

CALIFORNIA COASTAL COMMISSION

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Filed: December 26, 2003
49th Day: February 13, 2004
Staff: CLK – SF
Staff Report: January 30, 2004
Hearing Date: February 20, 2004

STAFF REPORT – APPEAL
SUBSTANTIAL ISSUE

APPEAL NO.: A-2-SMC-03-033

APPLICANTS: Sheila Hayes

LOCAL GOVERNMENT: San Mateo County

ACTION: Approval with Conditions.

PROJECT LOCATION: 482 Coronado Avenue, San Mateo County
APNs 048-025-110, 120, 130, and 140

PROJECT DESCRIPTION: Construction of a 3,596-square-foot, two-story single-family residence with an attached 637-square-foot garage, sewer and water line extensions, and lot line adjustment.

APPELLANT: Barbara K. Mauz

1.0 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-03-033 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.

Staff Recommendation of No Substantial Issue

Staff recommends a YES vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

Resolution to Find No Substantial Issue

The Commission finds that Appeal No. A-2-SMC-03-033 does not present a 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 project with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

2.0 PROJECT SETTING AND DESCRIPTION

2.1 Project Location and Site Description

The project site is located inland of Highway 1 at the far eastern extent of the partially built-out Shore Acres Subdivision, in the unincorporated Miramar area of San Mateo County (Exhibits 1-4). The approved development is located on an 11,500-square-foot site consisting of three small assessor parcels (048-025-120, 130, and 140) in a “flag” configuration located at the eastern end of Coronado Avenue (Exhibit 4). The site is zoned R-1/S-94/DR/CD (Single-Family Residential/10,000-square-foot minimum parcel size/Design Review/Coastal Development). The northern property boundary abuts Coronado Avenue, an existing improved road, and the southern boundary abuts the unimproved eastern extent of Cortez Avenue. The properties directly to the east and west of the site are undeveloped.

2.2 Project Description

The approved development includes construction of a 3,596-square-foot, two-story single-family residence with an attached 637-square-foot garage, sewer and water line extensions, and a lot line adjustment (Exhibits 5-8). The approved residence would be located on APNs 048-025-130 and 048-025-140 and the driveway would be located on 048-025-120. Access to the site is provided by Coronado Avenue, an existing street that abuts the site to the north, and the development has approved public sewer and water service connections.

The approved lot line adjustment results in the consolidation of two substandard APNs owned by a neighboring property owner, Thomas Callan, and a “property swap” wherein the adjacent neighbor, Callan, and the applicant, Hayes, swap APNs 048-025-110 and 048-025-120 so that the property owned by each of these individuals is contiguous. Prior to the approved swap, the applicant’s property included APN 048-025-110, which is located between two substandard undeveloped APNs owned by Thomas Callan. The two substandard APNs, 048-025-100 and 048-025-120, which are separated by APN 048-025-110, are 4,400 and 3,850 square feet in area respectively. As a result of the approved lot line adjustment, Ms. Hayes and Mr. Callan have swapped APNs 048-025-110 and 048-025-120 so that the property they each own is now contiguous and is not separated by an intervening APN owned by the other. In addition, Mr. Callan has voluntary

merged APNs 048-025-110 and 048-025-100 to form one 8,250-square-foot development site (Exhibit 5).

3.0 APPEAL PROCESS

3.1 Local Government Action

On September 24, 2003, the San Mateo County Planning Commission approved coastal development permit PLN 2002-00115 for the above-described development. The County did not require a coastal development permit for the approved lot line adjustment.

The County Planning Department subsequently transmitted to Coastal Commission staff a Notice of Final Local Decision dated October 15, 2003 and received on October 16, 2003 stating:

- On September 24, 2003, the County had conditionally approved a coastal development permit for the subject single-family residence and sewer and water main extensions;
- The County appeal period for this action ended on October 9, 2003; and
- The County action is not appealable to the Coastal Commission.

3.2 Filing of Appeal

On October 15, 2003, the Commission received an appeal of the County's action on the approved development from Barbara K. Mauz (Exhibit 11). However, because the County's October 15, 2003 Notice of Final Local Decision did not notice the approved lot line adjustment as development requiring a CDP that is appealable to the Coastal Commission, a Coastal Commission appeal period for the subject development had not been opened at the time the appeal was received. Instead, as further discussed below, Commission staff requested that the County correct the Notice of Final Local Decision to indicate that the County's action approving the lot line adjustment is development that requires a CDP and is appealable to the Commission. Because the County did not respond to this request, the Executive Director initiated the dispute resolution process provided pursuant to CCR Section 13569 to determine whether or not the County's action approving the lot line adjustment requires a CDP that is appealable to the Commission.

On December 10, 2003, the Commission upheld the Executive Director's determination that the purported lot line adjustment requires a coastal development permit and that the County's action on the lot line adjustment is appealable to the Commission.

By letter dated December 12, 2003, Commission staff notified the County Planning Department of the Commission's action upholding the Executive Director's determination that the lot line adjustment required a CDP and the County's action approving PLN 2002-00115 and the lot line adjustment is appealable to the Commission. Commission staff also requested that the County issue a corrected notice indicating that the County's action is appealable to the Commission and stated that if within 30 days of County receipt of the letter the County fails to issue a corrected notice indicating that the County's action is appealable to the Commission, the Executive Director will consider such failure as Final Notice of County action and will initiate the coastal development permit appeal process to the Commission.

By letter dated December 23, 2003 and received on December 24, 2003, the County stated that the County would not issue a corrected notice indicating that the County's action on the approved development is appealable to the Commission (Exhibit 10).

