

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
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Filed: September 6, 2002
49th Day: October 25, 2002
Staff: CLM – SF
Staff Report: September 19, 2002
Hearing Date: October 10, 2002

STAFF REPORT – APPEAL
SUBSTANTIAL ISSUE

APPEAL NO.: A-2-SMC-02-020

APPLICANT: Montalbano

LOCAL GOVERNMENT: San Mateo County

ACTION: Approved with Conditions

PROJECT LOCATION: 123 7th Street, Montara, San Mateo County. APN 036-057-230

PROJECT DESCRIPTION: Construction of a 138.72 sq. ft. addition to the ground floor and 732.5 sq. ft. addition to the second floor of an existing single-family residence on a 5,000 sq. ft. cliff-top parcel.

APPELLANTS: Mary Knox, Wendy Brown and Liz Everett

SUBSTANTIVE FILE DOCUMENTS:

1.0 EXECUTIVE SUMMARY

The approved development is a 138.72 sq. ft. ground floor addition and a 732.5 sq. ft. second floor addition to a two-story, 16-ft.-tall, 1,836 sq. ft. single-family residence on a 5,000 sq. ft. parcel on a cliff top between the first public road and the sea. The Commission received one appeal of the County's approval of the proposed development. The full text of the appellant's contentions as submitted to the Commission is included in Exhibit 5.

The appellants allege inconsistency of the development approved by the County with San Mateo County LCP policies regarding visual resources including protection of coastal

views and character of the community and argue that the County engaged in inappropriate piecemealing of projects. Appellants also contend inconsistency with Coastal Act Section 30251. Staff recommends that the Commission find that the appeal of the development approved by San Mateo County raises no substantial issue regarding the conformity of the approved development to the visual resource policies of the San Mateo Local Coastal Program. Furthermore, staff recommends that the Commission find that the contentions regarding inconsistency with Coastal Act Section 30251 and piecemealing of projects are invalid grounds for appeal.

2.0 STAFF RECOMMENDATION

No Substantial Issue

The staff recommends that the Commission determine that no substantial issue exists with respect to the grounds on which the appeal has been filed.

Motion

I move that the Commission determine that Appeal No. A-2-SMC-02-020 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, 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-02-020 presents no substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency of the approved development with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

3.0 PROJECT SETTING AND DESCRIPTION

3.1 Project Location and Site Description

The approved development is located on a developed 5,000 sq. ft. lot west of Highway 1, approximately 50 ft. from the edge of a coastal cliff in the unincorporated Montara region of San Mateo County within the County Coast Highway Scenic Corridor. The property is zoned R-1/S-17 /DR/CD (Single-Family Residential/Medium Density/Design Review/Coastal Development). The site is located on a coastal cliff, with a view from Highway 1 to the sea through a small break in a stand of trees. The site is located in an existing residential neighborhood (Exhibits 1 and 2). The project property is bounded by residential buildings to the west between the parcel and the cliff edge, and on most other sides with the exception of the parcel directly east and north of the development site.

Development in the immediate vicinity of the project site includes a mixture of single-story and two-story medium-sized single-family residences and several vacant parcels.

3.2 Approved Project Description

The approved development is a 138.72 sq. ft. ground floor addition and a 732.5 sq. ft. second floor addition to a two story, 16 ft. tall, 1,836 sq. ft. single family residence (Exhibit 3) on a 5,000 sq. ft. parcel on a cliff top between the first public road and the sea in unincorporated Montara, San Mateo County (the approved development is not exempt from coastal development permit requirements because the subject addition is located between the first public road and the sea and is more than a 10% increase in floor area). The approved development would result in a residence that is 26 ft. above average grade. As a condition of approval, the County required the applicant to reduce the height of the second-story addition by 1 ft. and trim a cypress tree screening the residence from Highway 1 in order to open up views to the ocean from Highway 1.

4.0 APPEAL PROCESS

4.1 Local Government Action

On January 4, 2001, the San Mateo Zoning Hearing Officer conditionally approved with modifications a coastal development permit for the construction of a 138.72 sq. ft. ground floor addition and a 732.5 sq. ft. second floor addition to a single-family residence. Conditions included a requirement for the applicant to reduce the height of the second-story addition and trim a cypress tree screening the residence from Highway 1 in order to open up views to the ocean from the highway.

On January 18, 2001, David Beck, et al. on behalf of themselves filed an appeal of the Zoning Hearing Officer's decision with the San Mateo County Planning Commission.

On April 11, 2001, the San Mateo County Planning Commission opened and continued the item to May 9, 2001 in order to allow appellants additional time to review the staff report and allow time for the staff to research the size of neighboring homes for presentation at the next Planning Commission hearing.

On May 9, 2001, the San Mateo County Planning Commission denied the appeal, upheld the decision of the Zoning Hearing Officer, and conditionally approved the coastal development permit.

On May 29, 2001, Liz Everett, et al. on behalf of themselves filed an appeal of the Planning Commission's decision with the San Mateo County Board of Supervisors.

On October 2, 2001 the San Mateo County Board of Supervisors opened and continued its hearing in order to obtain corrected plans with revised calculations for existing square footage.

On May 23, 2002 the applicant submitted revised plans drawn by a licensed architect.

On August 20, 2002 the San Mateo County Board of Supervisors denied the appeal and conditionally approved the coastal development permit, requiring the applicant to reduce

the height of the second-story addition and trim a cypress tree screening the residence from Highway 1 in order to open up views to the ocean from Highway 1.

On August 22, 2002 the Commission received the County's Notice of Final Local Action on the approved project.

On September 6, 2002 Mary Knox, Wendy Brown and Liz Everett, on behalf of themselves filed an appeal of the San Mateo County Board of Supervisors decision with the Coastal Commission.

4.2 Filing of Appeal

On August 22, 2002, the Commission received notice of the County's final action approving a coastal development permit for the project. The Commission's appeal period commenced from the day the notice of final local action was received and ran for ten working days thereafter (August 23 to September 6, 2002). On September 6, 2002, within 10 working days of receipt by the Commission of the Notice of Final Local Action, the Commission received an appeal from Mary Knox, Wendy Brown and Liz Everett. Following receipt of the appeal, the Commission mailed a notification of appeal to the County and the applicant. In accordance with Section 13112 of the California Code of Regulations, on September 9, 2002, staff notified the local government that the local permit was stayed and requested all relevant documents and materials regarding the subject permit from the County, to enable staff to analyze the appeal and prepare a recommendation as to whether a substantial issue exists. The regulations provide that a local government has five working days from receipt of such a request from the Commission to provide the relevant documents and materials. The Commission received the local record from the County on September 12, 2002.

Pursuant to Section 30621 of the Coastal Act, an appeal hearing must be set within 49 days from the date an appeal of a locally issued coastal development permit is filed. The appeal on the above-described decision was filed on September 6, 2002. The 49th day following receipt of this appeal is October 25, 2002. The only Commission meetings occurring within the 49-day period are September 9 - 13 and October 8 - 11, 2002. Because the local record was received too late to allow staff to provide hearing notice and to prepare a staff recommendation in time for the Commission's September 9 - 13, 2002 meeting, the hearing on this appeal is scheduled for the October 8 - 11, 2002 Commission meeting.

4.3 Appeals Under the Coastal Act

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

Coastal Act Section 30603 provides, in applicable part, that an action taken by a local government on a coastal development permit application may be appealed to the Coastal Commission for certain kinds of developments, including the approval of developments located within certain geographic appeal areas, such as those located between the sea and

the first public road paralleling the sea, or within 300 ft. of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff; or in a sensitive coastal resource area; or located within 100 ft. of any wetland, estuary, or stream. Developments approved by counties may be appealed if they are not designated as the "principal permitted use" under the certified LCP. Developments that constitute a major public works or a major energy facility may also be appealed, whether they are approved or denied by the local government.

The approved development is located between the first public road and the sea and thus meets the Commission's appeal criteria in Section 30603 of the Coastal Act. Pursuant to Section 30603 of the Coastal Act, an appeal for development in this location is limited to the allegation that the development does not conform to the standards set forth in the certified LCP or the public access policies set forth in the Coastal Act.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons eligible to testify before the Commission on the substantial issue question are the applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding the substantial issue question must be submitted to the Commission or the Executive Director in writing.

It takes a majority of the Commissioners present to find that no substantial issue is raised. Unless it is determined that the project raises no substantial issue, the Commission will conduct a full de novo public hearing on the merits of the project at the same or subsequent hearing. If the Commission conducts a de novo hearing on the appeal, the applicable test under Coastal Act Section 30604 would be whether the development is in conformance with the certified Local Coastal Program and the public access and recreation policies of the Coastal Act.

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 or its implementing regulations. The Commission's regulations simply indicate that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." (Commission Regulations, 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.

If the Commission chooses not to hear an appeal, the appellant nevertheless may obtain judicial review of the local government's coastal permit decision by filing a petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5. In this case, for the reasons stated below, the Commission exercises its discretion to determine that no substantial issue exists with respect to the grounds on which the appeal has been filed.

5.0 SUBSTANTIAL ISSUE ANALYSIS

5.1 Appellants' Contentions

The Coastal Commission received one appeal on the approved development. The full text of the contentions submitted by the appellants is included in Exhibits 5. Below is a summary of the contentions.

The appeal includes the following contentions that the approved development (Exhibit 5):

- is visible from Highway 1 and blocks coastal views to the sea inconsistent with LCP Policy 8.5(a)
- violates LCP Policy 8.13(a)(4) because it is not in harmony with the character of the community as it exceeds the maximum allowable lot coverage percentage and violates LCP provisions restricting height of residential development
- violates Coastal Act Section 30251
- should be considered together with a previous project that received an exemption in 1998 and that was built within a year of the applicant applying for the present permit.

5.2 Appellants' Contentions that Raise No Substantial Issue

5.2.1 Blocking of Coastal Views

Contention

The appellants contend that the proposed development will block views to and along the shoreline and as such is inconsistent with LCP Policies 8.5(a). The development is visible from Highway 1 through a small break in a stand of trees currently screening development sited west of the highway and consequently blocking views to the sea. The appellants cite the view as one of only four coastal views along Highway 1 in Montara between the lighthouse and Montara Beach, which is located approximately one half mile north of the proposed development.

As evidence, the appellants include a visual simulation illustrating the impact of the development to the coastal viewscape (Exhibit 5, page 1).

Though the view is fleeting, the appellants contend that Highway 1 is frequented by slow-moving tourists who specifically slow down to appreciate the views along this stretch of the coastal highway:

This addition to a previously existing home will have a significant impact on very few public views on Highway 1 between Princeton and Montara Beach....

Highway One through Montara is very congested due to people (including walkers and bikers) touring the coastside. Many come from the south and drive slowly looking at the views between the Montara Lighthouse and Montara Beach.

The appellants also state:

These few spaces that allow public ocean vistas to be seen are unique. If one of these vistas in Montara is removed it could never be replaced and would set a bad precedent leading to loss of other public vistas.

The appellants further contend that because the applicant received an exemption for an expansion of the same house in 1998, that the relevant figures used to calculate the 150% threshold for application of LCP 8.5(a) should be the pre-1998 lot coverage amount and not the post-expansion coverage. This point is discussed further below and in Section 5.3.2.

Based on the County's and their own visual resource evaluation, the appellants contend that the approved development violates visual resource policies of the LCP.

Applicable Policies

LCP Policy 8.5(a), Location of Development, states (in relevant 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 300007.5.

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

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

LCP Policy 8.12(c) states:

Locate and design new development and landscaping so that ocean views are not blocked from public viewing points such as public roads and publicly-owned lands.

LCP Policy 8.13(a)(5) states:

To the extent feasible, design development to minimize the blocking of views to or along the ocean shoreline from Highway 1 and other public viewpoints between Highway 1 and the sea. Public viewpoints include coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches. This provision shall not apply in areas west of Denniston Creek zoned either Coastside Commercial Recreation or Waterfront.

Discussion

As noted above, the appellants contend that the approved development is inconsistent with LCP Policy 8.5(a) and 8.13(a) because the second story addition will block public views to the ocean from Highway 1. The approved development is an 871 sq. ft. addition to an existing single-family residence and will result in a residence 26 ft. high above existing grade. As discussed in the next section below, the development does not exceed the size and height limits for the R-1 Zoning District. The local record includes a visual analysis of the proposed development, illustrating the potential blocking of views to the sea (Exhibit 6). The appellants submitted a photo simulation of the proposed development (Exhibit 5, page 4).

The approved development will result in the minor blockage of public views to the ocean from Highway 1, as evidenced in the appellants' visual analysis in Exhibit 5 (page 4) and the County's visual analysis (Exhibit 6). In considering whether this contention raises a substantial issue, the Commission considers the significance of the coastal resources affected by the decision, and whether the appeal raises only local issues, or those of regional or statewide significance.

Policy 8.5(a) does not apply to the enlargement of existing structures unless the enlargement exceeds 150% of the pre-existing floor area. The County does not consider LCP Policy 8.5(a) applicable to the subject development because the 871 sq. ft. addition is approximately 138% of the existing floor area. However, even though the County does not consider LCP Policy 8.5(a) applicable, the County did address this issue in its August 5, 2002 staff report, stating:

The new development is proposed in an area on the parcel in the only location which allows the owner additional living space to create a reasonable size home (2,519 sq. ft.) and retain a reasonable size yard area while still being consistent with the applicable zoning regulations...Any

development is going to be partially visible from Cabrillo Highway. This proposal will be slightly visible from Cabrillo Highway, however, staff believes that the addition will not significantly impact views from public viewpoints.

Accordingly, while the approved development will be visible from Highway 1, the structure is sited in a developed area with limited views of the coast from Highway 1 and public viewing areas, and will not significantly obstruct views of the ocean. An existing row of cypress trees screens the majority of residences from 6th Street north to Montara State Beach from Highway 1 (Exhibit 5 page 7) and effectively blocks coastal views from 8th Street north to Montara State Beach. In order to open up views to the ocean in this stretch of Highway 1, the County Board of Supervisors required the applicant to trim a cypress tree currently screening his residence as a condition of approval. Therefore, whether or not the Commission considers the 1998 expansion that was exempt from CDP requirements along with the subject 871 sq. ft. addition such that LCP Policy 8.5(a) is applicable, the approved development raises no issue of conformity with either Policy 8.5(a) or 8.13(a)(5).

Conclusion

The approved development is a modest addition to an existing residence and will result in a residence that meets the local requirements for height and bulk. The minor loss of ocean views along a mile-long stretch of Highway 1 predominantly screened by cypress trees is not a regionally or state-wide issue of significance. Thus, the blockage of views resulting from the approved development is not significant. The Commission therefore finds that even if LCP Policy 8.5(a) is applicable to the approved development, the approved development does not raise a substantial issue of conformity with the visual resource policies of the certified LCP, including LCP Policies 8.5(a) and 8.13(a)(5).

5.2.2 Character of the Community

Contention

The appellants contend that the approved development is not in harmony with the character of the community and as such is inconsistent with LCP Policy 8.13(a)(4), *Special Design Guidelines for Coastal Communities (Montara-Moss Beach-El Granada)*. Appellants base their contention on the following alleged inconsistencies: that the approved development exceeds the LCP established lot coverage maximum of 35% and that the approved development exceeds height restrictions in the R-1 zoning district.

The appellants did not cite any evidence, however, supporting their claim that the lot coverage is exceeded, other than their statement, "This plan when reviewed by an architect covers 39+% of lot coverage." The appellants also included a drawing entitled "Addition and Remodel to Existing Residence, 123 7th Street" (Exhibit 5, page 10) as evidence of the approved development's height and inconsistency with LCP Policies regulating height of single family residences.

The appellants also express the concern that approval of the applicant's project will create an undesirable precedent for the County's interpretation of its LCP on remaining buildable, vacant lots.

Applicable Policies

LCP Policy 8.13(a)(4) requires:

Design structures which are in scale with the character of their setting and blend rather than dominate or distract from the overall view of the urban landscape.

