1/16"	8 1/16"
69:30	START	4" =	4" =	4" =	4" =	4" =	5" =
	= DIFF. =	12/16"	12/16"	1 8/16"	1 5/16"	1 1/16"	3 1/16"
11:30	FINISH	4 10/16"	4 14/16"	4 13/16"	5 1/16"	5 1/16"	8 19/16"
79:00	START	4" =	4" =	4" =	4" =	4" =	5" =
	= DIFF. =	10/16"	4/16"	13/16"	1 1/16"	1 1/16"	3 10/16"
12:00	FINISH	4 1/16"	4 3/16"	4 9/16"	5 1/16"	4 11/16"	8 1/16"
89:30	START	4" =	4" =	4" =	4" =	4" =	5" =
	= DIFF. =	12/16"	5/16"	9/16"	1 5/16"	1 4/16"	3 12/16"
9	FINISH						
	START						
	DIFF.						
10	FINISH						
	START						
	DIFF.						

EXHIBIT NO. 16

APPLICATION NO.

A-2-SMC-00-038

3 0/3  
California Coastal Commission

APPLICANTS NAME: LANGLEY HILL QUARRY PHONE: 650-851-0129

OWNERS NAME: JOHN & ASTRID ANDERSON APN: 066-440-070

ADDRESS: 400 DEHOFF CANYON Rd. HALF MOON BAY (SMC)

SIZE OF PARCEL: 30 AC ± WATER SOURCE: WELL SUBDIVISION:

WET WEATHER TESTING REQUIRED? YES ☒ NO DEPTH TO GROUND WATER: 11' DRY

SOIL LOG: CLAY STONE & SANDY CLAY SOIL - CLAY STONE BROKEN IN LOWER AREA'S OF HOLE'S



# LAND USE FIELD & DATA REPORT

455 County Center, Redwood City, CA 94063 • (650) 363-4305 • Fax (650) 363-7882  
www.smhealth.org/enviro

J# 066-480-070	Record ID	Date 1-27-2000
Site Address 400 De Hoff	Owner Anderson	
City HMB	ZIP	Contractor Langley Hill

#1	#2	#3	#4	#5	#6
9 12/16"	4 5/16"	4 9/16"	5 5/16"	4 14/16"	8 14/16"
4"	4"	4"	4"	4"	5"
13/16"	5/16"	9/16"	1 5/16"	14/16"	3 12/16"

\* 11' dry hole excavated. No water or dangers observed. Soil is SANDY/mudstone in contact with some clay.

Percolation Rate is an "A"

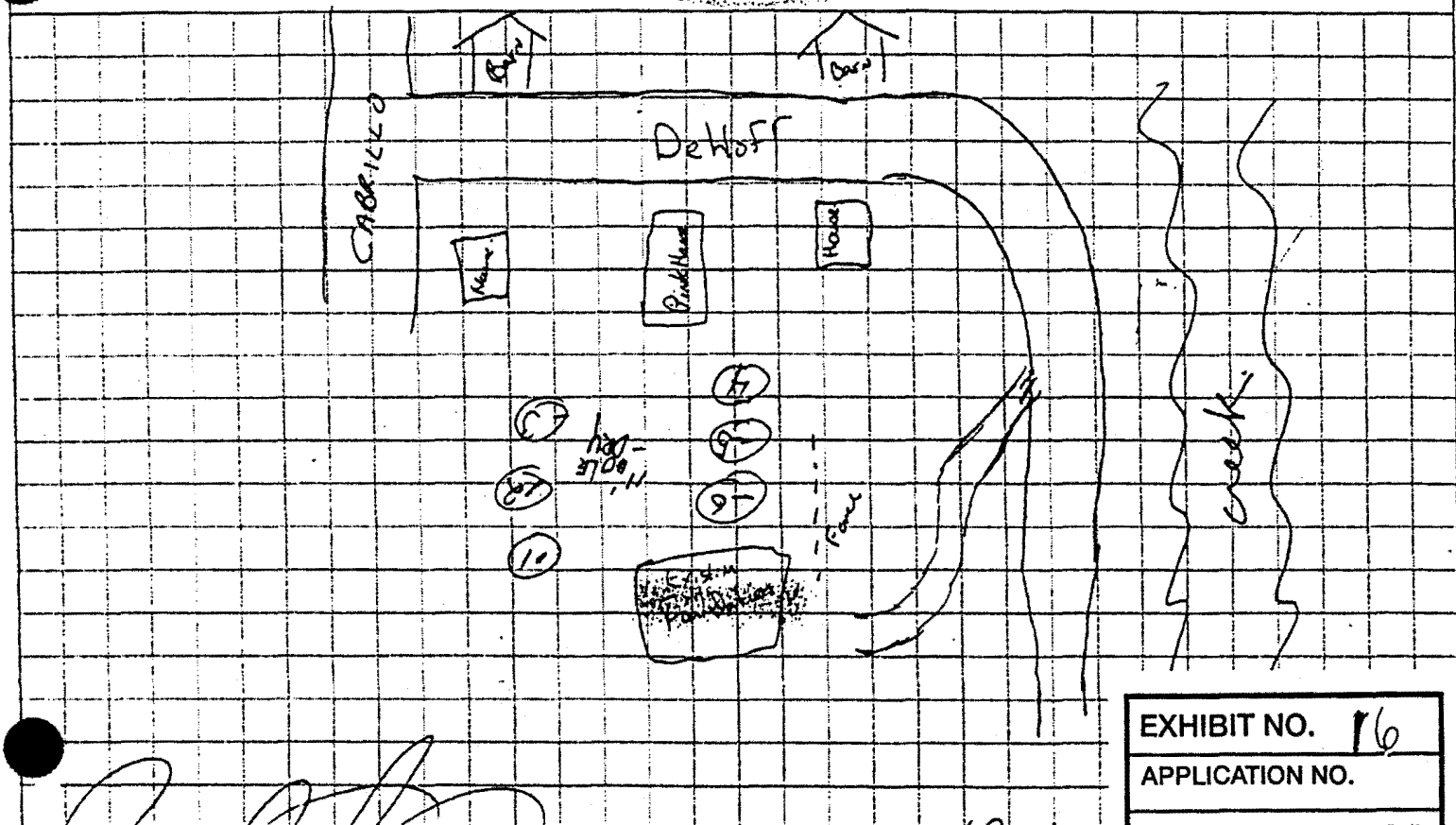


EXHIBIT NO. 16
APPLICATION NO.
A-2-SMC-00-038
PG 2 of 3

REHS

RE





## LAND USE FIELD &amp; DATA REPORT

455 County Center, Redwood City, CA 94063 • (650) 363-4305 • Fax (650) 363-7882

www.smhealth.org/enviro

J# 440 066-440-070		Record ID	Date 1-26-2000
Site Address 400 DeHoff		Owner Anderson	
City HMB	ZIP	Contractor Langley Hill	

Site Exam / Presock

Septic site investigation: proposed site is at top of knoll. Test site is slightly sloping, but appears to be less than 20% slope. Well is greater than 100' from test sites.

Percolation test pits have been properly constructed and are full with water.

OK to start percolation test tomorrow at 8:00am.

EXHIBIT NO. 16

APPLICATION NO.

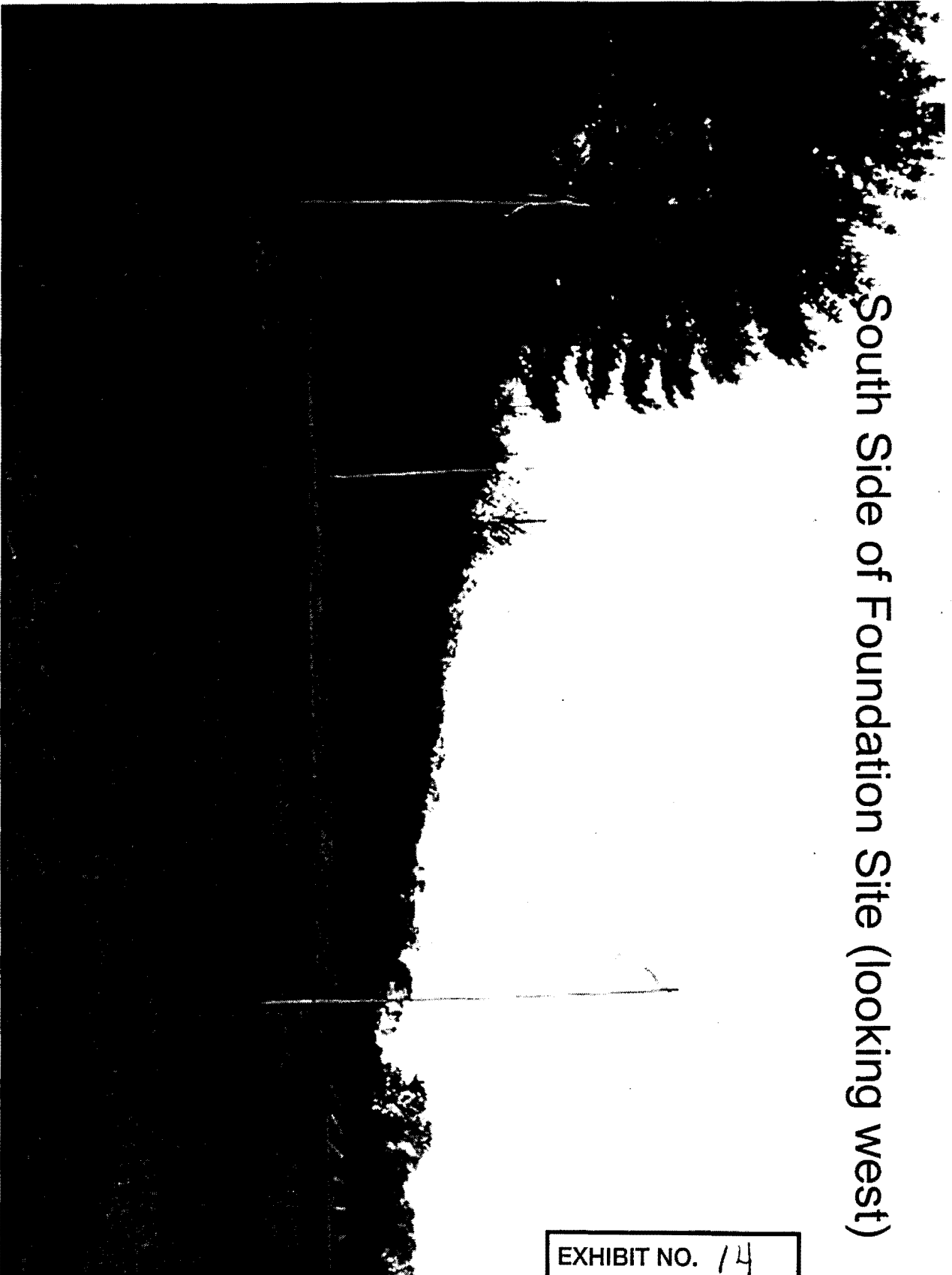
A-2-SMC-00-038

PR 1 of 3  
California Coastal Commission


REHS

RECEIVED BY





South Side of Foundation Site (looking west)