LCP Zoning Section 6300.2(4), Maximum Height Permitted allows (in relevant part):

- a. *Structural height at the highest point of the roof shall not exceed 28 feet.*
- b. *In any areas where the "S-17" District is combined with the "DR" District, the following exceptions to the maximum height limit may be allowed subject to the approval of the Design Review Administrator:*
 - (1) Lots With Downhill Slopes. Where the average slope of a lot is greater than a (1) foot fall in seven (7) feet distance from the established street grade at the front line and where a sewer connection must be made uphill from the building location, the maximum height allowed may be increased to 36 feet...*

LCP Zoning Section 6300.2(5), Maximum Coverage Permitted allows (in relevant part):

- a. *For structures 16 feet in height or less: 50%.*
- b. *For structures greater than 16 feet in height: 35%.*

Discussion

The Commission must examine whether the appellants' contention raises a substantial issue under LCP Policy 8.13(a)(4). LCP Policy 8.13(a)(4) requires approved developments to be designed in scale with the character of their setting and blend into the overall view of the urban landscape. Zoning Section 6300.2(4)(b) allows a house up to 36 ft.-tall, depending upon the slope of the parcel. In addition, Zoning Section 6300.2(5)(b) restricts single-family residences in the S-17 Combining District to 35% lot coverage. The approved development meets these applicable standards. The approved development would result in a 26-ft.-tall, two-story 2,519.08 sq. ft. single-family residence. The County record indicates that recently adopted and more restrictive size and bulk restrictions for single-family residences in the Urban Mid-Coast do not apply to the approved development because the permit application was filed before the restrictions were adopted and certified as part of the LCP. However, the approved development also meets these requirements, as evidenced in the chart below:

Development Standard	Requirement	Approved development
Lot Coverage	35% of 5,000 sq. ft. lot size or 1,750 sq. ft.	34.9% (1,749.55 sq. ft.)
Floor Area Ratio	0.53 of parcel size or 2,650 sq. ft.	2,519.08 sq. ft.
Building Height as measured from average natural grade	28 ft.	26 ft.
Daylight Plane	20 ft. vertical then 45 degree angle	Conforms

The surrounding residences are one and two-story residences with multiple bedrooms and bathrooms, and as such, the approved development is consistent with the character of the surrounding development. The approved development will employ the same materials and colors as used on the existing residence, cedar shingles and stucco. Surrounding residences employ a variety of materials such as wood, wood siding and stucco. As part of its analysis, the County evaluated surrounding homes for their size and design (Exhibit 7). The chart below of neighborhood house and lot sizes is for comparison purposes only.

Address	123 7 th Street (Montalbano)	100 7 th Street	101 7 th Street	155 7 th Street	138 Seacliff Court	122 Seacliff Court	100 Seacliff Court
House size	(approved) 1982 sq. ft. + garage	920 sq. ft. + garage		2880-3850 sq. ft. + garage	3120 sq. ft. + garage	2310 – 2880 sq. ft. + garage	1990 – 2810 sq. ft. + garage
Lot size	5000 sq. ft.	7875 sq. ft.	4000 – 4800 sq. ft.	8700 sq. ft.	7400 sq. ft.	6000 sq. ft.	7200 sq. ft.

In considering whether this contention raises a substantial issue, the Commission must also consider the precedential value of the County's decision for future interpretation of its LCP. In addition to the parcels listed above, the local neighborhood contains 6 vacant parcels. Three of the parcels do not conform to the minimum lot size required by S-17

zoning regulations and the remaining are held in common, contiguous ownership. Therefore, several of the parcels raise issues. However, in addition to meeting the LCP standards applicable to this development, the approved development meets the more restrictive regulations concerning height, floor area and bulk which are applicable to permit applications filed after the date the more restrictive provisions were adopted and certified as part of the LCP.

Conclusion

The approved development meets the recently adopted LCP standards relating to height, floor area and bulk even though these standards are more restrictive than the LCP standards applicable to this permit application. The development also blends with the color, materials and design scheme of neighboring residences. It is also a moderately sized home compared to surrounding residences that range in size from 920 sq. ft. to approximately 3850 sq. ft. Therefore, no significant question exists as to whether or not the approved development is consistent with LCP design guidelines in Montara and the Commission finds that the appeal raises no substantial issue regarding the conformity of the approved project with LCP Policy 8.13(a)(4), Zoning Section 6300.2(4)(b) and Section 6300.2(5)(b). In addition, the approval of this development does not raise concerns with the precedential value of the County's decision for future interpretation of its LCP as it conforms with the recently certified more restrictive height, bulk and lot coverage standards for house sizes in the Urban Mid-Coast.

5.3 Appellants' Contentions that are Not a Valid Ground for Appeal

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

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

As discussed below, two of the contentions raised in the appeal do not present potentially valid grounds for appeal in that they do not allege the project's inconsistency with policies and standards of the LCP.

5.3.1 Inconsistency with 30251

Contention

The appellants contend that the approved development violates Coastal Act Section 30251, which states (in part):

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas.

Discussion

The appellants' contention does not include an allegation that the approved development is inconsistent with the policies of the certified LCP or the Coastal Act public access policies. The Coastal Act contains the legislative authority for the adoption of a Local Coastal Program, however, the certified San Mateo County Local Coastal Program is the applicable standard of review pursuant to Coastal Act Section 30603(b)(1). Therefore, the Commission finds that this contention is not a valid ground for appeal under Section 30603 of the Coastal Act because it does not contain an allegation that the approved development does not conform to the certified LCP or the public access policies of the Coastal Act. The Commission also notes that as discussed above, the approved development does not raise a substantial issue of conformity with the visual resource standards of the County's certified LCP that implement Section 30251 of the Coastal Act.

5.3.2 Piecemealing of Project

Contention

The appellants contend that the approved development should have been considered as part of a previous expansion of the subject residence that was granted an exemption from coastal development permitting requirements in 1998 because it involved an expansion of less than 10% of the floor area of a single-family residence. As discussed above, the appellants believe this piecemealing is significant because the appellants claim that if both the 1998 expansion that was exempt from permit requirements and the subject 871 sq. ft. addition are considered together, the approved development would need to satisfy LCP Policy 8.5(a) because the expansion and the addition together exceeds 150% of the pre-existing floor area (see section 5.2.1 above). The appellants further contend that the environmental impact of both expansions should be evaluated together to avoid piecemealing of developments.

Discussion

The appellants' contention does not include an allegation that the approved development is inconsistent with the policies of the certified LCP or the Coastal Act public access policies. The Local Coastal Program does not contain policies regulating piecemealing or timing between permits. The previous coastal development permit exemption granted in 1998 was consistent with Coastal Act Section 30610(a), Commission Regulation 13250(b)(4), and LCP Policy 6328.5(a)(4) regarding expansion of existing single-family residences.

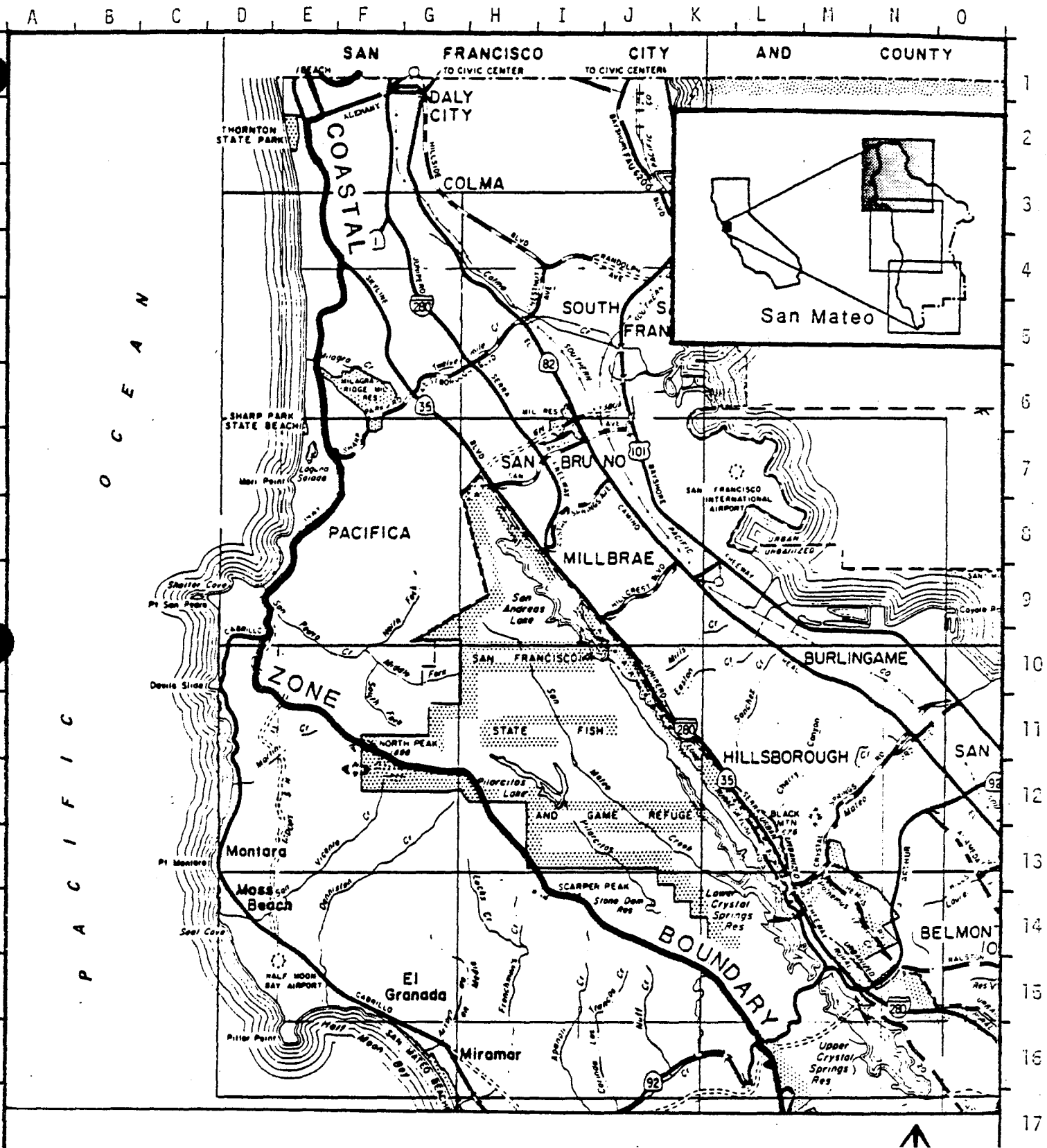
Therefore, the Commission finds that this contention is not a valid ground for appeal under Section 30603 of the Coastal Act because it does not contain an allegation that the approved development does not conform to the certified LCP or the public access policies of the Coastal Act. In addition, the Commission notes that even if it considers the 1998 expansion that was exempt from coastal development permit requirements along with the subject 871 sq. ft. addition such that Policy 8.5(a) is therefore triggered, as discussed above, the approved development raises no substantial issue of conformity with LCP Policy 8.5(a).

6.0 CONCLUSION

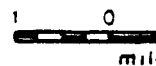
As stated above, Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue exists with respect to the grounds on which an appeal has been filed. The Commission finds that, for all of the reasons stated above, the appeal raises no substantial issue of conformity of the approved project with either the certified San Mateo County Local Coastal Program or the public access provisions of the Coastal Act.

Exhibits:

1. San Mateo County location map
2. Project site location
3. Site plan and elevations
4. San Mateo County's Conditions of Approval
5. Appeal by Mary Knox, Wendy Brown and Liz Everett
6. San Mateo County visual analysis of approved development
7. Photographic survey of surrounding single-family residences on 7th Street and Seacliff Court
8. Correspondence to Commission received after the appeal period ended



LOCATION MAP



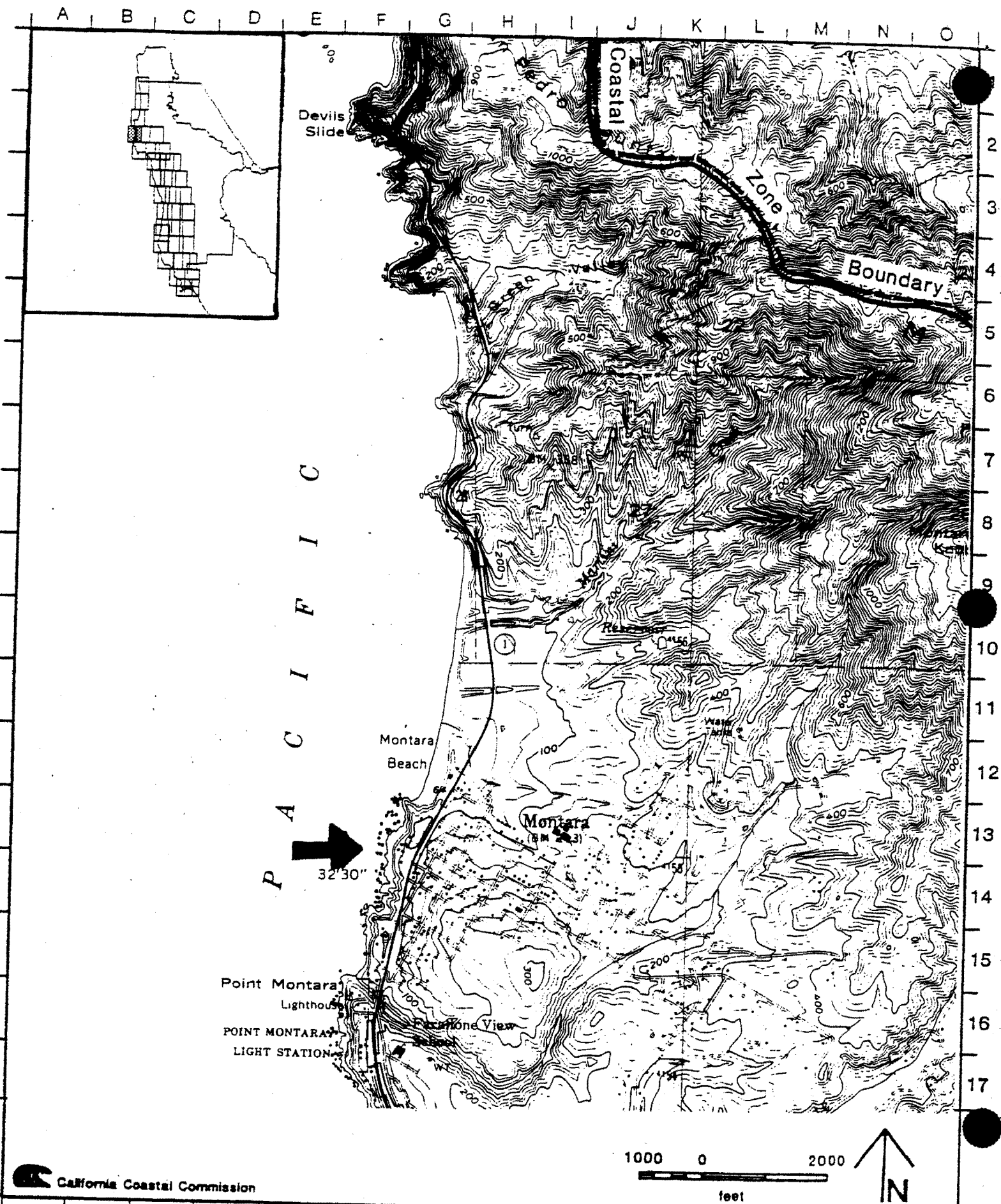
County of San Mateo

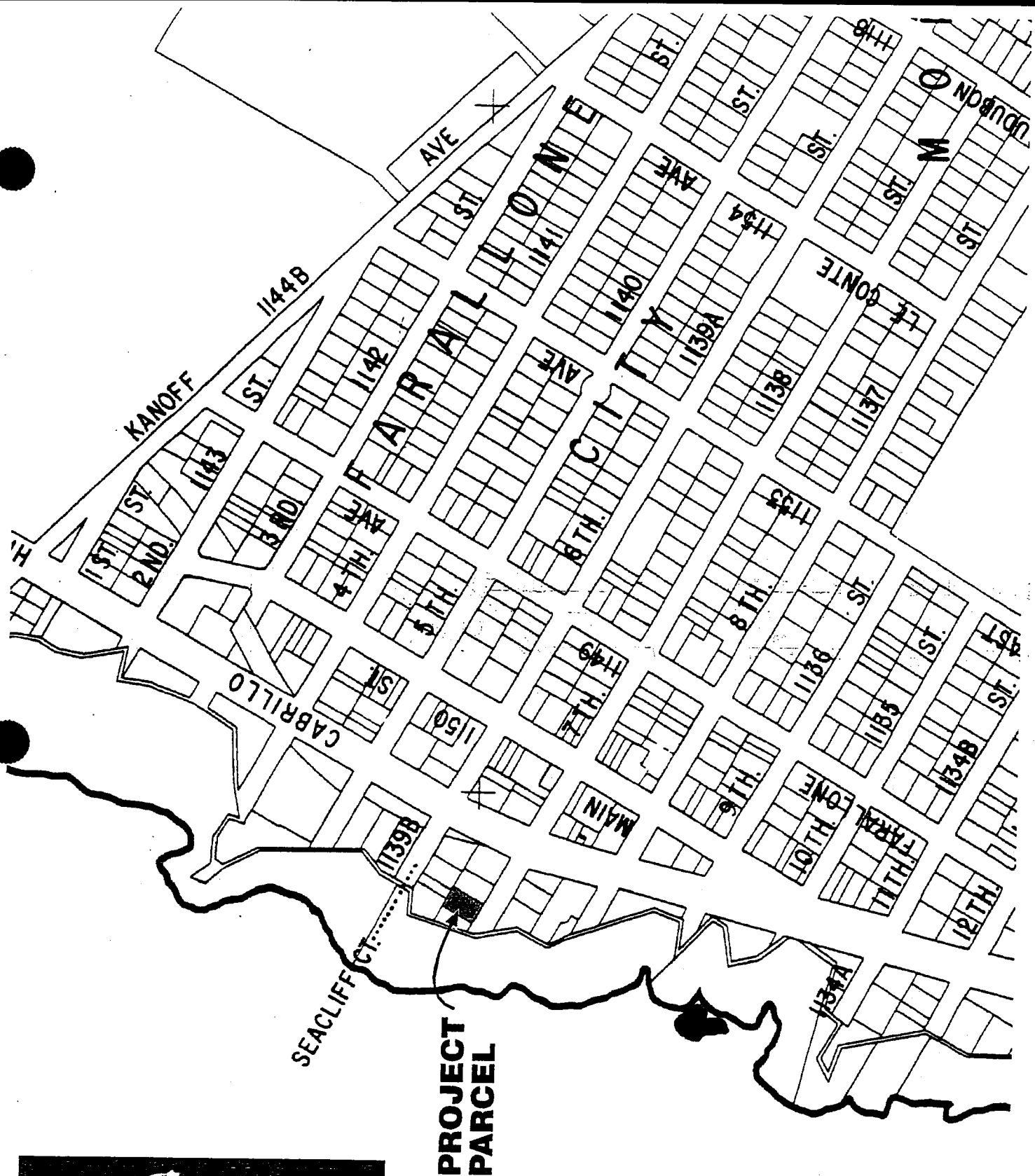
EXHIBIT NO. 1

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MONTALBANO
Location Map

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**PROJECT
PARCEL**

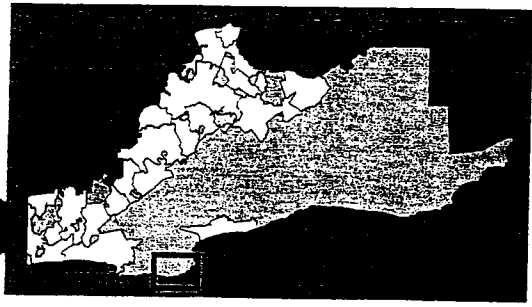


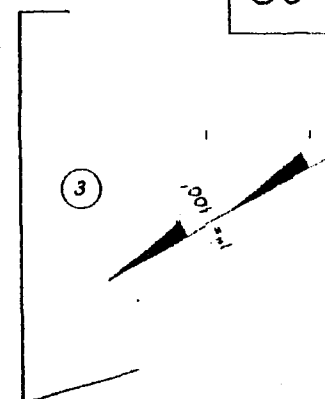
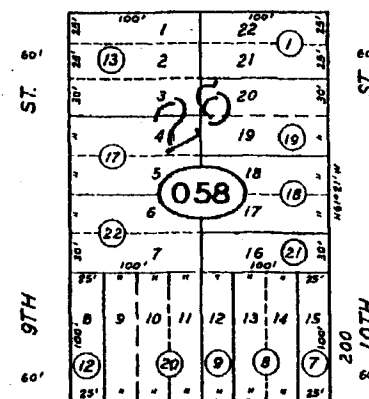
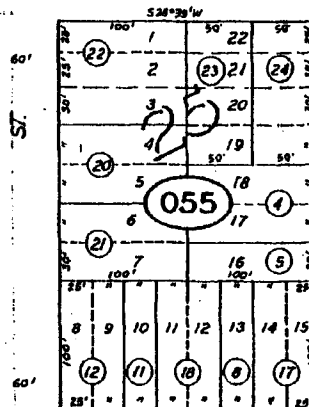
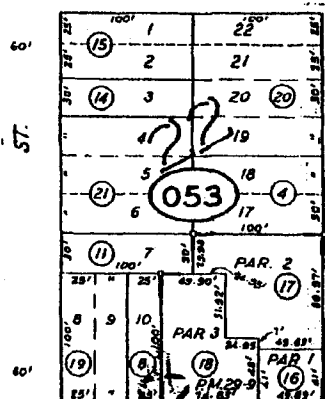
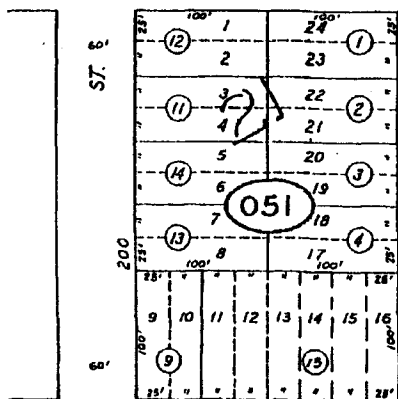
EXHIBIT NO. 2
APPLICATION NO. A-2-SMC-02-020
MONTALBANO Project Site Map
PAGE 1 OF 2

FARALLONE

2

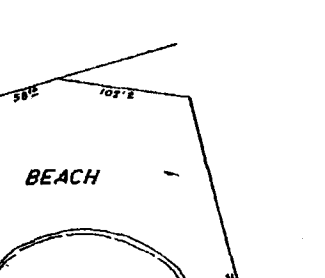
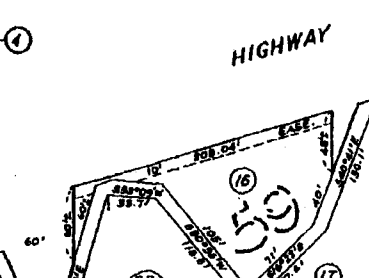
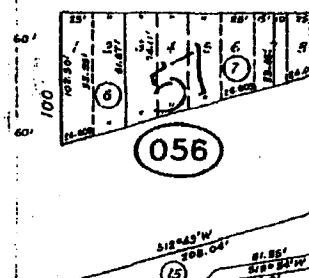
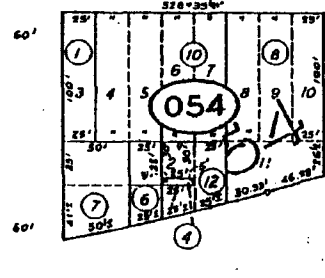
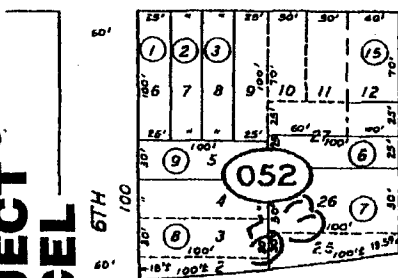
AVE. TAX CODE AREA

36-5

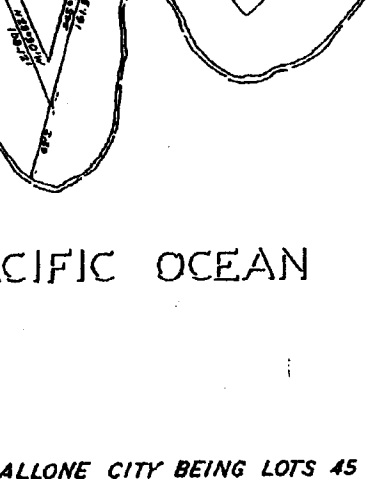
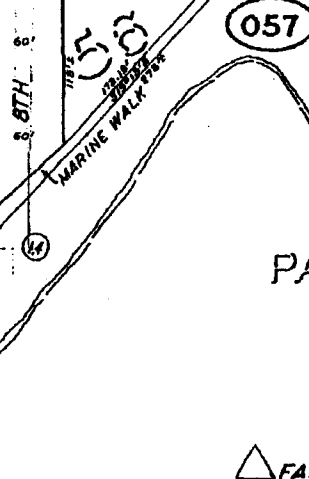
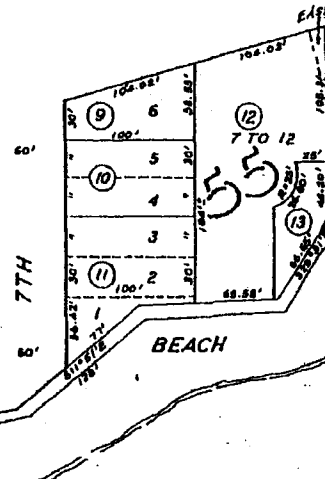
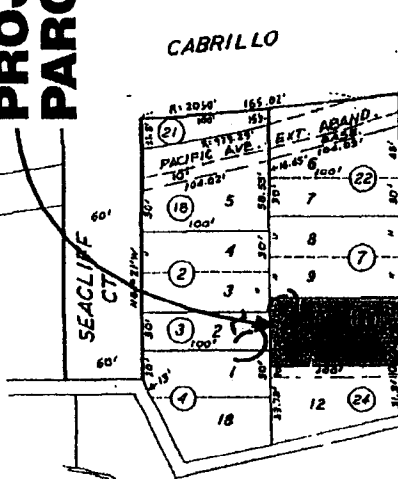


MAIN

ST. 9

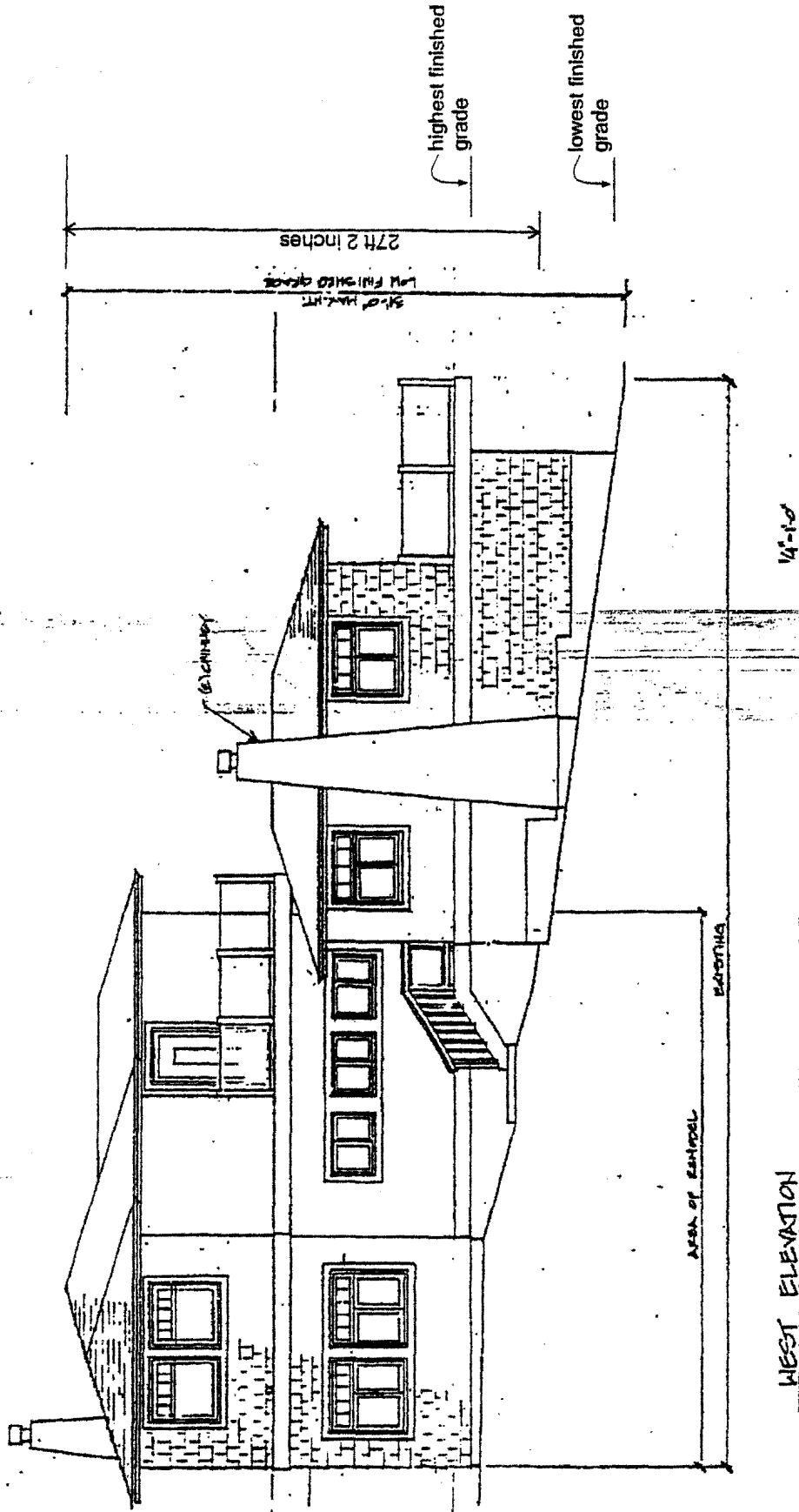


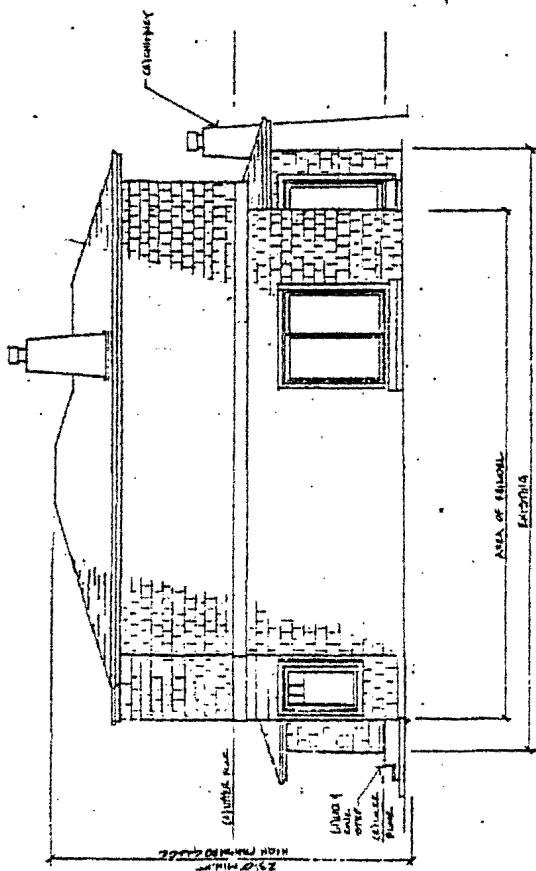
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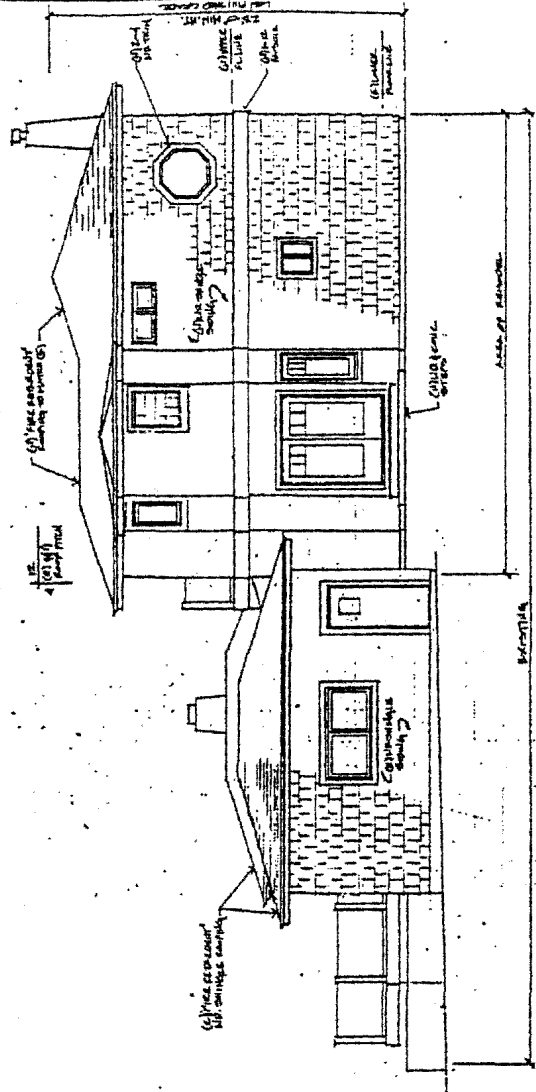
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△ FARALLONE CITY BEING LOTS 45 46 47 48 49 50 51 RSM 6/2
△ PARCEL MAP VOL 29/9