EXHIBIT NO. 14
APPLICATION NO.
A-2-SMC-00-038
 California Coastal Commission

Foundation site (looking northwest)

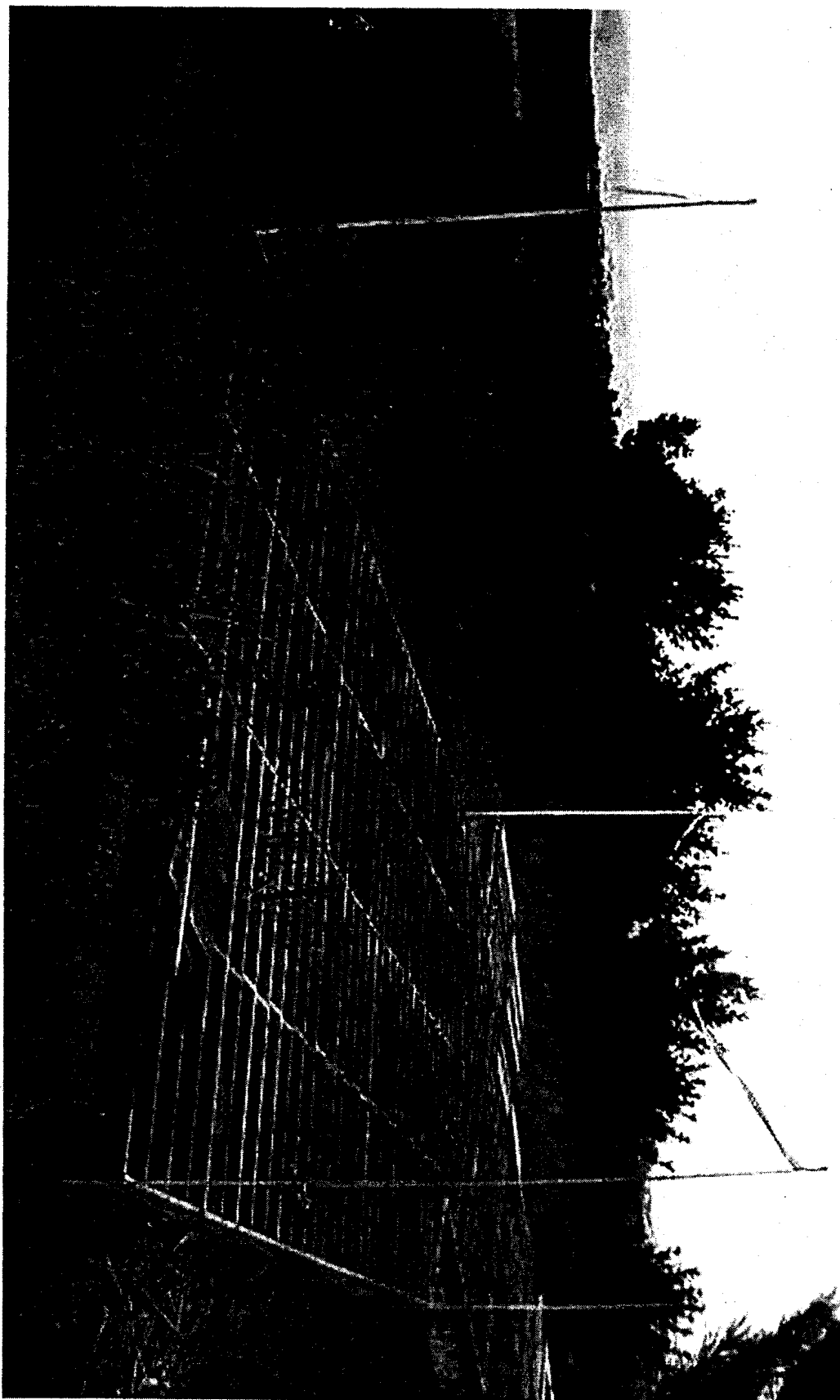


EXHIBIT NO. 13

APPLICATION NO.