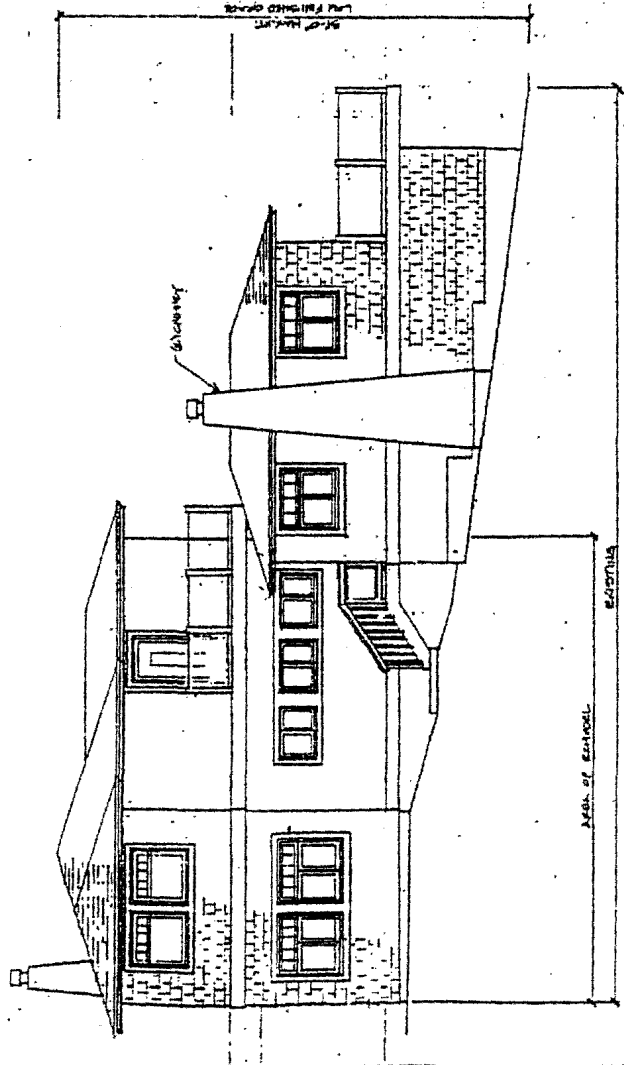




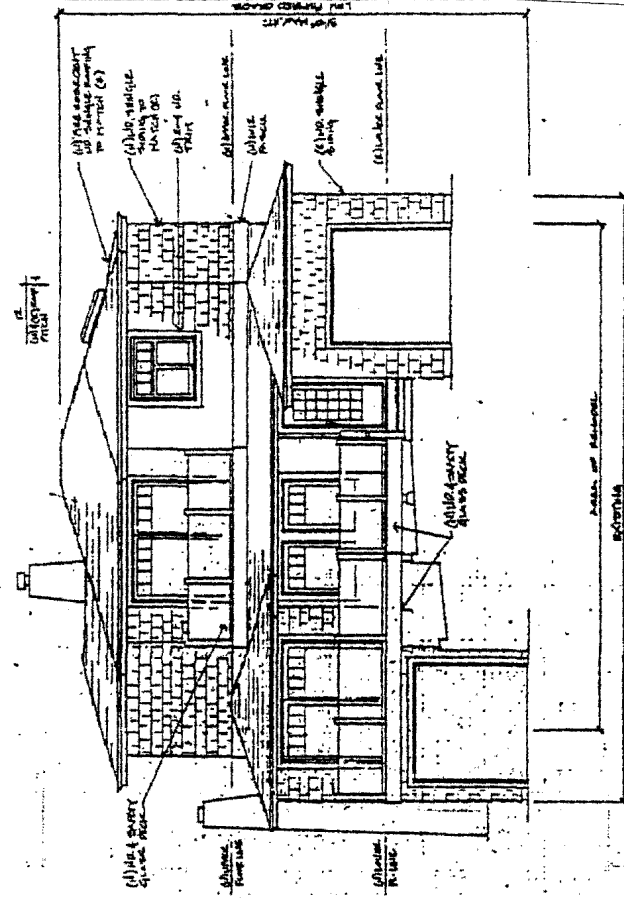
NORTH ELEVATION



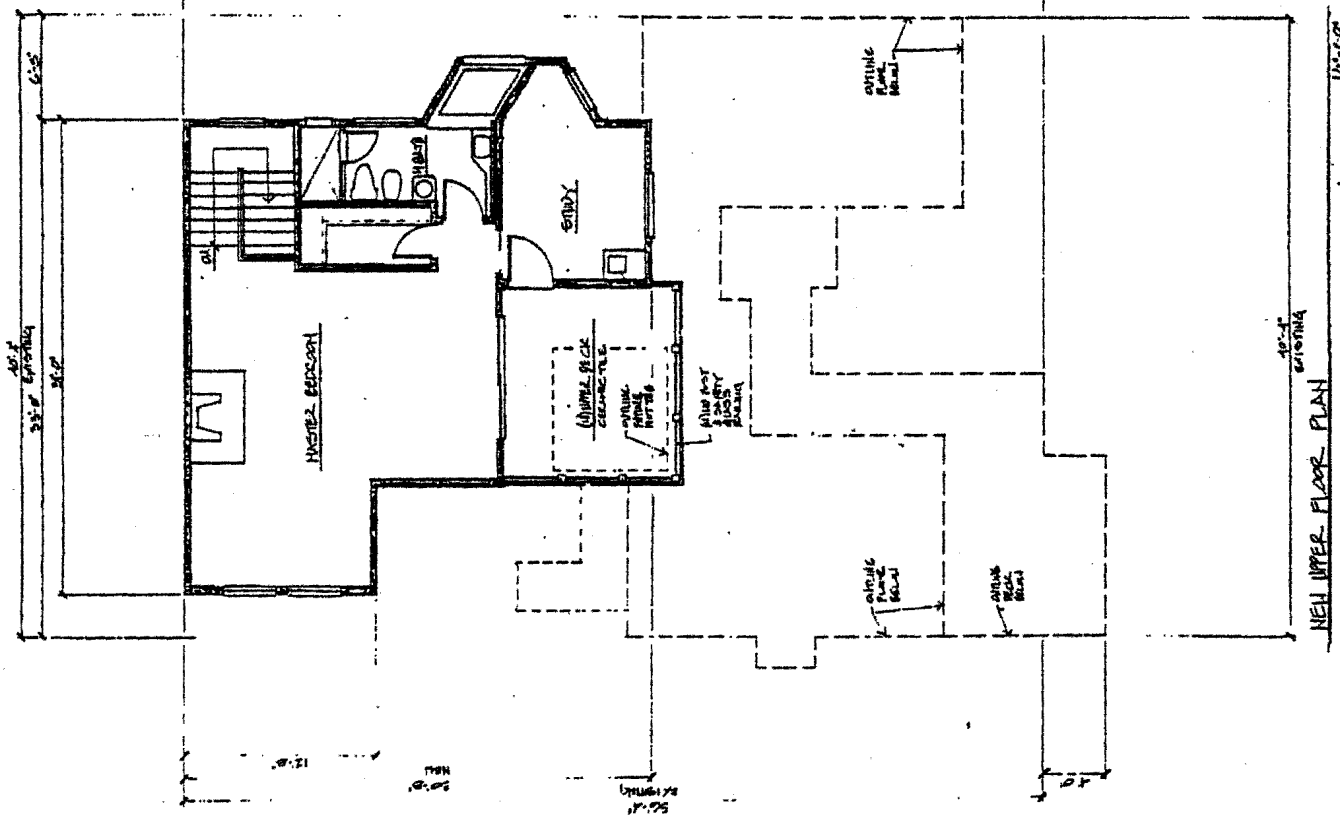
EAST ELEVATION



WEST ELEVATION

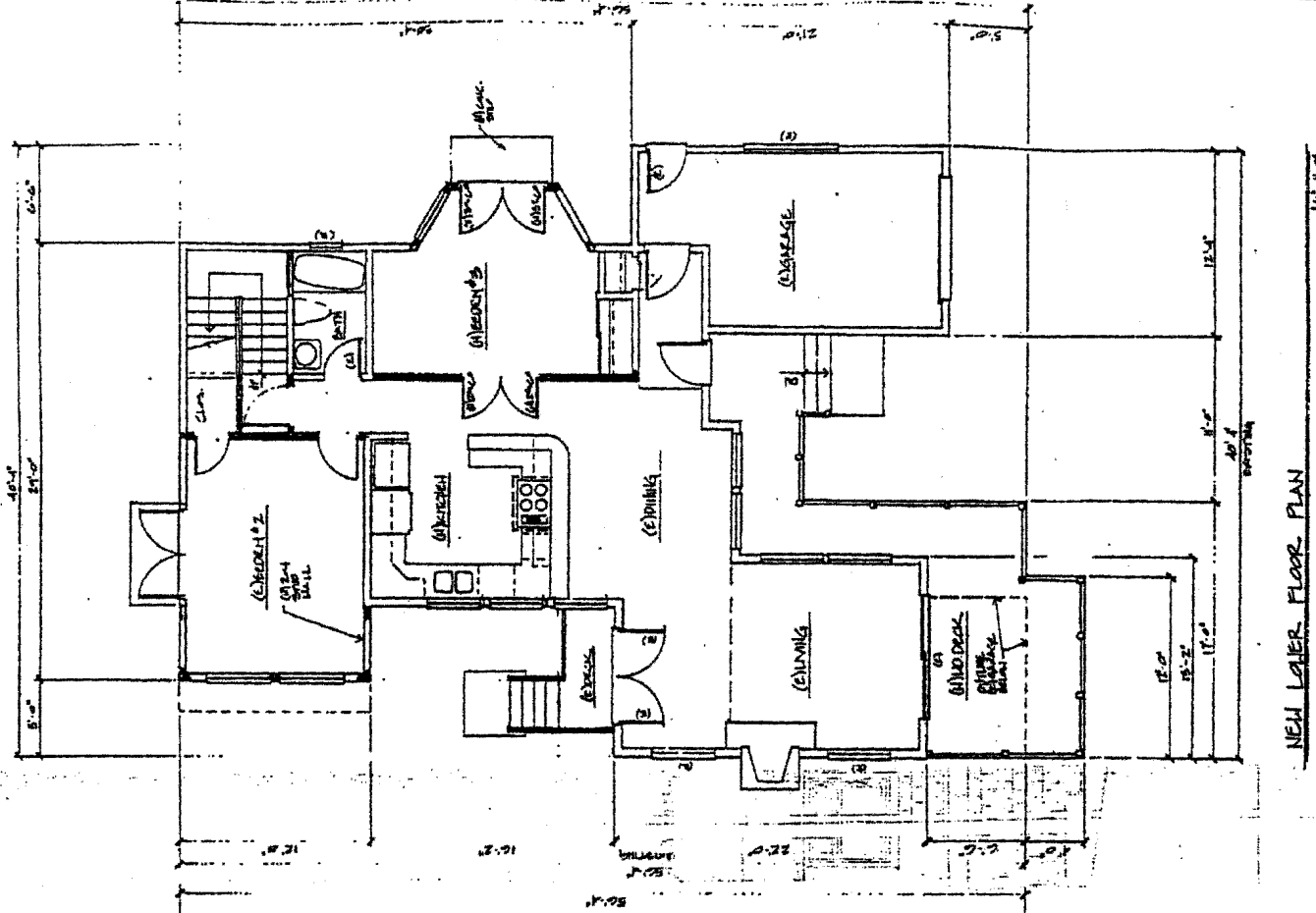


SOUTH ELEVATION



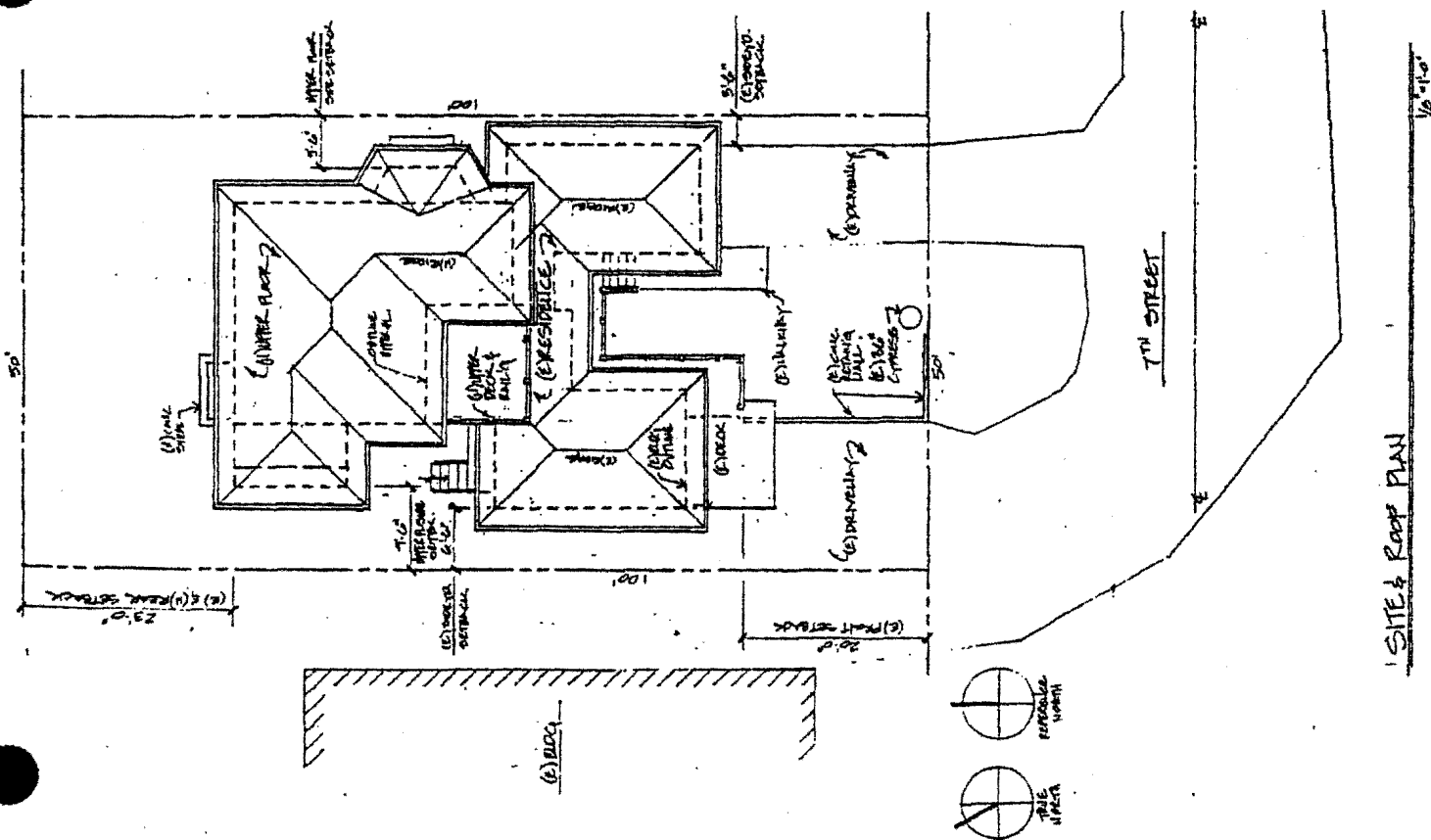
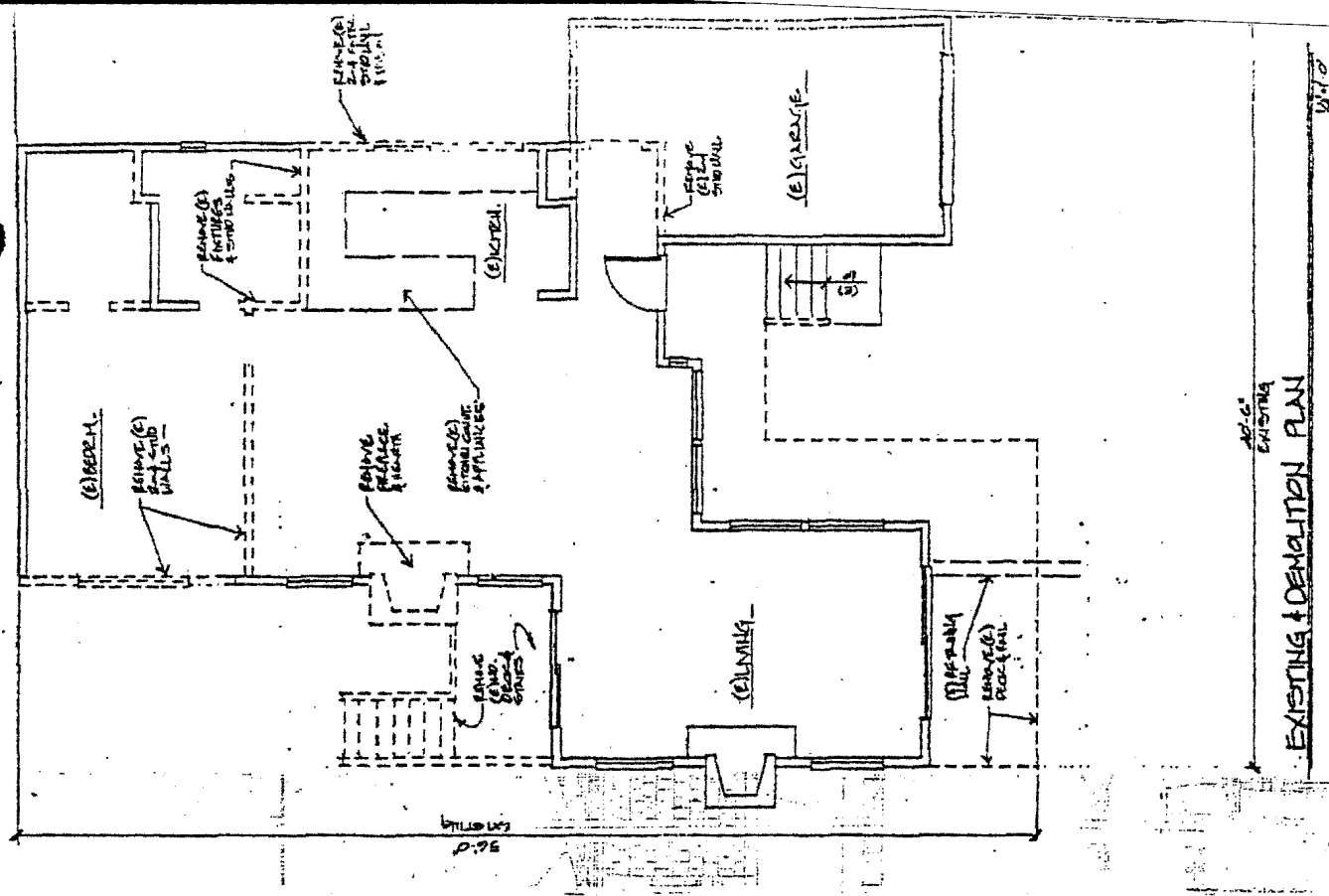
NEW UPPER FLOOR PLAN