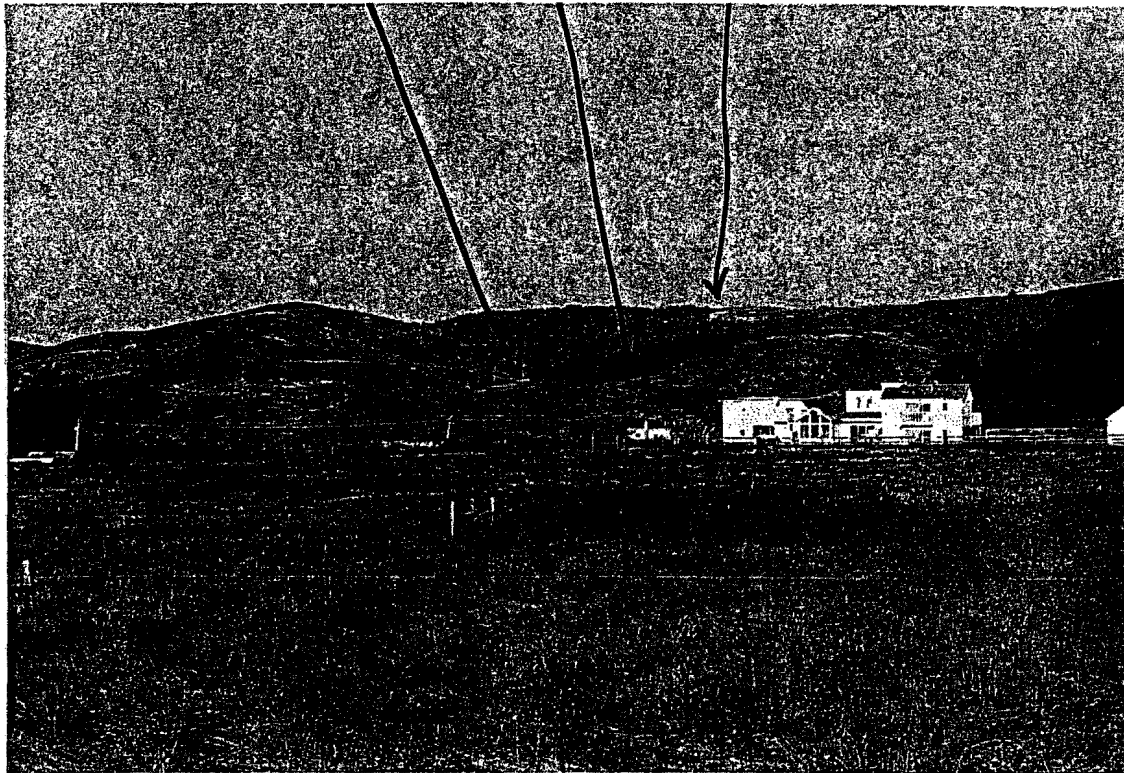
A-2-SMC-00-038



(Normal Lens) shed on corral site

Foundation site

multistory residence



(Telefoto Lens) shed on corral site

Foundation site

multistory residence

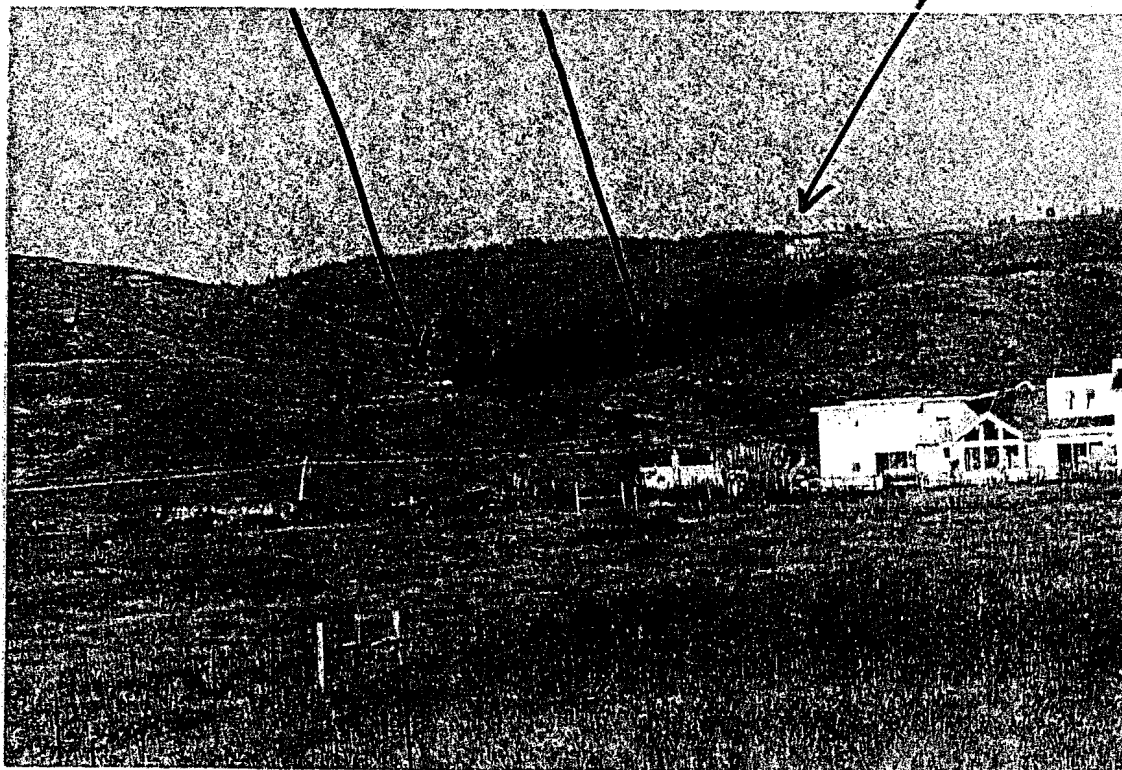


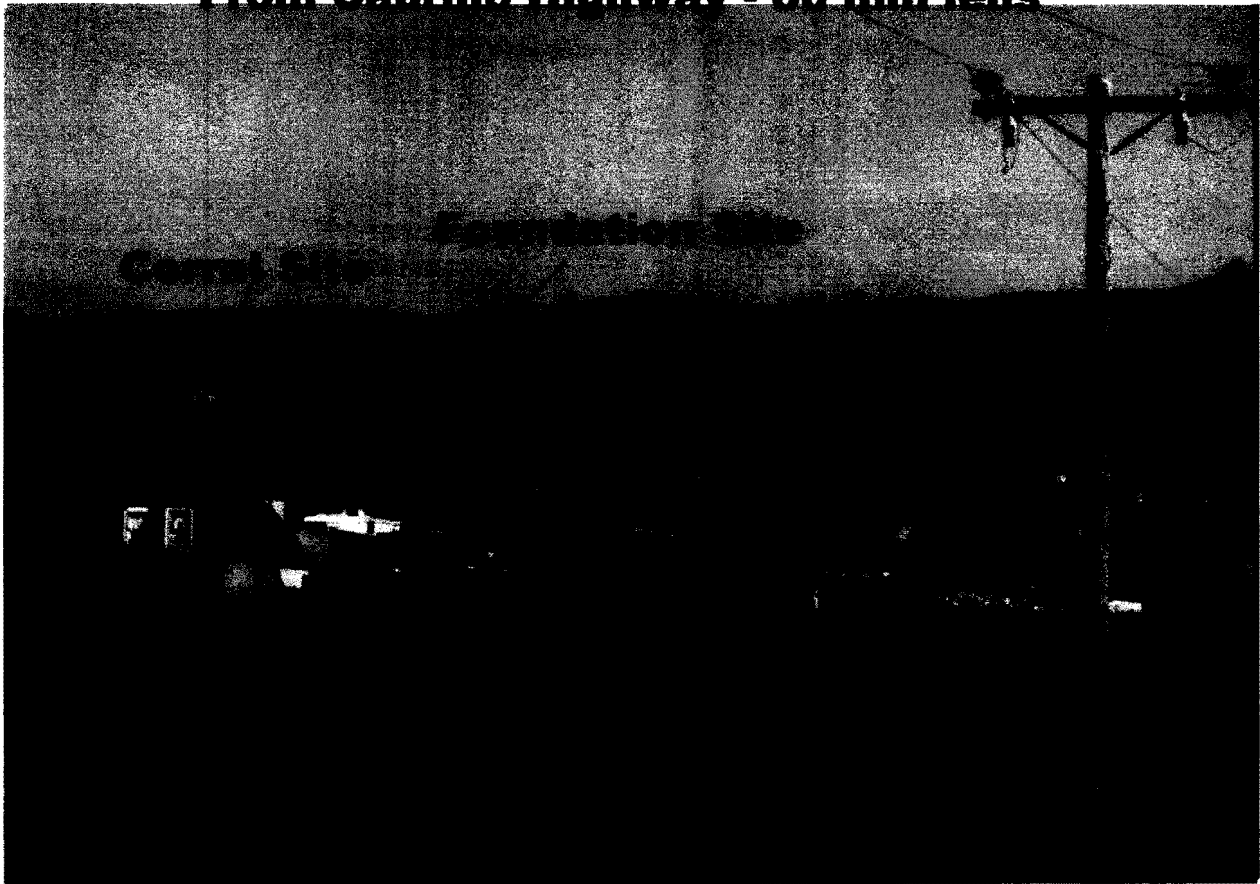
Exhibit 12

VIEWS FROM COWELL BEACH ACCESSWAY

A-2-SMC-00-038



**Photo simulations of Corral Site and Foundation Site  
From Cabrillo Highway - 80 mm lens**



1. Simulations with slate roofs (as applicants propose)



2. Simulations with bright roofs (done so simulations are more easily seen in photos)

Exhibit 11B  
A-2-SMC-00-038



# View from Cabrillo Highway

Corral site

Foundation Site

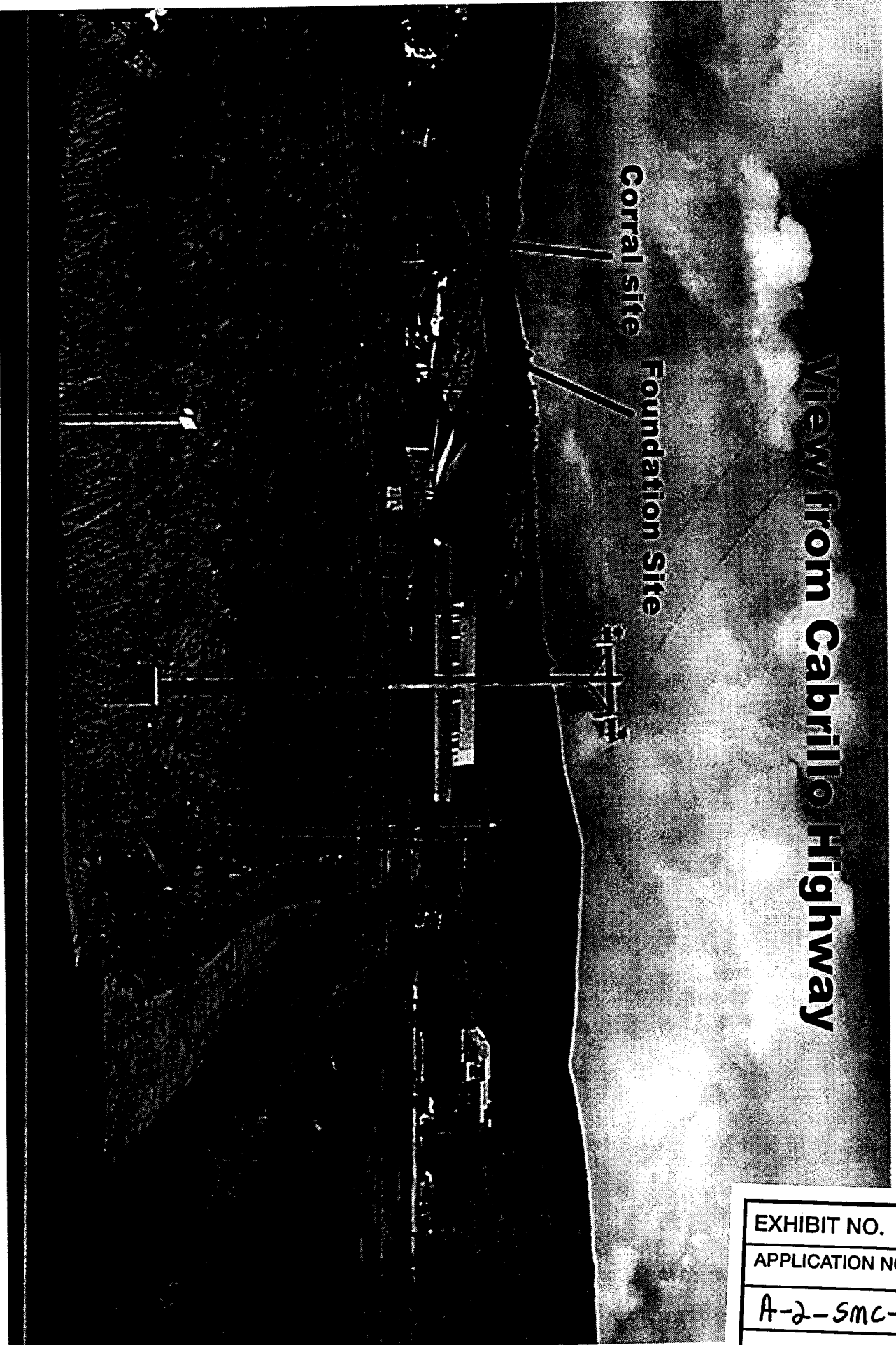


EXHIBIT NO. 11A

APPLICATION NO.

A-2-SMC-00-038



California Coastal Commission

# Foundation site (looking north)

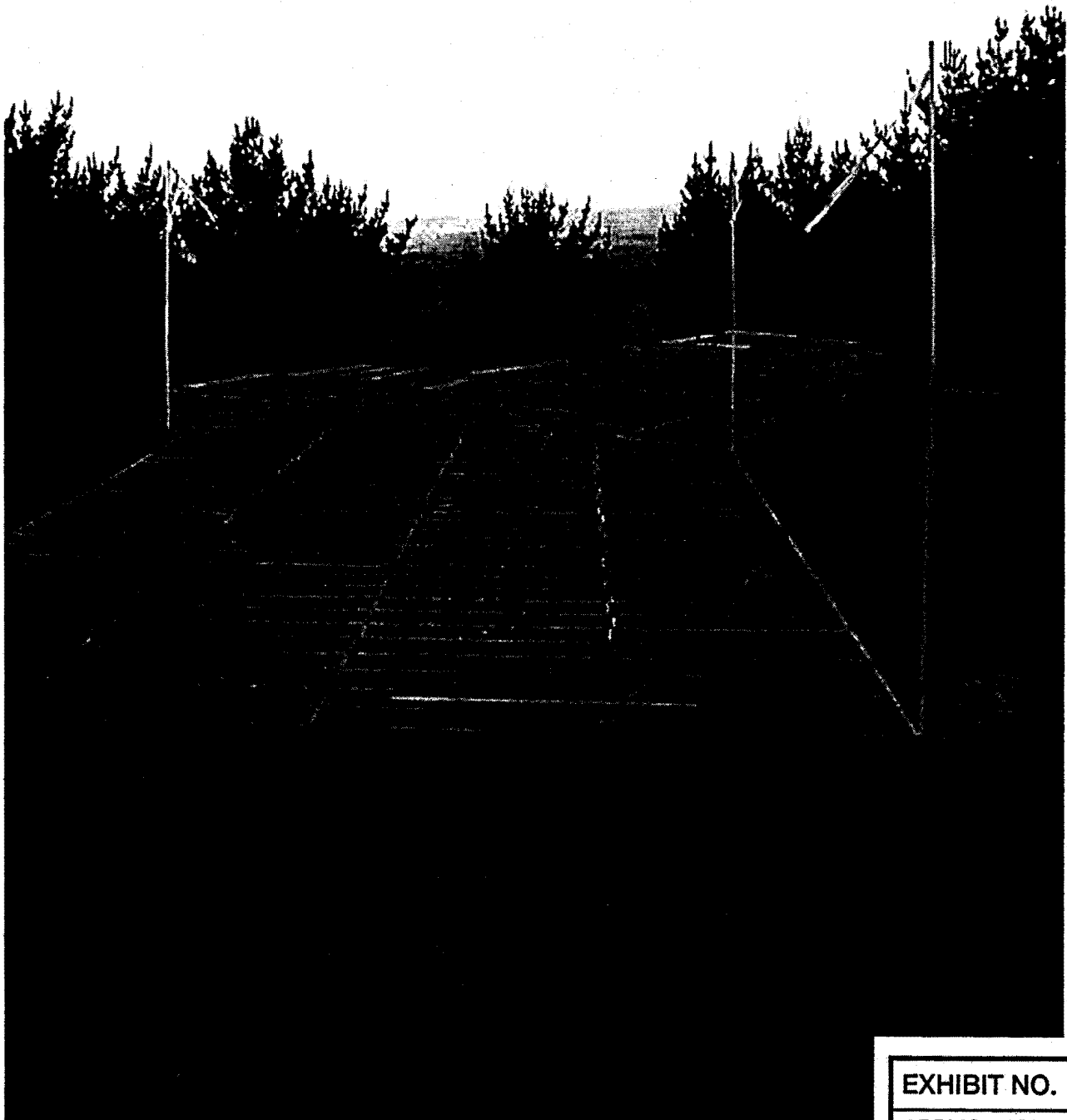


EXHIBIT NO. 10

APPLICATION NO.

A-2-SMC-00-038

California Coastal Commission



EXHIBIT NO. 9

APPLICATION NO.

A-2-SMC-00-038

 California Coastal Commission

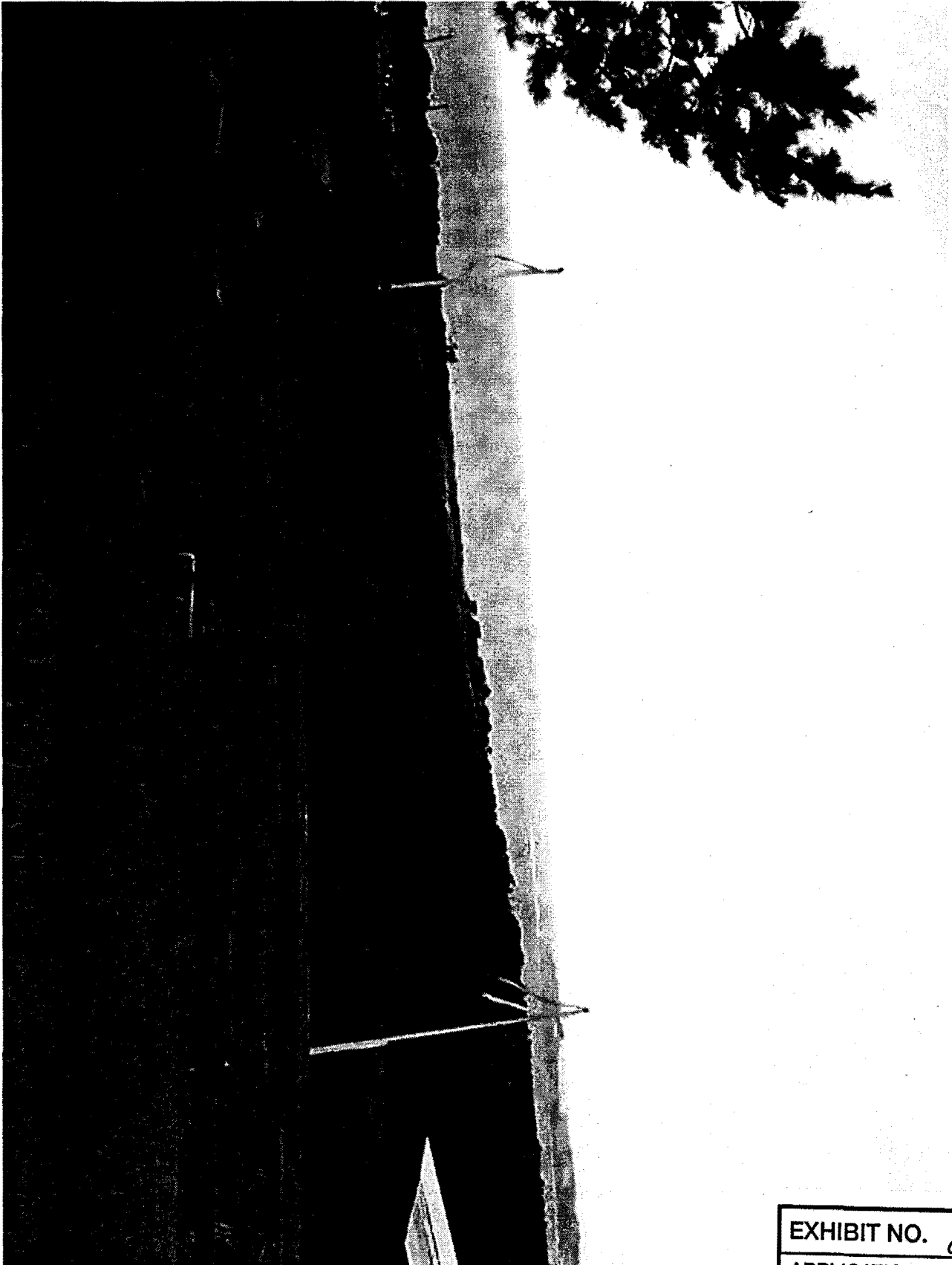


EXHIBIT NO. 8

APPLICATION NO.

A-2-6MC-00-038

File: 200085  
March 28, 2000

### Existing Foundation Site

Several years ago, a house foundation was constructed on the crest of the ridge (about 150 feet to the southeast of the corral site). Geotechnical/geologic reports were prepared for the construction, and the foundations were installed before some problem with a governmental agency terminated construction. Based upon the soils report, the house foundations were to consist of drilled piers extending into bedrock (located between 2 and 9 feet below grade). No geologic hazards were identified by the original engineers and geologists at this site, nor did we observe any potential hazards to affect this site.

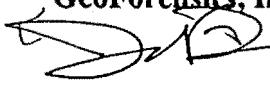
Currently, there appears to be little, if any, grading work required to complete the construction. Further, the relatively gentle slopes immediately downslope of the residence will provide a good environment for dispersment of surface waters which will be collected from impermeable surfaces in the developed areas (pavements and roof). In addition, the topography permits the dispersment of collected waters into two different drainage swales, thereby limiting impact of any collected water to a single drainage path below the property.

The greater width of the ridge in this area will also allow the leach fields to consist of longer runs, thereby limiting the downslope extent of disturbance. A leach field line could even run out to the area of the existing corral site as a single trench.

Given the existing geologic and geotechnical conditions present at each of the three proposed sites, this final site appears to be the best from a geotechnical perspective.

Should you have any questions regarding the information contained in this letter, please contact the undersigned authors.

Respectfully Submitted:  
GeoForensics, Inc.

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



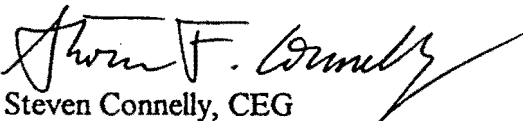
  
Steven Connelly, CEG  
Consulting Engineering Geologist, CEG 1607

EXHIBIT NO.	7
APPLICATION NO.	
A-2 SMC-00-038	
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California Coastal Commission	

### Corral Site

To the southwest of the existing residence, there is a corral area located near the top of the existing spur ridge which extends up from behind the existing residence. The ground surface in this area slopes gently to moderately down to the northwest at gradients as level as about 10:1 (horizontal to vertical). Large trees located upslope of the proposed area are relatively vertical, suggesting that creep forces are not active to the south of the site. However, there are no trees closer to the steep slopes which line the northern side of this site. Further, towards the base of the slope, the existing access roadway has recently experienced a slide along the creek. Mitigation of the slide included pushing the roadway alignment into the hillside slope, creating a near vertical cut some 8 to 12 feet tall. The vertical cut is not supported, and has already started to fail. It is our opinion that this cut is capable of initiating greater failures in the hillside slope above, including massive slope instability (probably shallow translational failures) or piping erosion. Both of these two failure mechanisms could potentially extend up to affect the proposed residential site over the long term. Therefore, prior to development of this area, it is probable that extensive mitigation work would be required for the existing roadway alignment to support all cut slopes. Currently, the potential loss of slope is being treated as a maintenance issue as the potential failures do not constitute a threat to any developed structure.

Once the base of the slope is stabilized, construction of a residence could commence. Construction would require significant grading work to create driveway access to a garage area. The rest of the house could be constructed to match grade, requiring portions of the house to be embedded into the slope, or to rise a few feet out above the slope. Visually we estimate that cuts and fills would probably be on the order of 5 feet deep/thick. Placement of fills would require key and bench construction, thereby affecting larger areas of slope to create a stable placement on the sloping site topography.

Leach fields would be located along the nose of the ridge to the west of the residence site. Due to the steep side slopes, it will be necessary to install several shorter sections which step down the nose of the ridgeline.

Surface water collection will need to be carefully thought out in order to avoid increasing flows of water onto the steep slope to the north of the site, and to avoid increasing flow quantities in the swale which runs to the back of your existing residence. That swale is already posing drainage problems for the existing residence.

From a geotechnical/geologic perspective, this site is an acceptable location, but is not as desirable from a technical perspective as the last alternative lot.

EXHIBIT NO. 7
APPLICATION NO.
A-2-smc-00-038
PS 2 of 3 California Coastal Commission

# GEOFORENSICS INC.

Consulting Soil Engineering

561 Pilgrim Dr., Suite D, Foster City, California 94404

Phone: (650) 349-3369 Fax: (650) 571-1878

File: 200085  
March 27, 2000

Mr. and Mrs. Anderson  
P.O. Box 3150  
Half Moon Bay, CA 94019-3150

Subject: Proposed New Residence  
Dehoff Canyon Road  
Half Moon Bay, California  
PRELIMINARY GEOTECHNICAL AND  
GEOLOGIC SITE EVALUATION

Dear Mr. and Mrs. Anderson:

This letter has been prepared to address the geotechnical and geologic conditions which affect the three alternative building sites which have been proposed by various parties for the siting of a new residence on your property. Our senior geotechnical engineer and consulting engineering geologist visited the site last week, to evaluate each of the three sites. Our findings for each of the sites are presented below.

## Valley Site

The first site which we understand is being proposed is located in the valley floor just to the west of your existing residence. The area consists of relatively gently northward sloping valley floor, bounded to the north by the access driveway and incised creek, and to the south by a very steep hillside slope. The slope is generally at an inclination of 2:1 and steeper. No signs of mass instability were observed on the overly steep slope, but deformed trees do indicate that there is active creep occurring on the slope.

At first glance, the level valley floor would appear to present a valid location for construction. However, the level area is currently the site of the leach field for the existing residence. The new residence cannot be constructed on top of the leach field. Further, County ordinances would also preclude grading activities in the leach field area, making it difficult to provide access to the slope where the house would have to be located. Even if the leach field could be relocated (which we doubt as we did not observe any other adequate leach field sites for the existing home in this area), the road easement width and required construction set-backs would still push the new residence up onto the steep slope along the southern side of the valley.