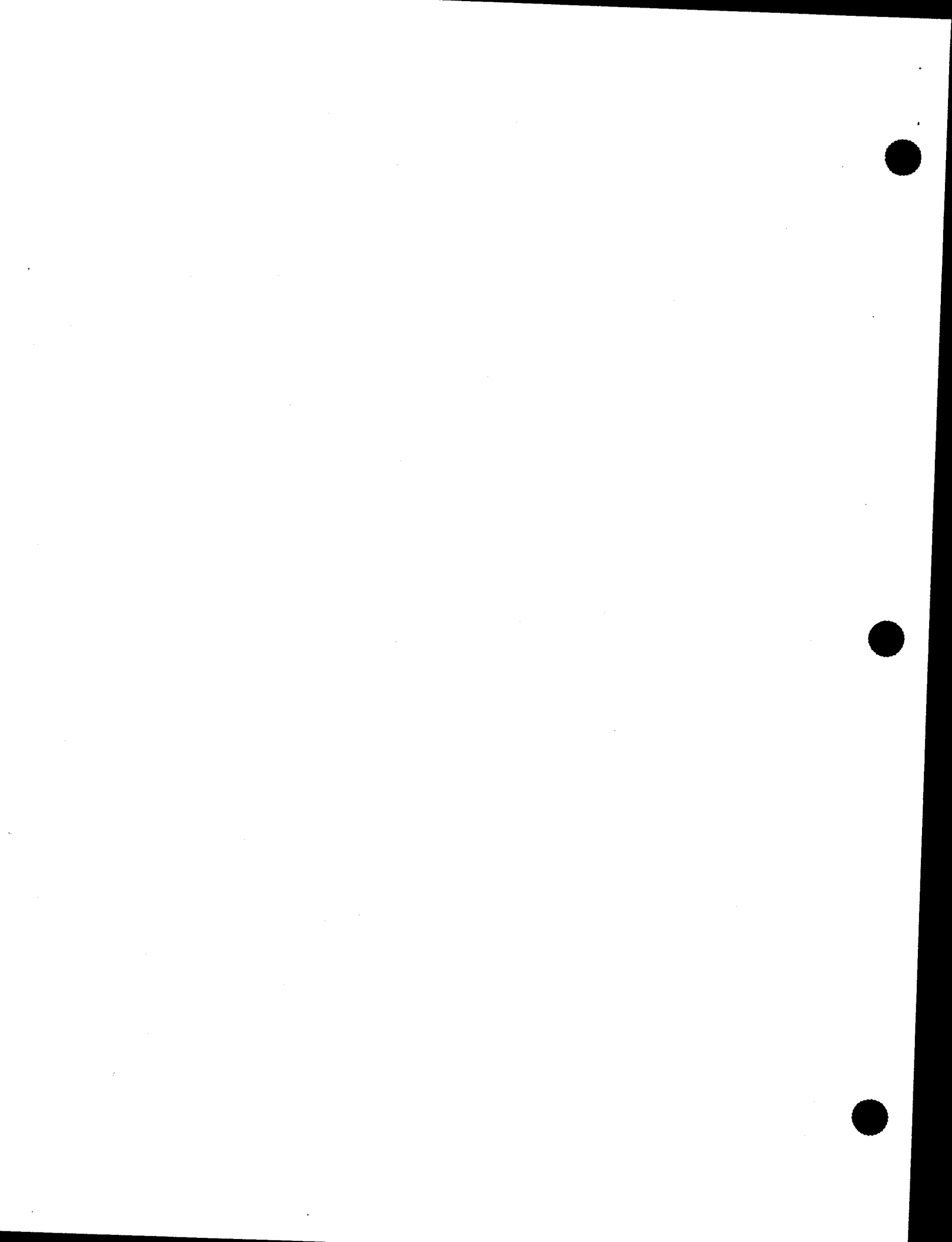
14'-0"



NEW LOWER FLOOR PLAN

14'-0"





COUNTY OF SAN MATEO
ENVIRONMENTAL SERVICES AGENCY

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 1999-00090

Hearing Date: August 20, 2002

Prepared By: Sara Bortolussi, Project Planner

For Adoption By: Board of Supervisors

RECOMMENDED FINDINGS

Based on the staff report and evidence presented at the hearing:

Regarding the Environmental Review, Find:

1. That the project is categorically exempt pursuant to the California Environmental Quality Act, Section 15301, regarding additions to existing private structures.

Regarding the Coastal Development Permit Find:

2. That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program, as documented in the LCP Policy Checklist completed for the project and the staff report, Section B.4 and C.3.
3. That where the project is located between the nearest public road and the sea, or shoreline of Pescadero Marsh, the project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code), as documented in the LCP Policy Checklist completed for the project and the staff report, Section B.4 and C.3.
4. That the project, as conditioned, conforms to the specific findings required by the policies of the San Mateo County Local Coastal Program, as documented in the LCP Policy Checklist completed for the project and the staff report, Section B.4 and C.3.

RECOMMENDED CONDITIONS OF APPROVAL

Planning Division

1. This approval applies only to the proposal, documents and plans described submitted to and approved by the Board of Supervisors on August 20, 2002.

EXHIBIT NO. 4

APPLICATION NO.

A-2-SMC-02-020

San Mateo County
Conditions of Approval

MONTALBANO

PAGE 1 OF 4

revisions or modifications to the project may be approved by the Planning Director if they are consistent with the intent of and in substantial conformance with this approval.

2. This permit shall be valid for one year, until August 20, 2003. Any extensions of this permit shall require submittal of a written request and payment of applicable extension fees 30 days prior to expiration.
3. In order to improve coastal views from public roads, revise the second-story roof design to lower the highest ridge by at least one foot, while maintaining a predominantly pitched roof design, to the satisfaction of the Planning Director. This may be accomplished by changing roof pitch, reducing ridge height, creating a small flat roof section, etc.
4. The applicant shall apply for and be issued a building permit prior to the start of construction, including any grading or land clearing activity. The County Geologist shall review and approve all project-related construction plans and reports prior to issuance of a building permit.
5. The addition to the house shall employ the same materials and colors as the existing single-family residence, natural cedar shingles. At the time of a final inspection, the building inspector shall verify that the materials and colors used for the addition match those used for the existing residence.
6. If the exterior material or color of the building changes as part of the proposed construction, the property owner shall be required to submit 4-inch square color chip samples to the Planning Division for review and approval prior to painting the structure.
7. No tree cutting is allowed by this permit. Removal of any tree with a diameter greater than 12 inches as measured 4.5 feet above the ground shall require a separate tree removal permit.
8. In order to improve coastal views from public roads, the existing cypress tree located in the front yard of the project site shall be minimally trimmed without endangering the health of the tree, to the satisfaction of the Development Review Services Manager.
9. All new utility lines, if required, shall be installed underground beginning at the nearest existing utility pole to the proposed addition.
10. The applicant shall submit an erosion control plan prior to issuance of a building permit, to mitigate any erosion resulting from project-related grading activities.
11. During the project construction, the applicant shall, pursuant to Section 5022 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site into storm drain systems and water bodies by:
 - a. Using filtration materials on storm drain covers to remove sediment from dewatering effluent.

- 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.
12. 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 are prohibited on Sunday and any national holiday.
13. Height verification shall be required at various stages during construction and confirmed in writing at each stage by the project engineer. The site plan shall show:
- a. The baseline elevation datum point as established by a licensed land surveyor or engineer. This datum point must be located so that it will not be disturbed by construction activities. This datum point shall be used during construction to verify the elevation of the finished floor relative to the site's existing natural grade.
 - b. The natural grade elevations at a minimum of four significant corners of the structure's footprint.
 - c. The elevations of the proposed finished grades, where applicable.
 - d. The ridgeline elevation of the highest point on the roof.

Building Inspection Section

14. A detailed set of plans shall be submitted to the San Mateo County Building Inspection Section for approval. These plans shall clearly indicate all proposed work to be performed under this permit and shall incorporate all items identified in the pre-site report. All changes, deviations or modifications to the approved plans shall require approved revisions prior to further inspections. All required engineering letters verifying compliance with design criteria or substantiating changes in design shall be approved by the Building Inspection Section prior to inspections. As a condition of final inspection, wet-stamped copies of all required engineering letters shall be forwarded to the Building Inspection Section for permanent records.

15. At this time, the project is over 50% and less than 75% of the valuation of the existing structure. If at any time during the construction of the project, any changes or revisions increase the valuation to over 75%, then an approved sprinkler system for fire suppression shall be required throughout the entire structure.
16. A survey is required for every application for a permit which exceeds 50% of the valuation of the existing structure. A survey is required to be submitted to the Building Inspection Section at the time of application for a building permit.
17. A drainage and erosion plan is required for all projects that exceed 50% of the valuation of the existing building or structure. The plan is required and shall be incorporated into the construction plans for approval prior to the issuance of a building permit.
18. The applicant is required to comply with all aspects and corrections listed in the Building Inspection Section pre-site report dated October 16, 2000.

Half Moon Bay Fire Protection District

19. As per the Uniform Building Code and State Fire Marshal Regulations, the applicant will be required to install State Fire Marshal approved and listed smoke detectors which are hardwired, interconnected and have battery backup. These detectors shall be placed in each sleeping room and at a point centrally located in the corridor or area giving access to each separate sleeping area. A minimum of one detector shall be placed on each floor. Smoke detectors shall be tested and approved prior to building final.
20. Building identification shall be conspicuously posted and visible from the street.
(Temporary address numbers shall be posted prior to combustibles being placed on site.)
The letters and numerals for permanent address numbers shall be of adequate size and of a color which is contrasting with the background. Such letters or numerals shall be internally illuminated and facing the direction of access.
21. The roof covering of every new building or structure, and materials applied as part of a roof covering assembly, shall have a minimum fire rating of Class "B" or higher.
22. There must be a fire hydrant within 250 feet of the property. Hydrants may be spaced no more than 500 feet apart.
23. The Fire Department recommends that a defensible space of not less than 30 feet be maintained between the home and any combustible vegetation.

MR:SB:fc - SMBM1060_WFU.DOC

STATE OF CALIFORNIA—THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-3200
FAX (415) 904-5400

RECEIVED

SEP 06 2002



APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

CALIFORNIA
COASTAL COMMISSION

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

SECTION I. Appellant(s)

Mary Knox
PO Box 370063
Montara, CA 94037
650/728-3288

Wendy Brown
PO Box 370405
Montara, Ca 94037
650/728-1322
MAIN CONTACT

Liz Everett
Po Box 370405
Montara, CA 94037
650/728-8356

SECTION II. Decision Being Appealed

1. Name of local/port
government: SAN MATEO BOARD OF SUPERVISORS

2. Brief description of development being
appealed: PAN 1999-00090 - 123 7th St.
Montara, CA 94037 - Addition to
preexisting home

3. Development's location (street address, assessor's parcel
no., cross street, etc.): 123 7th Street
Montara, CA - Cross St. Highway One

4. Description of decision being appealed:

- a. Approval; no special conditions: ✓
- b. Approval with special conditions: _____
- c. Denial: _____

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-2-SMC-02-020

DATE FILED: 9/6/02

DISTRICT: NORTH

H5: 4/88

EXHIBIT NO.	5
APPLICATION NO.	A-2-SMC-02-020
MONTALBANO Appeal by Knox, Brown and Everett	
PAGE 1 OF 10	

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: Aug. 20, 20027. Local government's file number (if any): PLN 1999-00090SECTION 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:

JIM MONTALBANO
PO Box 370784
Montara, CA 94037

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 county report addendum A

(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.

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

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.

Liz Everett W. Brown
Mary M. Knorr
Signature of Appellant(s) or
Authorized Agent

Date 9/6/02

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 _____

**APPEAL TO APPROVAL OF SAN MATEO COUNTY
PLN1999-0090**

This Project violates an important Legislative Finding contained in The Coastal Act at Public Resources Code Section 30251 and recently reiterated by the Court of Appeal in *La Costa Homeowners' Association v. California Coastal Commission*.

"The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas."

LCP Policy 8.13a:

"TO THE EXTENT FEASIBLE, DESIGN DEVELOPMENT TO MINIMIZE THE BLOCKING OF VIEWS TO OR ALONG THE OCEAN SHORELINE FROM HIGHWAY ONE AND SEA"

It is indisputable from the photos below that this development approved by the county violates LCP Policy 8.13a. As shown on the next page, this violation occurs in one of only five ocean view points between Princeton and Montara Beach. this is a very bad precedent and contrary to previous public view protective decisions by San Mateo County.



BEFORE



AFTER

This addition to a previously existing home will have a significant impact on very few public views on Highway 1 between Princeton and Montara Beach. This span of 3.5 miles consists of 2.5 miles that has no view of the ocean. Then the last mile has one view in Moss Beach and only 4 views in Montara between the Lighthouse and Montara Beach.

MONTARA VIEWS



HIGHWAY 1 - NORTH OF LIGHTHOUSE



ACROSS FROM COMMERCIAL SITE



ACROSS FROM COMMERCIAL SITE



APPEARED PROJECT AT 7TH STREET
AND HIGHWAY ONE (see front page)

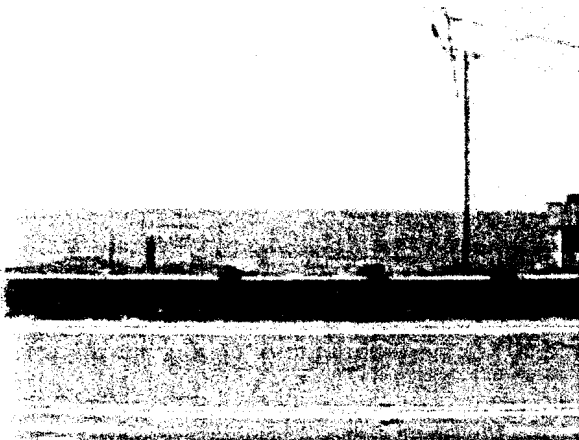
Highway One through Montara is very congested due to people (including walkers and bikers) touring the coastside. Many come from the south and drive slowly looking at the views between the Montara Lighthouse and Montara Beach.

A project near the Montara lighthouse, that would have been two stories, was denied a permit due to public views being affected. This project can and should be redesigned to protect public views from Highway One and to maintain consistent application of the LCP.

200 14th Street, Montara



THE PROJECT THAT WAS DENIED TWO STORIES

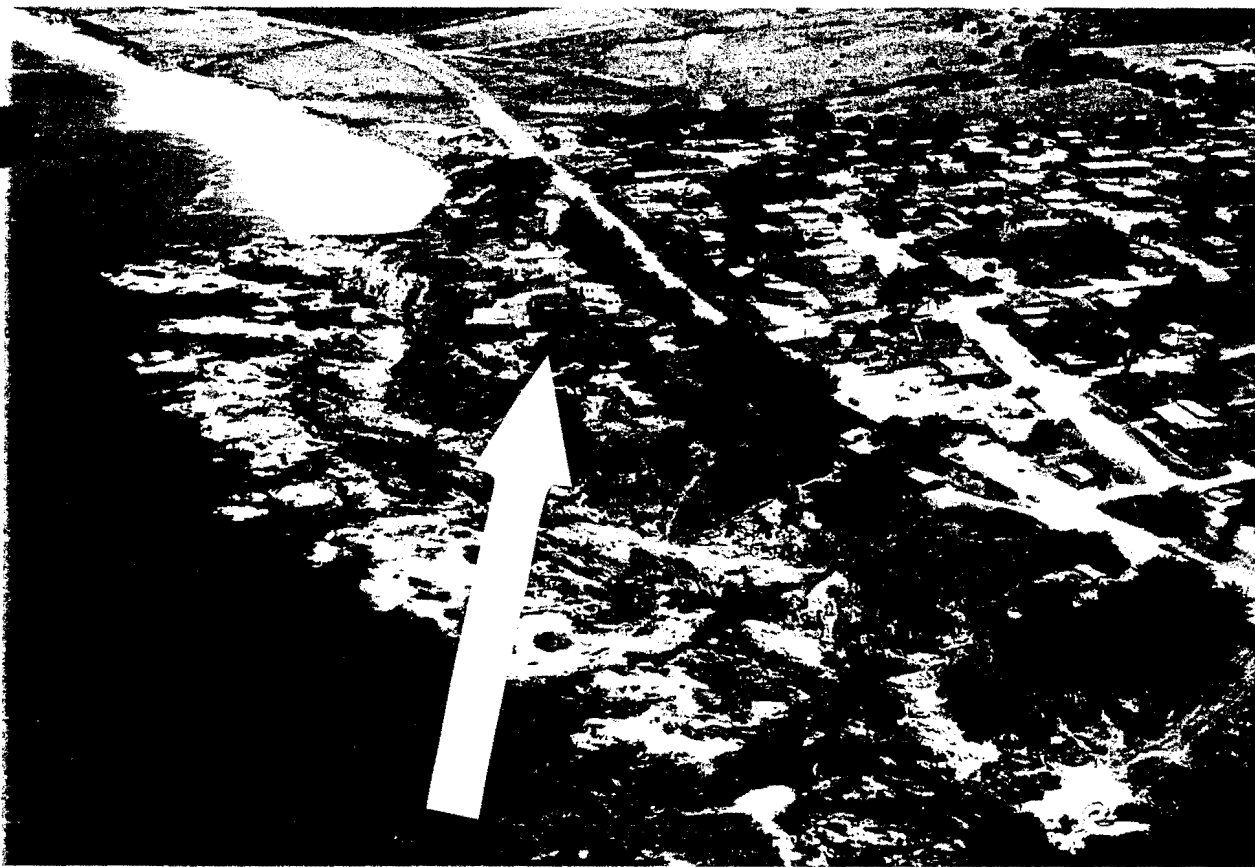


VIEW OF 200 14th ST. FROM HIGHWAY ONE

Traffic in this area of Highway One regularly slows down to about 35 mph with people looking at the views and the small shops located on the road. On Highway 1, at 7th Street and proposed project, CalTrans has just installed a left turn lane turning west. This has allowed people who want to view the ocean to be allowed to turn onto 7th street and created a viewing area.

The proposed project could be feasibly redesigned to be all on one floor so as to not affect public views from Highway One. This project could utilize the space available to either excavate and/or use existing parcel space to expand without disrupting the view.

These views along Highway One may not be the best views for scenic beauty but the Bay Area Public comes out on a Saturday or Sunday and drives Highway One between Half Moon Bay and Montara. These few spaces that allow public ocean vistas to be seen are unique. If one of these vistas in Montara is removed it could never be replaced and would set a bad precedent leading to loss of other public vistas.



LCP 8.5a – “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 impact views from public viewpoints, and (3) is consistent with all other LCP requirements..... This provision does not apply to enlargement of existing structures provided that the size of the structure, after enlargement, does not exceed 150% of the preexisting floor area, or 2,000s/f, whichever is greater.”

The County’s Chart under C.1 on page 6 of the August 5, 2002 Staff Report to the Board of Supervisors show the “Total Floor Area” of the preexisting structure as 1554.37 square feet in the middle column entitled “After 1998 Addition (As presented to the Planning Commission)”, the County describes the “Total Floor Area” of the structure after enlargement as 2519 square feet. Thus the “after enlargement” size of the structure is 162% of the preexisting structure and exceeds 2000 square feet. Hence the LCP Policy 8.5a applies and requires protection of the public views from Highway One.

The applicant claims that the preexisting structure was 1,836 square feet based on the earlier 1998 addition being actually 494 square feet rather than 227.37 square feet. However, the 227.37 square feet must be used because it was the basis of an exemption from requiring a Coastal Development Permit for that 1998 addition.

The 1998 Addition was actually completed in January of 1999 and approximately five weeks later in March 1999 the application was filed for the Expansion Project which is the subject of this appeal. Environmental review requirements, due process and the County practice require these two projects to be treated as one project. The segmentation deprived the public of notice of the first project and allows piecemealing of the evaluation of the environmental impacts. According to the County Building Department that if the period of finalization between the first project and the application for the second project was less than one year, the two projects should be considered as one.

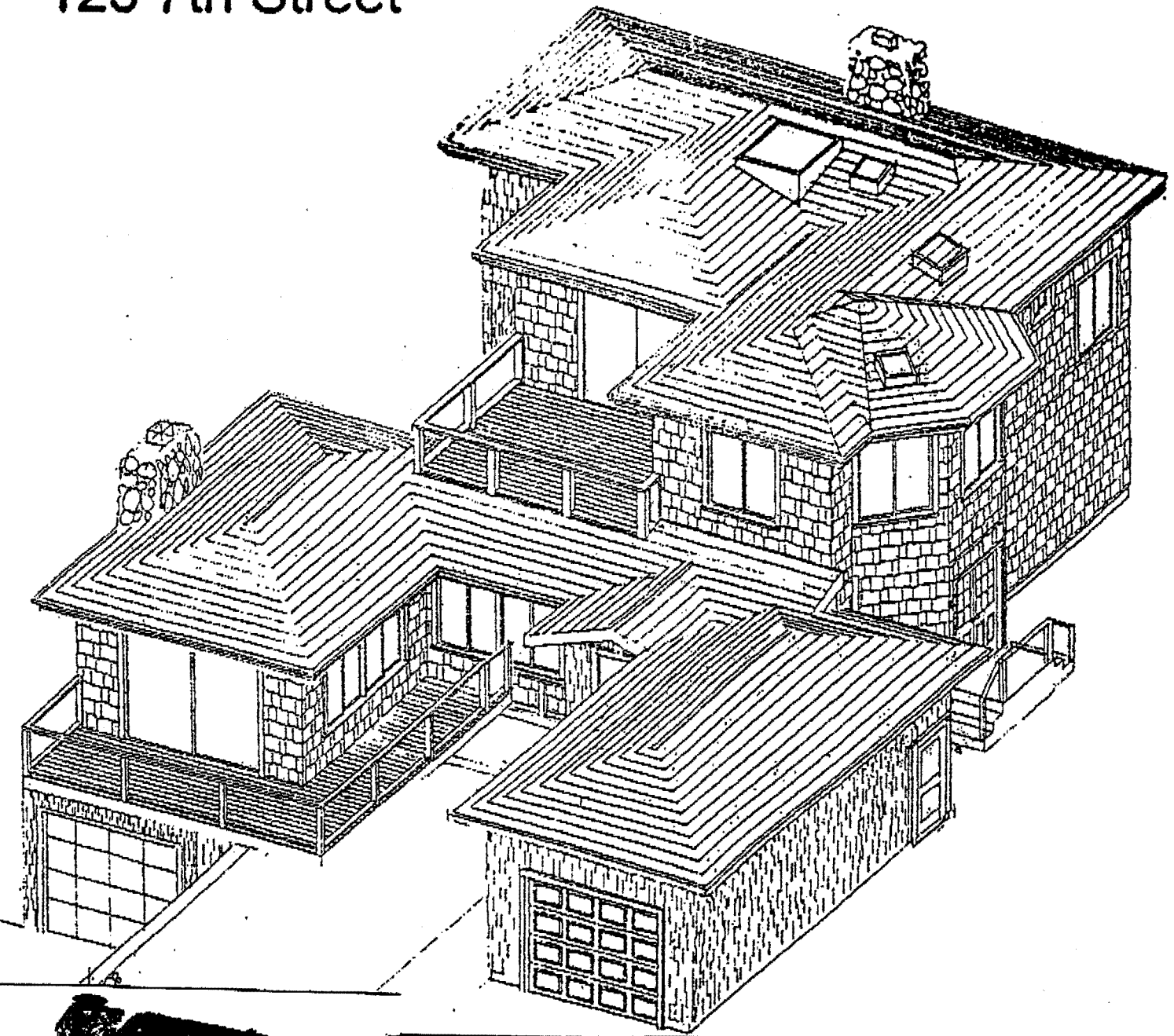
LCP 8.13a (4) – As shown above, this proposed addition will dominate an area of mostly one story homes. This addition will allow this home to distract from the overall view of landscape. The character of the area surrounding this project has seven vacant buildable lots. It may also set a precedent for future development on those vacant lots.

San Mateo County LCP Implementing Regulations establish a maximum 35% lot coverage. This plan when reviewed by an architect covers 39+% of lot coverage.

San Mateo County LCP Implementing Regulations established Height regulations are being violated. (See attached south elevation view)

Addition and Remodel to Existing Residence

123 7th Street



EXISTING
RESIDENCE
AFTER
FIRST ADDITION



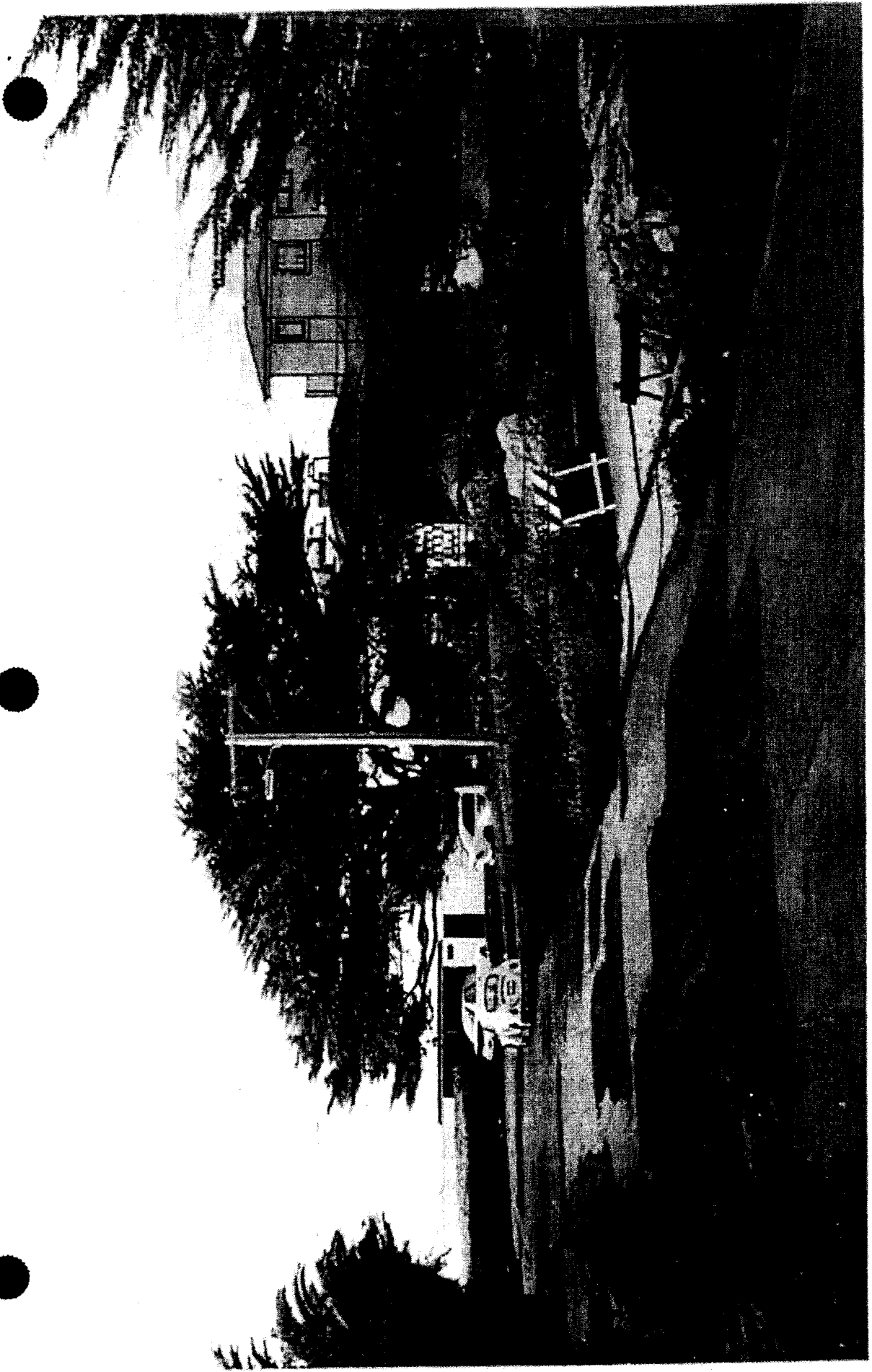
②

EXHIBIT NO.	6
APPLICATION NO.	A-2-SMC-02-020
MONTALBANO	
Visual Analysis	
PAGE 1 OF 3	



BEFORE.