It is our opinion that the cost of construction on the steep southern slope would be extremely expensive as the house would need to step up the very steep slope. To create even minimal floor area would involve massive retaining walls and several stories of construction. We would not recommend the development of this site.

existing residence with adjacent beach field area - valley site

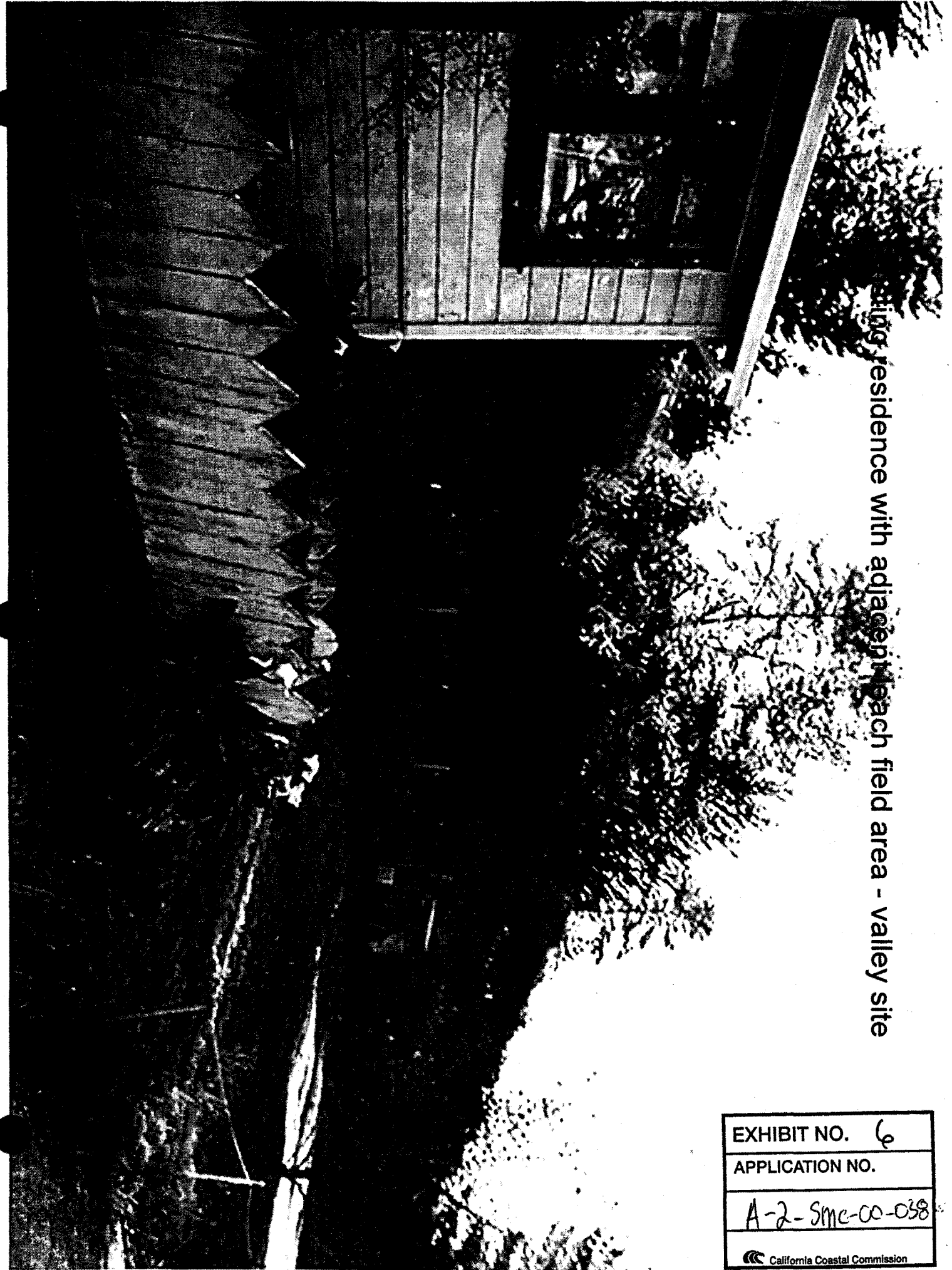



EXHIBIT NO. 6
APPLICATION NO.
A-2-SMC-00-038
 California Coastal Commission



San Mateo County Board of Supervisors Meeting

Applicant: John and Astrid Anderson

File Numbers: PLN 1999-00399

Attachment: C

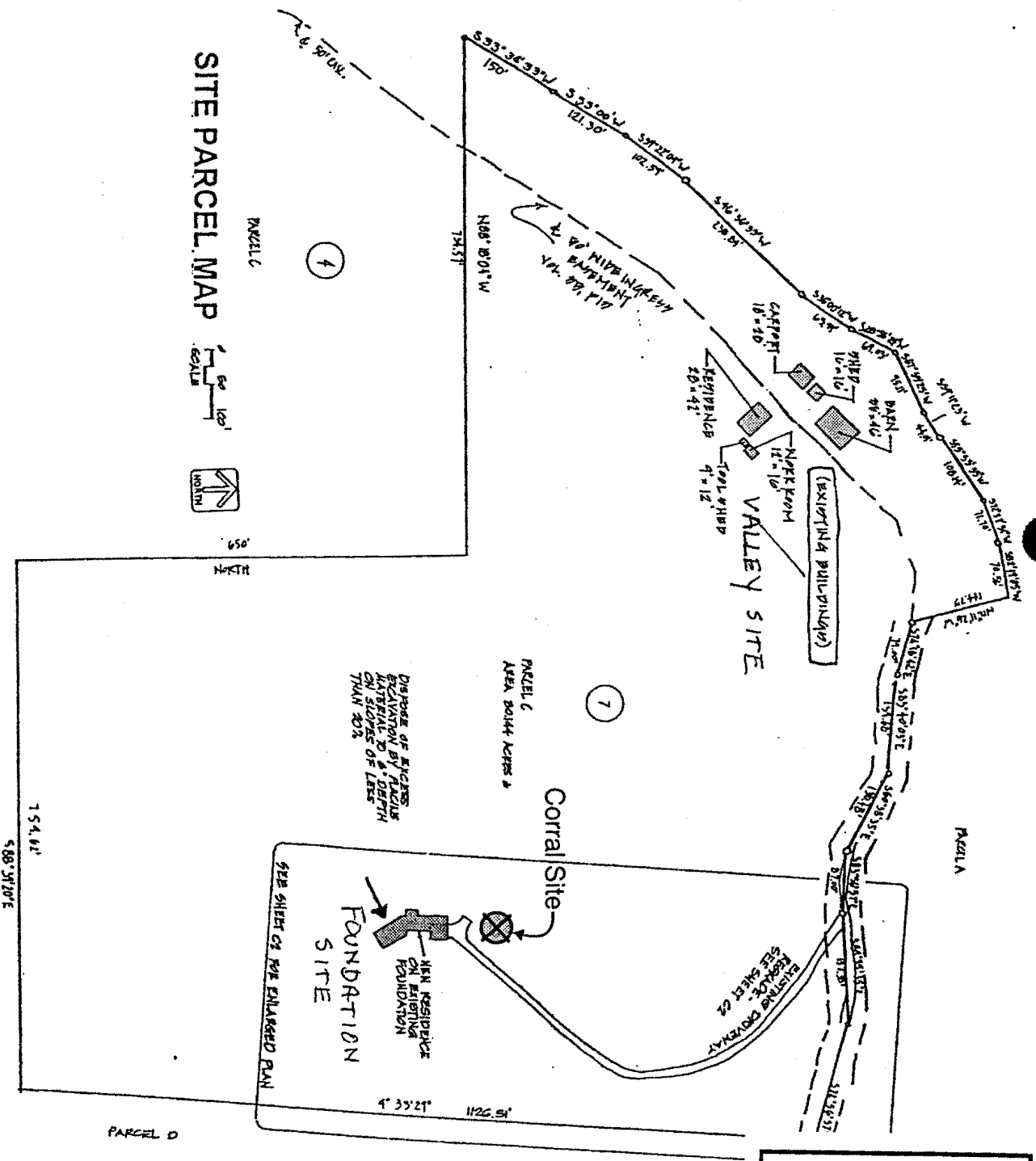


EXHIBIT NO. 5
APPLICATION NO.
A-2-Smc-00-038
California Coastal Commission

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coastal permit.

9. The respective parties shall bear their own costs of suit.

DATED: 12 MAY 1987

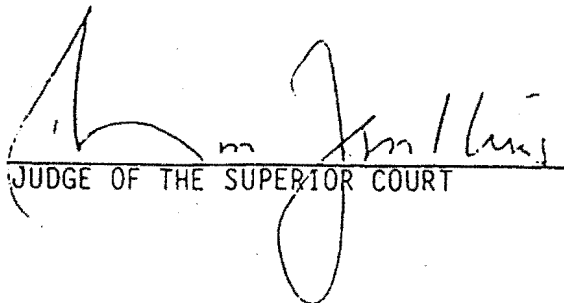
  
JUDGE OF THE SUPERIOR COURT

EXHIBIT NO. 4

APPLICATION NO.

A-2-SMC-00-038

Pg. 4 of 4  
California Coastal Commission

1 5. That defendants Stelios A. Hagiperos, Jane B. Hagiperos, Robert  
2 B. Martel, and Brenda Martel, and each of them, and their agents, servants and  
3 employees, and all persons acting under, in concert with, or for them, are  
4 hereby enjoined and restrained from:

5 a. Selling, offering for sale, or otherwise disposing of or  
6 attempting to dispose of, by any means, Parcels 1 and 2, and each of  
7 them, as separate parcels, and/or

8 b. Proceeding further with construction of the partially-  
9 completed house that is the subject of building permit number 800028  
10 issued to Stelios Hagiperos by the County of San Mateo on or about  
11 January 1, 1980, and from occupying, selling, offering for sale, or  
12 making any use whatsoever of said house,

13 until such time as a further building permit is issued in full compliance with  
14 all applicable land use statutes, ordinances, rules, and regulations, including  
15 but not limited to, relevant Coastal Act provisions. A copy of this order  
16 shall be recorded.

17 6. That action need not be taken by defendants to remove existing  
18 concrete foundations, absent further order by appropriate governmental  
19 authorities.

20 7. That civil fines pursuant to section 30820 of the Public  
21 Resources Code are awarded jointly and severally against Stelios A. Hagiperos,  
22 Jane B. Hagiperos, Robert B. Martel, and Brenda Martel in the amount of \$1.00  
23 for subdividing property in the coastal zone without first having obtained a  
24 coastal permit.

25 8. That civil fines pursuant to section 30820 of the Public  
26 Resources Code are awarded jointly and severally against Stelios A. Hagiperos  
27 and Jane B. Hagiperos in the amount of \$1.00 for commencing construction of  
28 single family residence in the coastal zone without first having obtained a

Exhibit 4  
A-2-SMC-00-038  
pg. 3 of 4

1 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND  
2 DECREED:

3 1. That the minor subdivision creating Parcels 1 and  
4 2, as said subdivision and parcels are shown on that certain  
5 parcel map recorded on October 11, 1979 in Book 48 of Parcel Maps  
6 at Page 22, San Mateo County Records, is hereby vacated and  
7 declared void ab initio for all purposes.

8 2. That Parcels 1 and 2, as shown on that certain  
9 parcel map recorded on October 11, 1979 in Book 48 of Parcel Maps  
10 at Page 22, San Mateo County Records, are hereby recombined into  
11 one parcel, being Parcel C, as shown on that certain parcel map  
12 recorded on January 19, 1977 in Book 35 of Parcel Maps at Page  
13 12.

14 3. That the Recorder of San Mateo County is directed  
15 to enter upon the face of the parcel map recorded at Book 48 of  
16 Parcel Maps at Page 22 a memorandum stating that said map has  
17 been vacated pursuant to a judgment of the Superior Court of the  
18 State of California for San Mateo County, giving the name of this  
19 action and the date of the judgment.

20 4. That defendants Stelios A. Hagiperos and Jane B.  
21 Hagiperos are hereby directed to prepare and file for record with  
22 the San Mateo County Recorder an appropriate map that shows the  
23 recombination of said Parcels 1 and 2 into Parcel C, as Parcel C  
24 is shown on that certain parcel map recorded on January 19, 1977  
25 in Book 35 of Parcel Maps at Page 12. Said defendants shall also  
26 file this recombination map with the San Mateo County Planning,  
27 Department.

FILED

MAY 12 1987

WARREN SLOCUM, County Clerk  
By Kathleen Castro  
DEPUTY CLERK

JOHN K. VAN DE KAMP, Attorney General  
of the State of California  
N. GREGORY TAYLOR  
Assistant Attorney General  
DENNIS M. EAGAN  
Deputy Attorney General  
6000 State Building  
San Francisco, California 94102  
Telephone: (415) 557-3650

Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN MATEO

CALIFORNIA COASTAL COMMISSION,

Plaintiff,

v.

NO. 255969

GREGORIO ALVES, aka JIM ALVES,  
BERNICE ALVES, JOSEPH ALVES, ELAINE  
ALVES, STELIOS A. HAGIPEROS, JOAN B.  
HAGIPEROS, ROBERT B. MARTEL, BRENDA  
MARTEL, ALFRED RAMIREZ, LUCY  
RAMIREZ, ROVINS PROPERTIES, INC.,  
a corporation, DAVID G. GRAVES,  
ELLEN L. GRAVES, and JAMES H.  
BRANNEN, III,

Defendants.

JUDGMENT FOLLOWING  
REMAND

The Court's judgment of August 1, 1983 having been affirmed in part and reversed in part by the Court of Appeal, the case having been remanded for further proceedings, and the Court having considered the arguments and proposals of counsel concerning the content of the judgment that will issue following remand,

/// RECEIVED

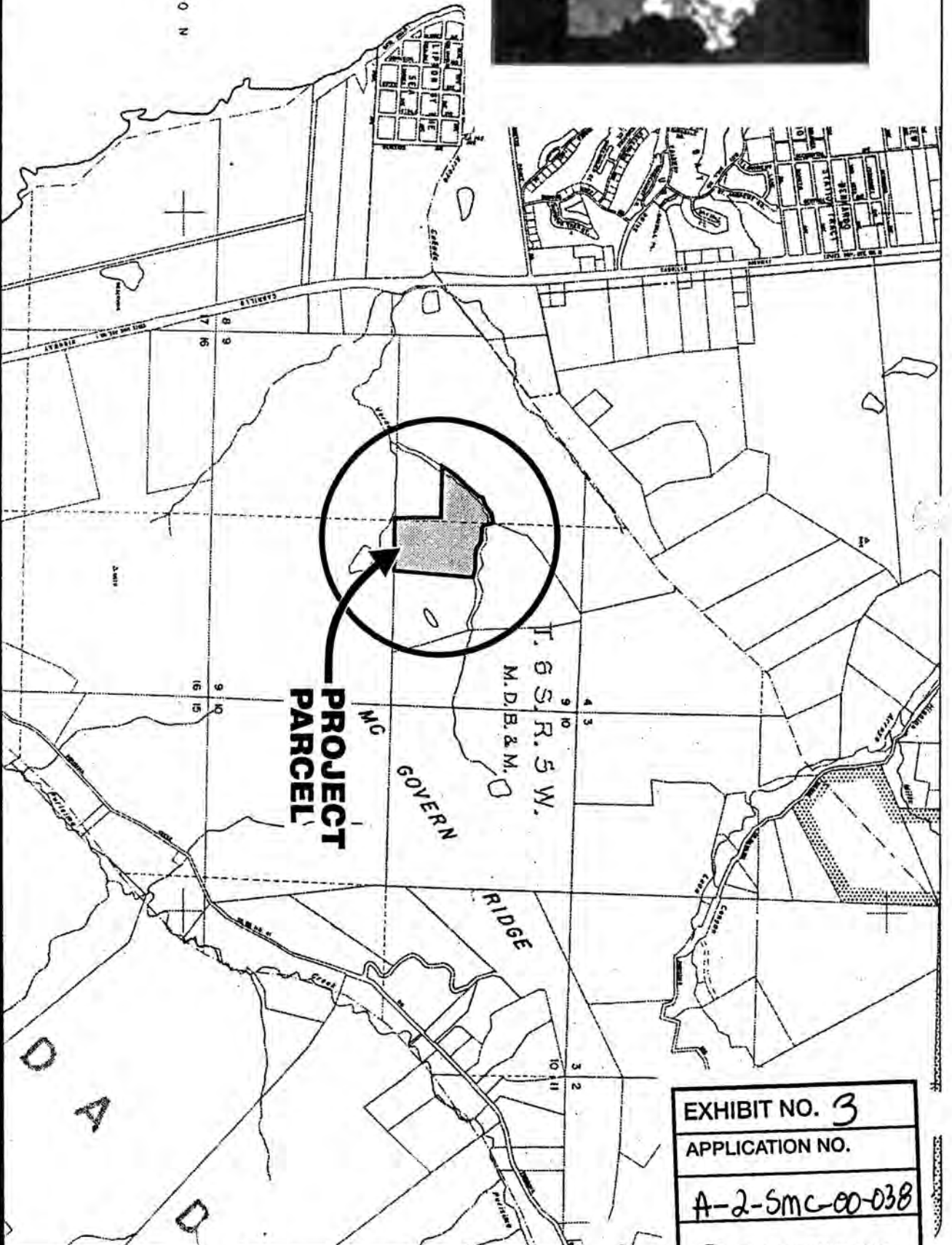
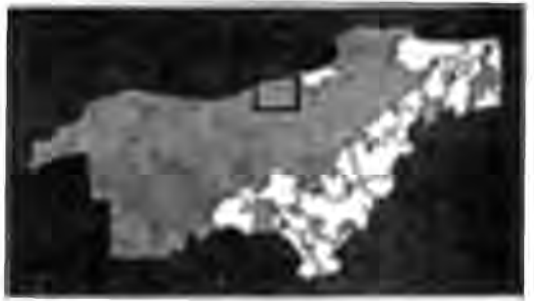
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EXHIBIT NO. 4

APPLICATION NO.

A-2-SMC-00-038

pg. 1 of 4  
California Coastal Commission



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PROJECT  
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T. 6 S. R. 5 W.  
M. D. B. & M. D.

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EXHIBIT NO. 3
APPLICATION NO.
A-2-SMC-00-038
California Coastal Commission

# San Mateo County Board of Supervisors Meeting

Applicant: John and Astrid Anderson

File Numbers: PLN 1999-00399

Attachment: B



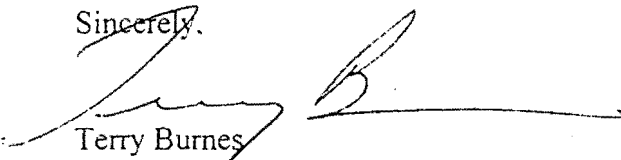
Harvey  
November 1, 2000  
Page 8

inch stroke for residential and six inch stroke for commercial. Such letters and numbers shall be internally illuminated and facing the direction of access.

36. Access - The applicants must have a maintained all-weather surface road for ingress and egress of fire apparatus. This road shall be in place before combustibles are brought onto the project site and maintained throughout construction. The Half Moon Bay Fire District and The Uniform Fire Code require a 20-foot minimum width for access roads to structures. Dead end roads greater than 150 feet in length also require a turnaround for fire apparatus. Contact the Fire Prevention Bureau for the full standard detail and specification. Roads leading to a single residence may be 16 feet with the approval of the District.

This item is appealable to the California Coastal Commission. The Coastal Commission will begin its appeal period upon receipt of the Notice of Final Local Decision. For questions or concerns regarding the Coastal Commission's appeal period and its process, please call 415/904-5260.

Sincerely,



Terry Burnes  
Planning Administrator  
Bosdec1017k.andersdon\_ckr.doc

cc: Pete Bentley, Public Works  
Jim Eggemeyer, Planning Department  
Bill Cameron, Building Department  
Catharin MacKinnon  
Kathryn Slater-Carter  
Other Interested Parties

EXHIBIT NO. 2
APPLICATION NO.
A-2-SMC-00-038
98 8 8 8 California Coastal Commission

Half Moon Bay Fire Protection District

29. Water Supply - Municipal Water Supplies shall be used to supply sprinkler systems. In areas without a municipal water supply, an approved water tank large enough to accommodate domestic demand and the sprinkler system design flow for at least 15 minutes is required.
30. Fire Flow - The Uniform Fire Code Sec. 903.3 Appendix III-A Sec. 5.1 states that "The minimum fire flow and flow duration requirements for one- and two-family dwellings having a fire area which does not exceed 3,600 square feet shall be 1,000 gallons per minute." Commercial structures and those larger than 3,600 square feet, please contact the Prevention Bureau for assistance. Rural areas without fire hydrant systems shall provide water storage tanks of 5,000 to 10,000 gallons capacity, with larger tanks and other mitigations required for structures larger than 3,600 feet.
31. Fire Hydrants - Fire hydrants must be "Clow 960" or equivalent, alternate hydrants must be approved by the District. Fire hydrants for normal fire flow (1,000 GPM or less) must be no more than 500 feet apart with no part of a building greater than 250 feet from a hydrant. Hydrants will meet all specifications of the District including color and markings. Curbs in front of fire hydrants and fire equipment will be painted Red.
32. Smoke Detectors - The Uniform Building Code requires smoke detectors on every level of a building, in every bedroom and at a point centrally located in the corridor or area giving access to each separate sleeping area. This requirement is for new construction and requires detectors to be interconnected, hardwired into the building power with battery back up.
33. Sprinkler Systems - Sprinkler systems shall be installed per San Mateo County and Half Moon Bay Fire District Ordinance, overhead installations and hydrostatic test will be inspected as well as a final operating test. In addition to the external alarm flow bell, an internal audible device will be required in a normally occupied area. Underground fire sprinkler supply lines will be inspected and flushed prior to connection. Underground fire sprinkler or hydrant service shall be left uncovered in the area of the thrust blocks for inspection.
34. Roofs - The County of San Mateo and Half Moon Bay Fire District ordinance requires a Class "B" or better roof covering or roof covering assembly.
35. Address - Building identification shall be conspicuously posted and visible from the street. Temporary Address numbers shall be posted prior to combustibles being placed on the site. The letters and numerals for permanent address numbers shall be a minimum of four

Exhibit 2  
A-2-SMC-00-038  
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20. Should the above plan for access NOT meet the County's and the Fire District's minimum standard for safe and adequate access, including provisions for handling both the existing and proposed drainage, the applicants shall have designed, by a registered civil engineer, and shall construct said access. The plans must also demonstrate that a turnaround, meeting Fire District requirements, will be constructed.
21. The applicants shall submit a driveway "Plans and Profiles" (1 to the new residence and 1 to the existing residence), to the Public Works Department, showing the driveway access to each location (garage slab) complying with County Standards for driveway slopes (not to exceed 20%) and to County Standards for driveways (at the property line/easement line) being the same elevation as the center of the access roadway. When appropriate, this plan and profile shall be prepared from elevations and alignment shown on the roadway improvement plans. The driveway plan shall also include and show specific provisions and details for handling both the existing and the proposed drainage.