ALMINDER



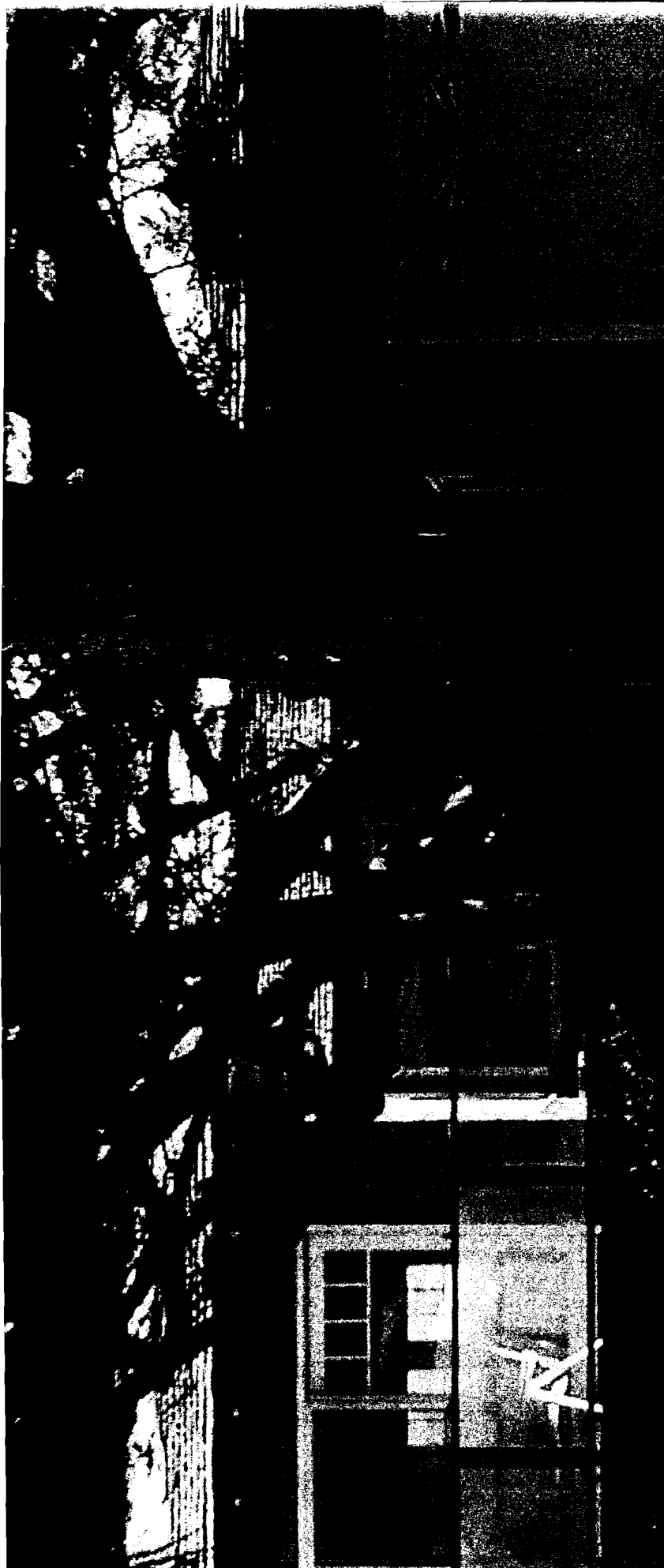


EXHIBIT NO. 7

APPLICATION NO.
A-2-SMC-02-020

MONTALBANO

Development in the
Immediate vicinity

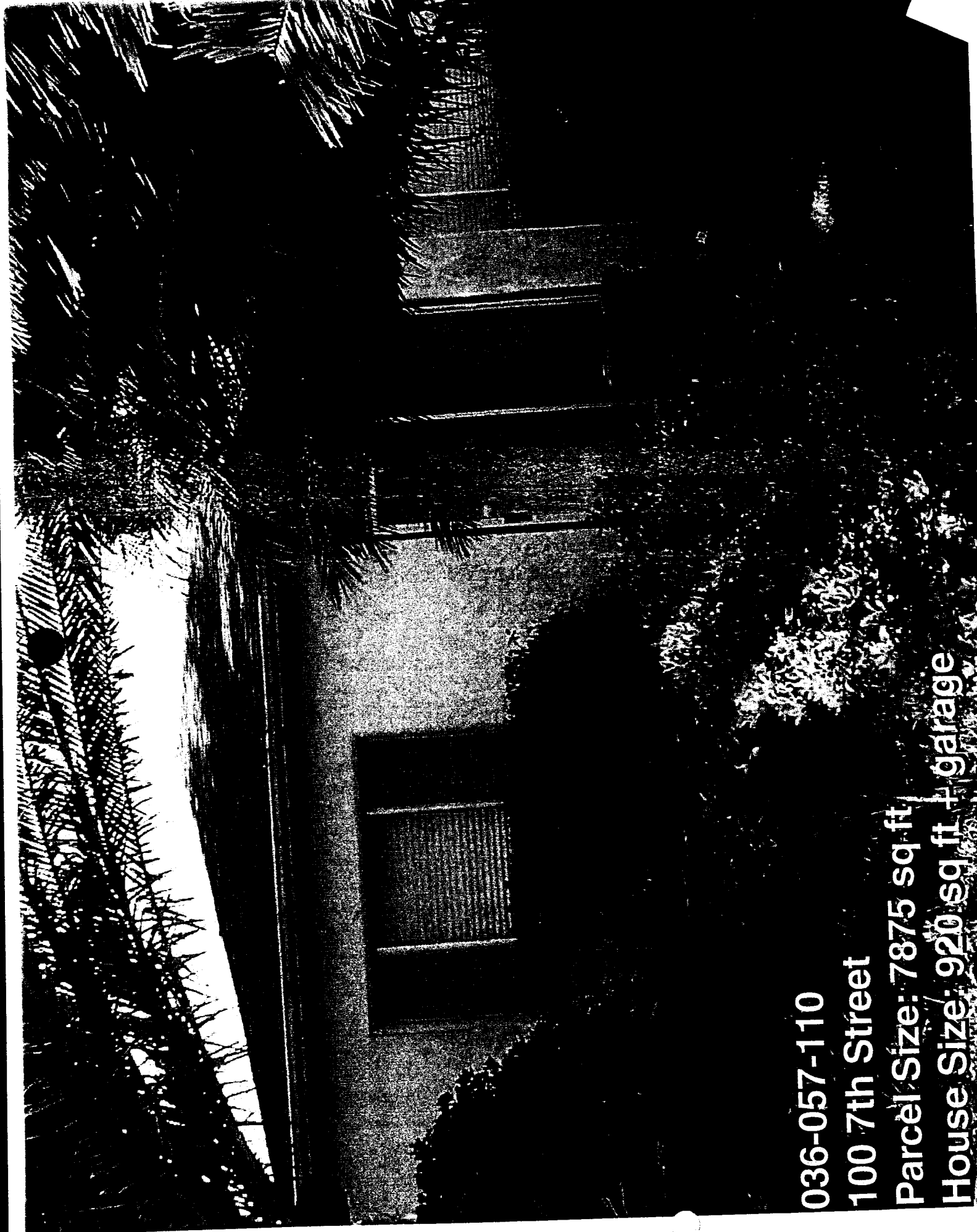
PAGE 1 OF 7

036-057-230

123 7th Street

Parcel Size: 5000 sq ft

House Size: 850 sq ft + garage

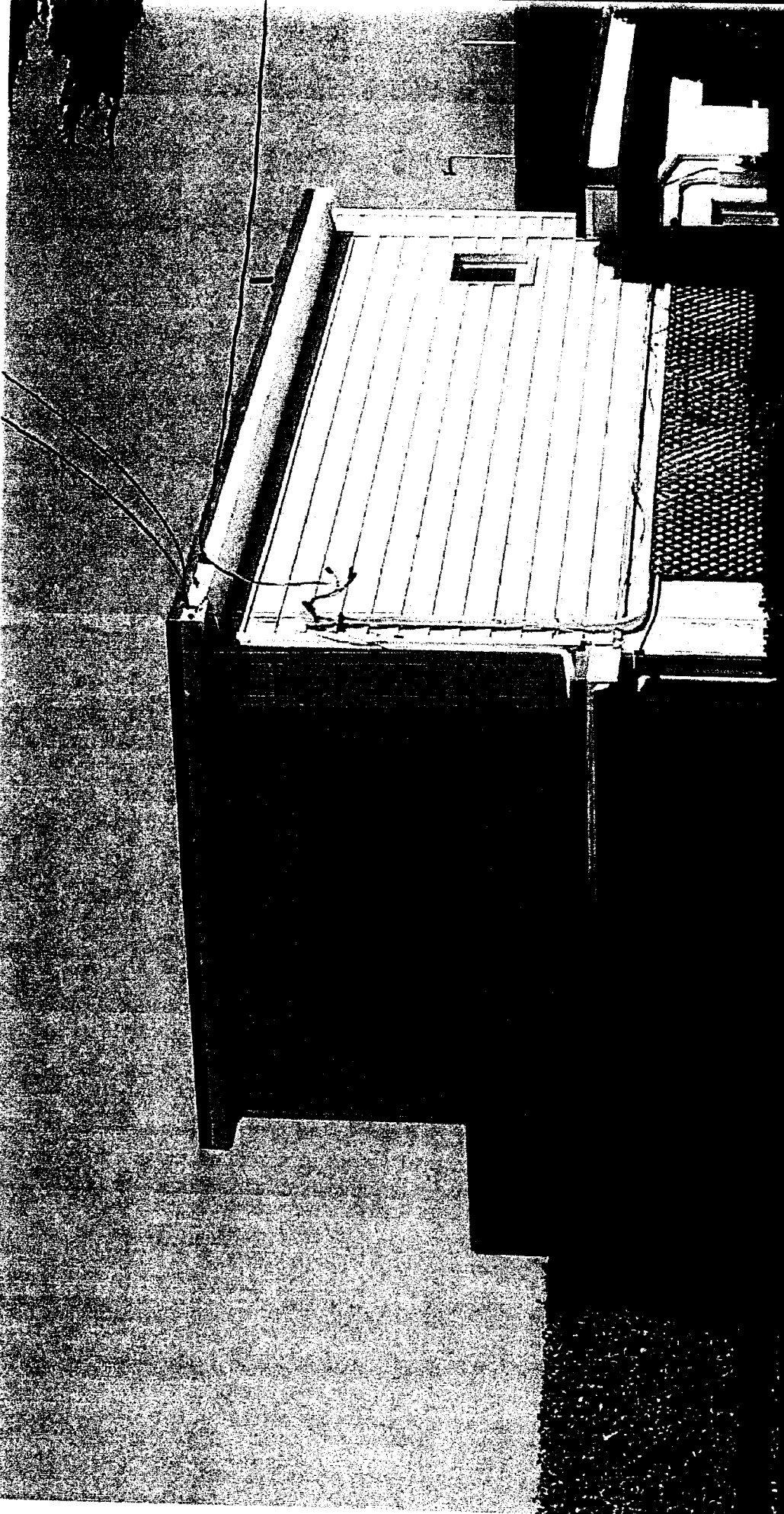


036-057-110

100 7th Street

Parcel Size: 7875 sq ft

House Size: 920 sq ft + garage

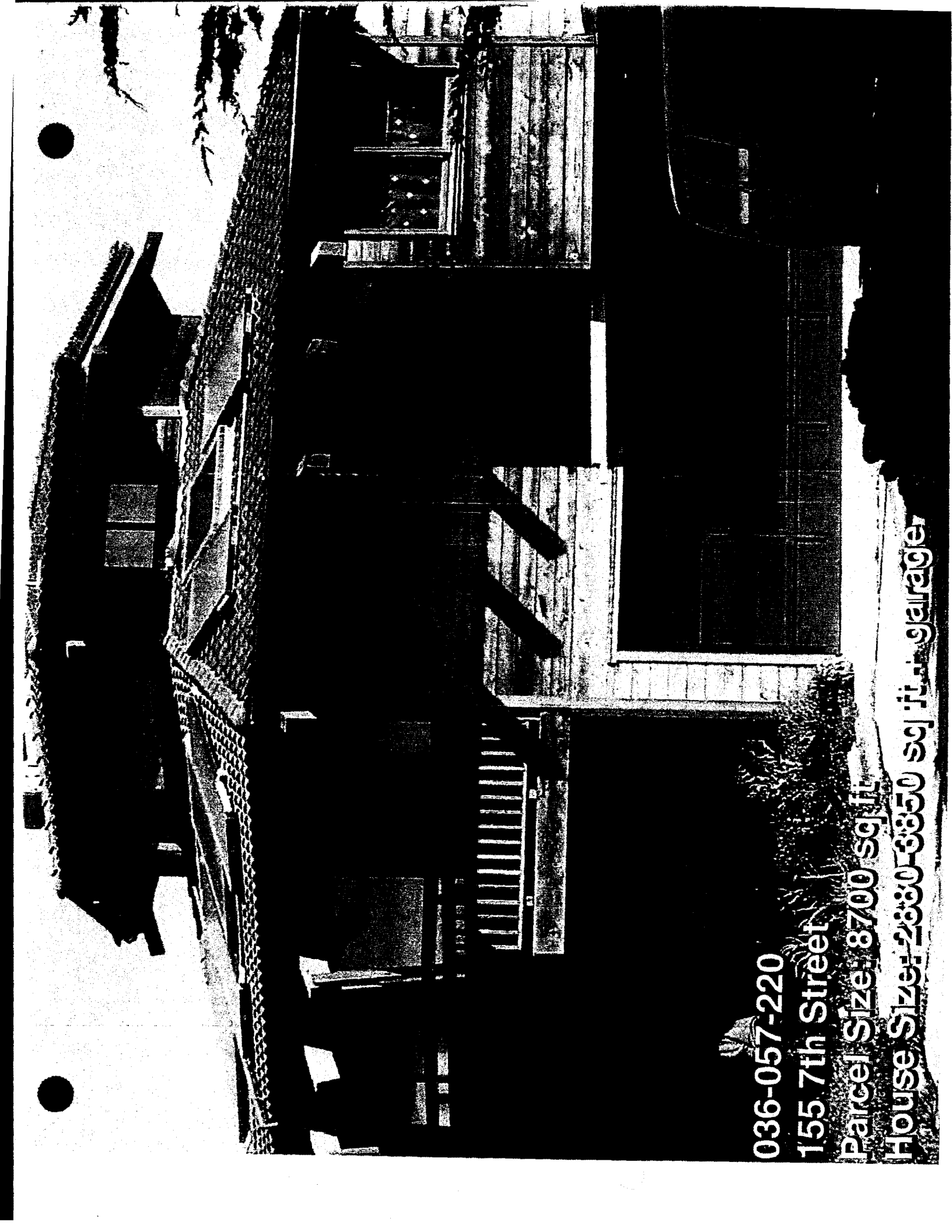


036-057-240

101 7th Street

Parcel Size: 4000 - 4800 sq ft

House Size: not listed

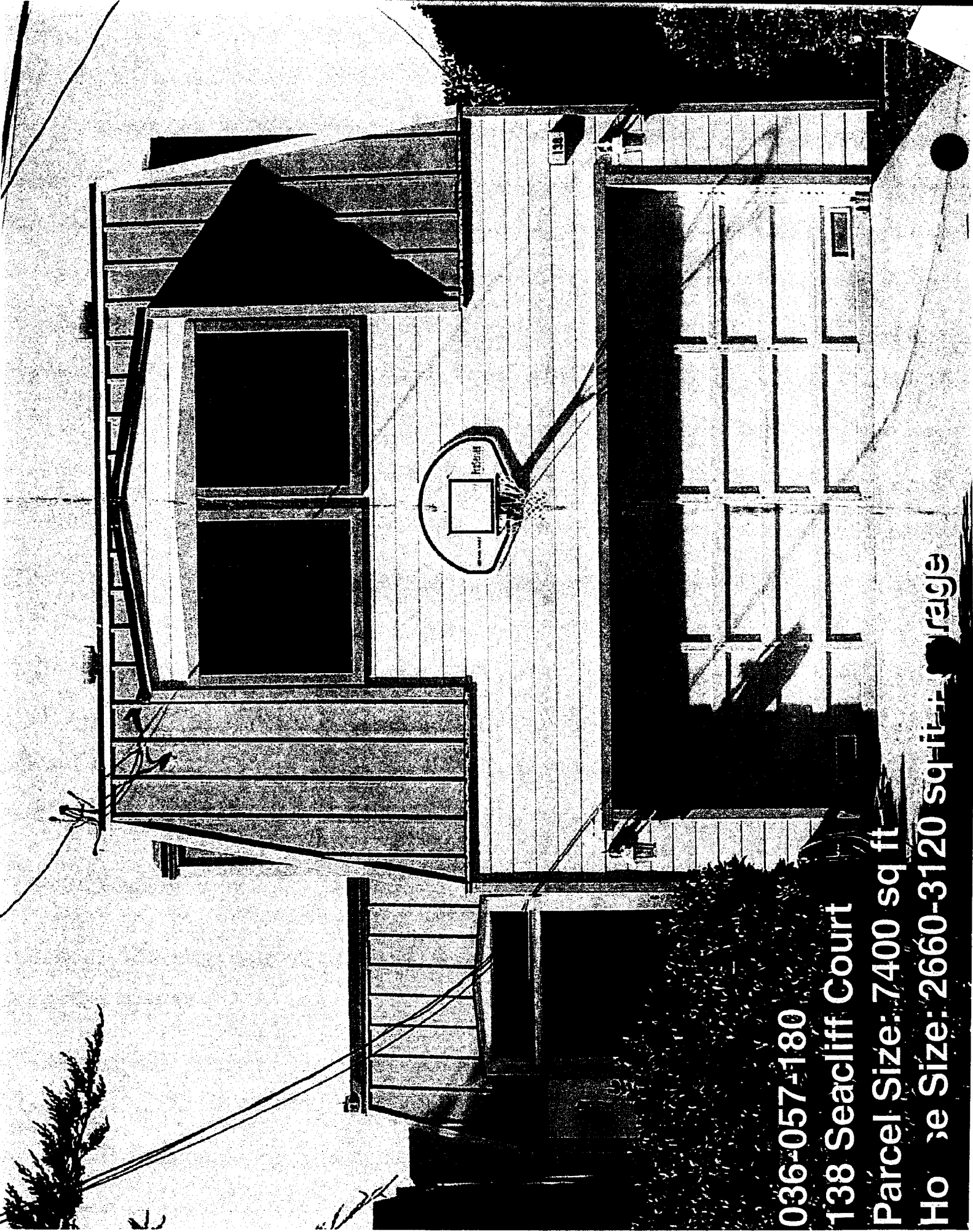


036-057-220

155 7th Street

Parcel Size: 8700 sq. ft.