Environmental Health

22. Prior to the building application stage, the applicants shall conduct a soil percolation test under the supervision of Environmental Health.
23. Prior to the building application stage, the applicants shall submit proof of domestic water meeting quality and quantity standards.

Building Inspection Section

24. The structure shall be equipped with an automatic fire sprinkler system. This permit must be issued prior to or in conjunction with the building permit.
25. An engineer's report must be submitted describing the condition of the existing foundation and demonstrating that it will comply with present codes.
26. A geotechnical report will be required. This report must include observations and opinions on the existing foundation.
27. The driveway cannot exceed 20% slope and must be an all weather surface.
28. Temporary sediment and erosion control measures must be installed and maintained during construction. A permanent sediment and erosion control plan must be submitted and installed prior to final approval.

EXHIBIT NO. 2
APPLICATION NO.
A-2-SMC-00-038
pg 6 of 8 California Coastal Commission

issuance of any permit including, but not limited to, a grading permit, or a building permit. The plan shall illustrate and describe appropriate methods, chosen by the applicants from the California Storm Water Best Management Practice Handbook, to control stormwater runoff from the project site during construction and from land use activities on the site once the project is completed.

13. Noise levels produced by the proposed construction activity shall not exceed the 80-dBA level at any one moment. Construction activities shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction operations shall be prohibited on Sunday and any national holiday.
14. The land management plan submitted in conjunction with this project proposal shall be implemented as a part of this project.
15. 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 thirty (30) days prior to expiration.
16. Prior to the issuance of a building permit and in accordance with the Local Coastal Program, the applicants shall execute an agreement and/or appropriate instrument with the County Board of Supervisors, and record a deed restriction to the satisfaction of the Planning Division, binding current and future owners to comply with income and rent controls for affordable housing units in the Coastal Zone.
17. Income verifications of the tenant shall be made available to the County upon demand.

Department of Public Works

18. Prior to the issuance of the Building Permit, the applicants will be required to provide payment of roadway mitigation fees based on the square footage (assessable space) of the proposed residence per Ordinance #3277.
19. Though the applicants have submitted, for review by the Public Works Department and the appropriate Fire District, a Plan and Profile of the existing access (Dehoff Canyon Road) from the nearest "publicly" maintained roadway (Cabrillo Highway) to the proposed building site, NO typical section nor drainage details are shown to confirm width, drainage, and an "All-weather" surface. It also appears that a "flat" slope (0%) exists between station 10 and station 20. Minimum slope is 1 %. This area, at least, will need to be upgraded via submittal of revised roadway plans. The applicants should have Half Moon Bay Fire look at the existing access for additional upgrades, especially, the road width.

EXHIBIT NO. 2
APPLICATION NO.
A-2-SMC-00-038
PG 5 of 8 California Coastal Commission

8. During construction activities, the applicants shall, pursuant to Section 5022 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site into storm drain systems and water bodies by:
  - a. Using filtration materials on storm drain covers to remove sediment from dewatering effluent.
  - b. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15.
  - c. Removing spoils promptly, and avoiding stockpiling of fill materials, when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
  - d. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to the storm drain system or water body.
  - e. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
  - f. Limiting and timing applications of pesticides and fertilizer to avoid polluting runoff.
9. To reduce dust emissions during project construction unpaved construction areas shall be sprayed with water as often as needed to keep soil moist. It is anticipated that this mitigation measure could reduce dust emissions by as much as 50%. The Bay Area Air Quality Management District regulates air quality standards and violations can be reported to that agency.
10. The project specifications and drawings shall reference the California Stormwater Best Management Handbooks and the County of San Mateo Hazardous Waste Disposal Plan for the application, use, and disposal of potentially hazardous materials to the satisfaction of the Director of the Environmental Services Agency of the County of San Mateo.
11. No grading shall be allowed during the winter season (October 15 - April 15) to avoid potential soil erosion unless approved, in writing, by the Planning Director. The applicants shall submit a letter to the Planning Division, at least two weeks prior to commencement of grading, stating the date when grading will begin.
12. If the total land area disturbed by the project exceeds 5,000 sq. ft., the applicants shall, pursuant to Section 5023 of the San Mateo County Code, submit a construction site stormwater management plan to the Planning Counter, for the review and approval by the Planning Director. This plan must be approved by the Planning Director before the

Exhibit 2  
A-2-SMC-00-038  
pg 4 of 8


Harvey

November 1, 2000

Page 3

permits may be approved by the Planning Director if they are consistent with the intent of and in substantial conformance with this approval. Future additions shall be limited to one story not to exceed 18 feet in height. No additional stories to be added unless approved by the Planning Commission.

2. The applicants shall apply for and be issued a building permit prior to the start of construction, including any grading or clearing activity. The County Geologist shall review and approve all project-related construction plans and reports prior to issuance of a building permit.
3. All utility lines shall be installed underground to any proposed buildings and/or structures.
4. The applicants shall submit exterior color samples (no larger than approximately 4 square inches) for walls, material samples and a roofing sample for the residence to the Planning Counter for review and approval by the Planning Director prior to issuance of the building permit. The applicants shall include the file/case number with all color samples. Color verification by a Building Inspector shall occur in the field after the applicants have painted the structure an approved color and installed the roof, but before the applicants schedule a final inspection.
5. The contractor shall prepare an erosion and stormwater protection plan to be approved by the Director of Public Works of San Mateo County, as described in the "Erosion and Sediment Control Plan Guidelines" contained within the Grading Permit Standards Handbook (Document Number 34003) of the San Mateo County Planning and Building Division.
6. The applicants shall submit a landscape plan to the Planning Division for review and approval depicting the planting of vegetation and/or trees along the west side of the proposed residence to screen the view of the residence from Cabrillo Highway. The approved landscape plan shall be installed prior to a final inspection for the building permit. All landscaping (existing and proposed) shall be maintained so as to screen the new residence. Surety shall be posted in accordance with standard Planning Department procedures to guarantee installation and maintenance of the landscaping.
7. The applicants shall submit a revegetation plan to the Planning Division for review and approval, prior to the issuance of a building permit, to mitigate any removal of vegetation as a result of the project.

EXHIBIT NO. 2
APPLICATION NO.
A-2-SMC-00-038
PS 3 06 8
 California Coastal Commission

3. That, on the basis of the Initial Study and comments received hereto, and testimony presented and considered at the public hearing, there is no substantial evidence that the project, if subject to the mitigation measures contained in the Negative Declaration, will have a significant effect on the environment.
4. That the applicants have read and accepted the recommended mitigation measures and will modify their project plans or proposals accordingly.

For the Coastal Development Permit, Found:

5. That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6238.14, conforms with the plans, policies, requirements, and standards of the San Mateo County Local Coastal Program.
6. That the project conforms to specific findings by policies of the San Mateo County Local Coastal Program.
7. That the number of building permits for construction of single-family residences, other than for affordable housing, issued in the calendar year does not exceed the limitations of Local Coastal Program Policy 1.23.

For the Planned Agricultural Development Permit, Found:

8. That the project, as conditioned, conforms with plans, policies, requirements and substantive criteria for the issuance of a Planned Agricultural District Permit in Section 6355 of the Zoning Regulations.

For Architectural Review, Found:

9. That the proposed residence and the regrading of the existing driveway, as described in the application and accompanying materials required and as conditioned, conforms with Policy 8.31 of the County Local Coastal Program and Section 6325.1 (*Primary Scenic Resources Areas Criteria*) of the Zoning Regulations, thus is in compliance with the standards for review for the Cabrillo State Scenic Corridor.

CONDITIONS OF APPROVAL

Planning Division

1. This approval applies only to the proposal as described in this report and plans dated June 3, 1999. Minor adjustments to the project in the course of applying for building

Exhibit 2  
A-2-SMC-00-038  
pg. 2 of 8



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

Planning Administrator  
Terry L. Burnes

Please reply to: Lily Toy  
650/363-1841

November 1, 2000

Kent Harvey  
Attorney at Law  
20 Partridge Crossing  
Hamden, Connecticut 06518

PROJECT FILE

Notice of Final Local Decision

Subject: File Number PLN1999-00399  
Location: 400 Dehoff Canyon Road, Half Moon Bay

Dear Mr. Harvey:

On October 17, 2000, the San Mateo County Board of Supervisors considered your appeal of the Planning Commission's decision to approve a Planned Agricultural Development Permit, Coastal Development Permit, and Architectural Review for a new single-family residence with a domestic well and septic system, and to designate the existing residence as affordable housing on a 30-acre parcel located at 400 Dehoff Canyon Road.

Based on the information provided by staff and evidence presented at the hearing, the Board of Supervisors denied the appeal, upheld the decision of the Planning Commission, made the findings and adopted conditions of approval as follows:

FINDINGS

For the Negative Declaration, Found:

1. That the Negative Declaration reflects the independent judgment of San Mateo County.
2. 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.

Exhibit 2  
A-2-SMC-00-038  
Pg. 1 of 8

- 2 -

November 26, 2000

- c) increasing the drain on our water supply, without any assurance from the County that existing residents on the South side of the road will still have adequate groundwater; and,
- d) increasing the risk of accidents alongside the road, since the barn and certain other outbuildings on the Andersons' property are across the road from the existing house. John and Astrid have lived there long enough to look carefully before walking across the road, without the reminder of a sidewalk - will their tenants and their tenants' children be as careful?

Privacy is a major reason why people such as the Appellant, the Andersons, and us build homes in unincorporated areas. After eight years of relative solitude in our house, we have recently seen another home built that overlooks Dehoff Canyon, and looks directly into our bedroom. The feeling of privacy is gone. We can thus corroborate Appellant's legitimate concern that having the proposed Anderson residence looking straight downhill into Appellant's residence would be a serious and damaging loss of privacy.


We also wish to note that all of these concerns could have been resolved among the residents of Dehoff Canyon, but none of us was told of the Andersons' plans until we received the notice of public hearing. Rather, we were told several months before the hearing that there were no such plans, despite the fact that they had already been filed with the County. We would have liked to be able to speak in support of the Andersons' plans, but the severe impact of those plans on the Coastside and the neighbors had not even been considered, let alone resolved.

The County recognized many of Appellant's concerns. Its staff identified a second feasible building site on the Andersons' property (the "corral area") that would still have provided the Andersons with a sweeping ocean view, without many of the adverse effects listed above, particularly if the existing house was no longer used as a residence.

We thus ask that the Coastal Commission grant the Appeal, and direct that the County issue permits to the Andersons, following whatever further investigation is needed, to build only on the "corral site," and to delete from the plans the continued use of the existing house as a residence.