House Size: 2880-6850 sq. ft. garage



036-057-180

138 Seaclyff Court

Parcel Size: 7400 sq ft

Home Size: 2660-3120 sq ft + Garage



036-057-020

122 Seaside Court

Parcel Size: 3000 sq ft

House Size: 2310-2830 sq ft + garage



036-057-040

100 Seacliff Court

Parcel Size: 7200 sq ft

Horse Size: 1990-2810 sq ft + garage

To: California Coastal Commissioners
% Ms. Chanda Meek
45 Fremont St.
San Francisco, CA 94105

RECEIVED
SEP 13 2002
CALIFORNIA
COASTAL COMMISSION

September 10, 2002

From: Anne M. Westerfield

RE: PLN 1999-0090, approved by San Mateo County, appealed to the
Coastal Commission by Liz Everett et al.

Dear Commissioners:

As a member of the Board of the Peninsula Open Space Trust (POST) I am fervently committed to the preservation of the uniquely beautiful, heavily visited San Mateo Coast. Most relevant to this Appeal is POST's recent acquisition of the 4200+ acre Rancho Corral de Tierra which includes the magnificent Montara Mountains which are the backdrop of the neighborhood discussed here.

The small section of Montara which includes Seacliff Court and 7th St., though technically classified as "urban", is still rural in feeling and is part of the beautiful sweep of scenery on the west side of Highway #1 stretching from Montara State Beach to the Montara Lighthouse and Hostel.

Even small public views from Highway #1 are precious to those who live, bike and walk in the area and to the increasing numbers of visiting tourists. The proposed house would greatly reduce the views from Highway #1 at 7th St.

This is not a fully developed neighborhood. There are two vacant lots adjacent to the proposed project and five vacant lots across the street from the project on 7th St. In total, there are seven developed parcels and seven vacant lots. Contrary to Planning staff's statements in their Reports that it "will enhance the character of existing family areas", this is a much larger and higher house than any other in proportion to its lot size. The seven now vacant lots will be developable using the standards set for this house. Once the character of the neighborhood is changed there is no going back. How different the views from Highway #1 would be!

EXHIBIT NO.	8
APPLICATION NO.	A-2-SMC-02-020
MONTALBANO Late Correspondence	
PAGE 1 OF 8	

Anne M. Westerfield

p. 2

Those of us who are lucky enough to live here also have an obligation, while enjoying our private places, to ensure that those who come after us may continue to enjoy the view of the ocean.

Open space and the perception of open space are essential to the quality of life. Whatever we can do to preserve the San Mateo Coast, even in small ways, should be done.

We respectfully request that you give this matter careful consideration.
Thank you.

Sincerely,

Anne M. Westerfield
101 7th St.
Montara

Mailing address:
10 Green View Lane
Hillsborough, CA 94010
Tel. 650-348-5179

PUTNEY WESTERFIELD
10 GREEN VIEW LANE
HILLSBOROUGH, CA 94010
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E-mail: putneyw@pacbell.net

California Coast Commission
45 Freemont Street
San Francisco, CA 94105

Re: PLN 1999-0090

Dear Ms Meek:

This letter of support for the appeal submitted by Ms Everett, Mrs. Knox and Ms Battstone regarding the planning decision re 123 7th Street, applicant Jim Montalbano. The Board of Supervisors approved - mistakenly, we believe - this project several weeks ago.

In addition to the coastal issues raised in the appeal, we would like to draw your attention to the following issues: (Note: where reference is made to the "Report", it is Marsha Raines Report to the San Mateo Board of Supervisors).

1. LCP Policy 1.17: Discusses conserving, improving and revitalizing existing residential areas. "The project will be improving the existing residential area ... while not detracting from the other developed parcels."

This project, which would block the views of its neighbors and open the door to the development of similarly large houses on adjacent vacant lots, would NOT improve the area. (See Report, page 15).

2. LCP Policy 8.13.a.4: "Design structures which are in scale with the character of their setting and blend

rather than dominate or distract from the overall view of the urbanscape."

In fact, the proposed structure would set a potentially disastrous precedent in this community west of Highway One. The Report (pages 2 and 20) states that "the surrounding parcels are developed with one and two story single family residences" "The development surrounding This site consists of two story homes"... "The surrounding residences are two story residences" ... "development surrounds the (applicant's home) with the exception of the lot immediately to the east. THIS IS FALSE.

- (a) Of the four adjacent properties, two are vacant buildable lots. Across the street are five vacant buildable lots and two small one story homes (see map attached). Five of the nine homes in our community, all within 300 feet of the ocean, are one story homes. One has a basement garage similar to the applicant's home.
- (b) The precedent that would be set by approval of this extreme enlargement would dictate the size of houses that will be built on all seven vacant lots and for comparable maximum enlargement of existing one story homes. No one in our neighborhood wants this to happen.
- (c) The proposal calls for a house that is, in appearance and size, a three story home. (See attached photo sheet).
- (d) On page 13 the Report addresses "Conformance with the Montara/Moss Beach/El Granada Community Plan, Policy 2.6: the design is consistent with homes in the area" ... "the proposal is in scale and character with the surrounding residences" ... "the project is considered minor development on an already developed parcel" ... "the design of the structure ... is in

harmony with the shape, size and scale of the adjacent buildings in the community."

The project is not a "minor development". On the contrary, it would create a massive, tall house on the smallest developed property (5000 s/f) in the neighborhood and would visually dominate the urban scape. This small area is the first neighborhood west of Highway One south of Devil's Slide and Montara State Beach, with the backdrop of the huge Rancho Corral de Tierra, which includes Montara Mountain, recently acquired for preservation by POST. The character of this neighborhood, which extends down to the Montara Lighthouse and hostel, is rural in feeling although legally defined as urban.

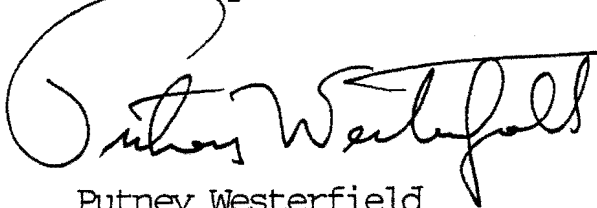
- (3) The Report states that "project addition will be improving the residential area while not detracting from the other developed parcels."

This is false. Private views of the ocean would be severely impacted, especially for three residences as well as homes that will be built on the two adjacent vacant lots. The San Mateo County Review Ordinance does not recognize a right to the preservation of private views ... (but) ... "gives the decision maker some authority to regulate height and location of structures to minimize the impact of view2s in order to achieve a proper balance with existing site conditions."

- (4) The Report ignores significant information regarding the Ratio of Building Heights to Lot Sizes. (See attached "Community Profile"). This data correlates house size to building plot. Neighborhood homes range from 6% and 11% up to 27% and 34%. Applicant's EXISTING home, before any addition, has the highest ratio in the community. With the proposed addition, the radio grows to 60%, almost DOUBLING the highest existing home.

It is clear to us in the neighborhood that this project will significant affect the character of our community and will set a dangerous precedent for over-development of this precious area along the Coast, truly an extension of Devil's Slide and Montara Beach.

Sincerely,

A handwritten signature in cursive script, reading "Putney Westerfield". The signature is written in dark ink and is positioned above the typed name.

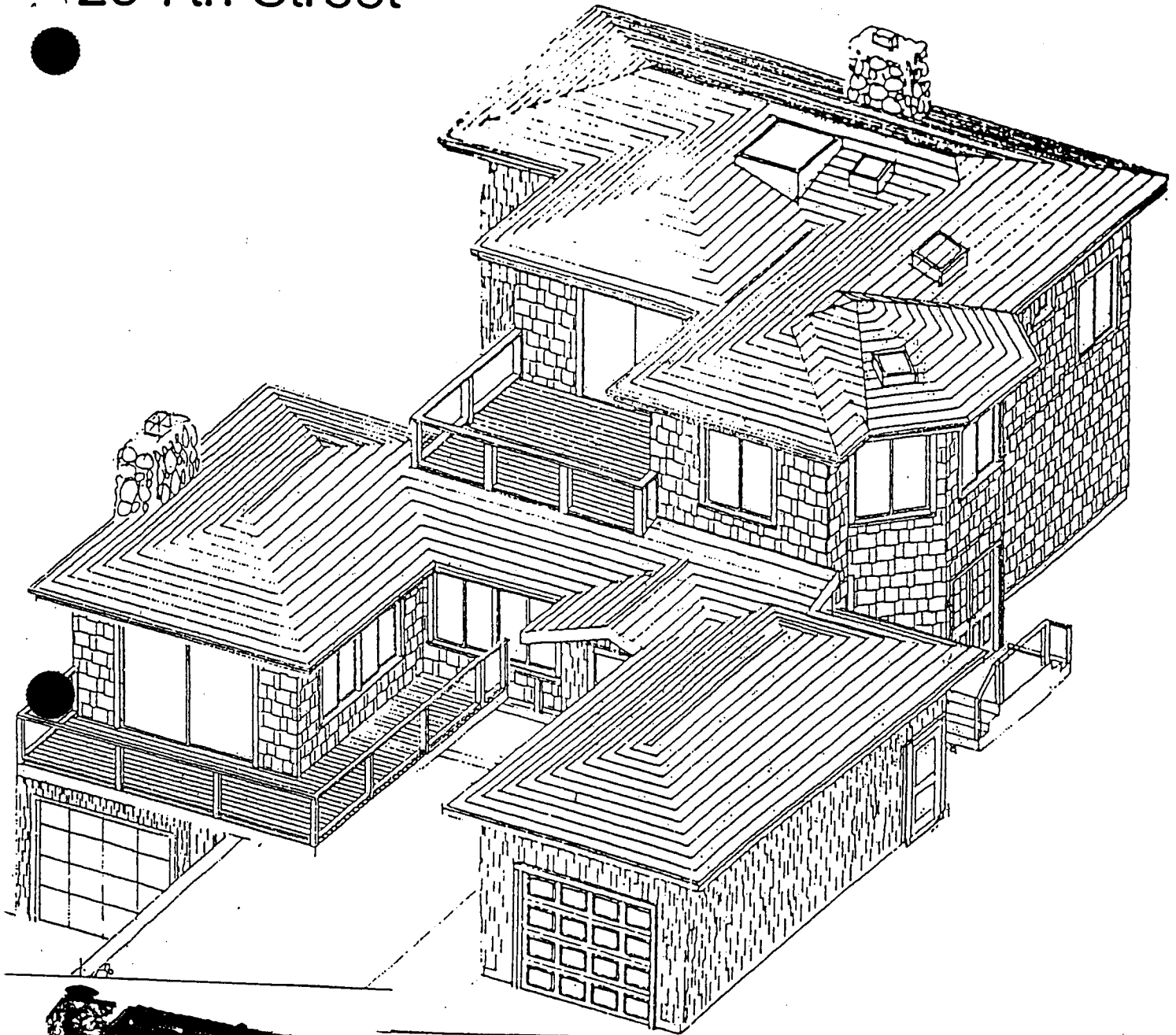
Putney Westerfield
101 Seventh Street
Montara

And

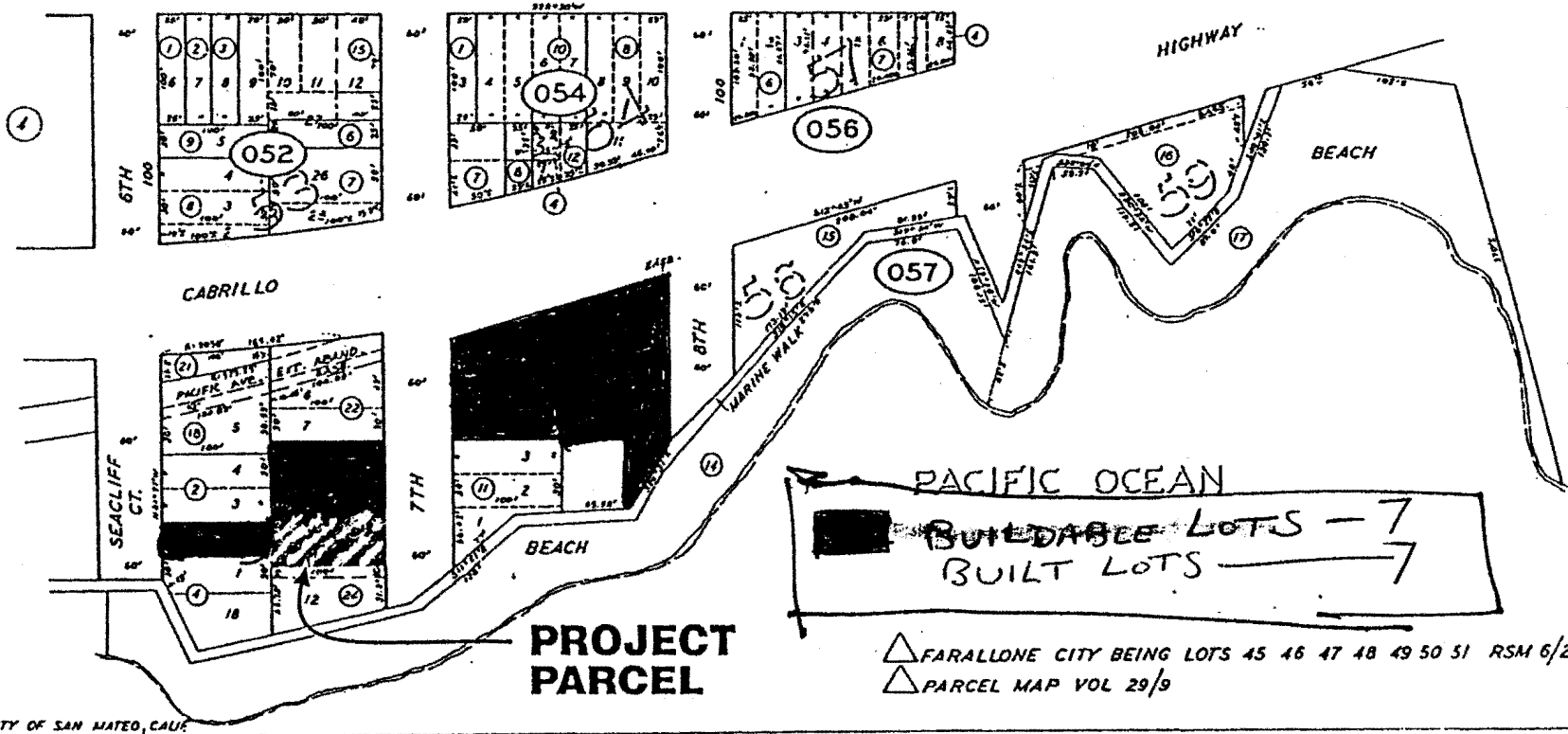
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Hillsborough, CA 94010
650-348-5179

Addition and Remodel to Existing Residence

123 7th Street



EXISTING
RESIDENCE
AFTER
FIRST ADDITION



San Mateo County Zoning Hearing Officer Meeting

Applicant: Whitney

Attachment: B

File Numbers: PLN 1999-00090