Sincerely,

Louis H. Castoria and Susan M. Castoria

EXHIBIT NO. 1A
APPLICATION NO.
pg 2 of 2
 California Coastal Commission

November 26, 2000

Ms. Jane Steven  
California Coastal Commission

via fax: 415-904-5400

RE: Appeal A-2-SMC-00-038 (400 Dehoff Canyon Road, Half Moon Bay, Astrid and John Anderson)


Dear Ms. Steven:

We write in support of the above-referenced Appeal, and to ask that the Commission direct that the Andersons use an alternate site on their property, which San Mateo County identified as having fewer negative impacts on the Coastsides and on neighboring properties.

Specifically, we support the Appeal for the following reasons, which we understand should be determinative under the controlling regulations:

1. **Visibility.** The site approved by San Mateo County is atop a hillside, and will have nearly 180-degree visibility from Highway 1. It breaks a ridgeline, and would thus increase the impression that unincorporated San Mateo County to the South of Half Moon Bay is open for development. The design features large West-facing windows, which will increase its visibility.
2. **Failure to "Cluster" Structures.** The proposed building site is nowhere near the other living structures and outbuildings on the parcel. While we understand and support the Andersons' desire to build a larger and more secluded home, the combination of the proposed building site and the existing house/outbuildings will create two residential living areas on the property, quite some distance apart.
3. **Doubling the Housing Density.** The parcel does not meet the acreage requirement to allow two houses to exist. The County improperly waived this requirement, based on a representation that the existing house will be used for "low income housing." No one has explained why the site is appropriate for low-income housing, or if the existing house even meets the current housing codes. There is a very large low-income housing project in the next canyon to the North of the Andersons' property and ours. Introducing more low income residents to the area will threaten all the residents of Dehoff Canyon Road by:
  - a) reducing our security;
  - b) doubling the amount of traffic from the Andersons' property on the private road we all share;

426 DEHOFF CANYON ROAD  
HALF MOON BAY, CA 94019

EXHIBIT NO. 1A
APPLICATION NO.
pg 1 & 2
 California Coastal Commission



The County's specific willingness to protect a private ridgeline review by requiring relocation of the Kampe Residence it is at least extraordinary relative to its position in the present appeal. Appellant cannot understand why he has been denied equal treatment. Additionally, the Planning Commission determined only that the "proposed home location will not break a ridgeline" and apparently was willing to allow a skyline encroachment. Despite a long line of trees, the Kampe Residence is highly visible from Cabrillo Highway and from Cowell Ranch Beach. The County's prediction has not been realized as the visual impact is anything but minimal. In Appellant's opinion, a residence constructed on the Foundation Site will be even more prominent and further compound the deterioration of visual resources in Dehoff Canyon.

### CONCLUSION

A residence located on the Foundation Site will be substantially visible from Cowell Ranch Beach and will break at least one ridgeline as viewed from Cowell Ranch Beach. In addition, the County applied a different visual resources standard to the most recent residential construction in the area, where it was expressly willing to protect the views and other interests of the neighbors.

The foregoing information is submitted in support of the relief previously requested.

Respectfully Submitted



Dan Malstrom  
Attorney/Agent for  
Appellant Kent Harvey

EXHIBIT NO.	1
APPLICATION NO.	A-2-SMC-00-038
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California Coastal Commission	

The house visible at the center of Images G-1 and G-2 is located at 2189 Purisima Creek Road, Half Moon Bay and overlooks Dehoff Canyon as seen from various public and private viewpoints. This development (the "Kampe Residence") was approved by the County in 1993 (File Nos. PAD 92-0011 and CDP 92-0014 (Kampe)) and construction was completed in about 1999. The same house is even more conspicuous in Image A-1 (taken by the County from Cabrillo highway), where it appears to break the skyline.

The approval of the Kampe Residence was appealed to the Board of Supervisors by Jack and Chris DeHoff ("appellants" in the discussion quoted below), who own property downhill from the Kampe building site and near the Anderson property. Appellant Harvey is advised that the Board of Supervisors upheld the decision of the Planning Commission. In any event, the Kampe Residence has been completed. The following discussion of visual resource issues is quoted from a 05/25/93 report from Terry Burnes, Planning Administrator, to the Board of Supervisors.

#### 5. Visual Impacts on Highway 1

The appellants contend that the approved building site is visible from Highway 1 at many different locations and spoils the public view of a hillside which is devoid of other non-agricultural development.

In the appellants' previous appeal to the Planning Commission, they expressed concern that the originally approved Site 1 broke a ridgeline as viewed from their farm residence located 2,000+ feet downhill from the Kampe property. The Planning Commission approved the relocation of the building site from Site 1 to Site 4. Site 4 visually situates the residence behind a knoll and makes it not visible from the DeHoff farm residence.

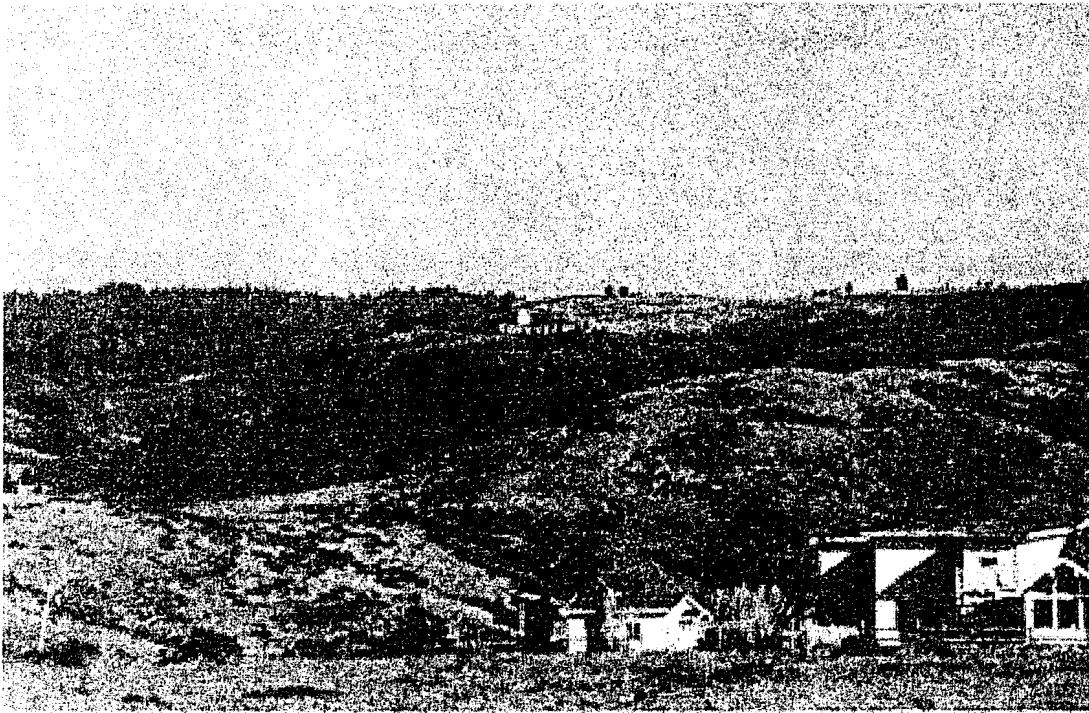
Site 4 is located approximately 2.5 miles from Highway 1. The LCP prohibits residential development from breaking a ridgeline or skyline. After site visits with a story pole and flag placed at the proposed building site, staff is confident that the proposed home location will not break a ridgeline as seen along all public roads.

The 2.5 mile distance from the highway provides a reasonable visual buffer from public views along Cabrillo Highway. The Planning Commission required a landscaping plan to partially screen the residence specifically from the DeHoff property and exterior colors to blend with the immediate hillside. Staff has concluded that the visual impact will be minimal.

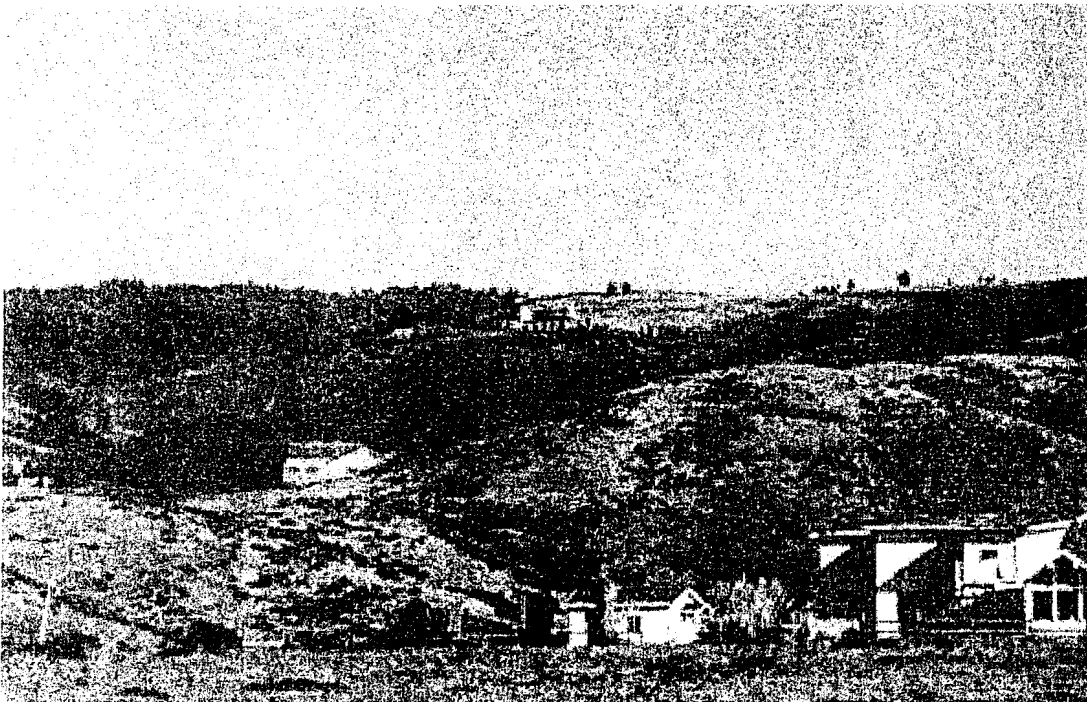
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Images G-1 and G-2: from Cowell Ranch Beach

**Image G-1: Present View**



**Image G-2: Potential View After Construction**



A residence on the Foundation Site would have the indicated effect on this public view enjoyed by thousands of annual visitors to Cowell Ranch Beach.

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Images F-1 and F-2: from Cowell Ranch Beach Entrance Road  
about 1/4 mile west of Highway 1

**Image F-1: Present View**



**Image F-2: Potential View After Construction**



From this public perspective, no other houses are visible and a residence constructed on the Foundation Site would break at least one ridgeline and adversely affect visual resources as described on page 7 of Supplement No. 1.

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