Because the County has refused to issue a corrected notice indicating that the County's action on the approved development is appealable to the Commission despite the Commission's determination that it do so, as Commission staff previously informed the County, the County's December 23, 2003 refusal letter received by the Commission on December 24, 2003 itself serves as a Notice of Final Local Action on the approved development. Therefore, the Commission's appeal period commenced the first working day following receipt of the County's refusal letter and ran for ten working days (December 26, 2003 through January 9, 2004). The appeal of the County's action on the approved development submitted by Barbara Mauz on October 15, 2003 was therefore considered to be filed on the first day of the 10-working day appeal period or December 26, 2003.

3.3 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 feet 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 feet 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 be appealed, whether they are approved or denied by the local government.

The approved development is not considered the principle permitted use under the County's certified LCP because it includes a lot line adjustment and a lot line adjustment is development that is not designated as the principal permitted use under the zoning ordinance or zoning district map. The approved development thus meets the Commission's appeal criteria set forth in Section 30603 of the Coastal Act. Pursuant to Section 30603 of the Coastal Act, an appeal for this type of development 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.

Section 30625(b)(2) of the Coastal Act requires a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds on which the appeal has been filed. In this case, because the staff is recommending no substantial issue, the Commission will 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.

3.4 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 action on the coastal development permit by filing a petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

4.0 SUBSTANTIAL ISSUE ANALYSIS

Appellants' Contentions

The appeal includes the following contentions (see Exhibit 11):

1. "I object to the fact that the configuration of this land is a flag pole..."

2. "[T]his proposed house of 4,233 sq. ft. including a 637 sq. ft. attached garage is way over-sized house [sic] for what the size of the flag portion is..."
3. Because the project site is located adjacent to lands zoned agriculture and resource management, and is adjacent to the urban/rural boundary, the approved development "puts a tremendous amount of development pressure on both the Urban/Rural Boundary and the agricultural land..."
4. "[T]he proposed development is located on a rather steep hillside."
5. "Mr. Leonard Woren presented two parcel configurations that would have combined enough land for both Ms. Hayes and Mr. Callan to have conforming lots of 10,000 sq. ft."

4.1 Appellants Contentions that Raise No Substantial Issue

4.1.1 Visual Resources

As noted above, the appellant contends that the approved development is "oversized." In finding that this contention does not raise a substantial issue of conformity of the approved development with the resource protection policies of the certified LCP, the Commission relies primarily on the factual support contained in the record for the County's decision that the development is consistent with the certified LCP. The approved residence is 3,596-square-feet in floor area with an attached 637-square-foot garage and is 32 feet high as measured from the natural grade. As determined by the County Planning Commission in its consideration of the project, the approved residence conforms to all applicable height, scale, bulk, setback, and design review requirements under the certified LCP (Exhibit 9). In addition, the approved development is similar in scale and design to existing development in the surrounding area and, as sited, would not obstruct public views.

Therefore, as the appellant provides no evidence contrary to the local government's factual determination, the Commission finds that the appeal raises no substantial issue with respect to the conformity of the approved development with the visual resource protection policies of the San Mateo County LCP.

4.1.2 Urban/Rural Boundary

The appellant contends that development of the project site would increase development pressure on adjacent agricultural lands.

The San Mateo County LUP includes the following policies related to locating development near agricultural lands:

1.16 Definition and Establishment of Urban/Rural Boundary

Define urban/rural boundary as a stable line separating urban areas and rural service centers from rural areas in the Coastal Zone and establishing this line on the LCP Land Use Maps.

1.18 Location of New Development

- *a. Direct new development to existing urban areas and rural service centers in order to: (1) discourage urban sprawl, (2) maximize the efficiency of public facilities, services, and utilities, (3) minimize energy consumption, (4) encourage the orderly formation and development of local governmental agencies, (5) protect and enhance the natural environment, and (6) revitalize existing developed areas.

- b. Concentrate new development in urban areas and rural service centers by requiring the "infilling" of existing residential subdivisions and commercial areas.
- c. Allow some future growth to develop at relatively high densities for affordable housing in areas where public facilities and services are or will be adequate and where coastal resources will not be endangered.
- d. Require the development of urban areas on lands designated as agriculture and sensitive habitats in conformance with Agriculture and Sensitive Habitats Component policies.

1.19 Definition of Infill

Define infill as the development of vacant land in urban areas and rural service centers which is: (1) subdivided and zoned for development at densities greater than one dwelling unit per 5 acres, and/or (2) served by sewer and water utilities.

The purpose of concentrating new development in existing developed areas as required by the above-cited LUP policies is, in part, to *reduce* development pressure on rural and agricultural lands.

The approved development is located within an existing subdivision that is substantially built-out in the urban Mid-Coast area of the county. The site is served by public sewer and water and an existing public road, and thus meets the definition of infill under the LCP. The approved development would not result in the extension of services across the urban/rural boundary line, nor would it introduce new development into or adjacent to an undeveloped rural area.

Based on the foregoing, the Commission finds both factual and legal support that the County's action on the approved development is consistent with the LCP requirements to concentrate development within the existing developed areas of the urban Mid-Coast. Therefore, the Commission finds that the appeal raises no substantial issue regarding the conformity of the approved development with the policies of the LCP concerning the location of new development in rural and/or agricultural lands.

4.1.3 Development on Steep Slopes

The appellant contends that the approved development "is located on a rather steep hillside."

Pursuant to San Mateo County LUP Policy 9.1, slopes over 30% are considered as hazardous areas, and LUP Policy 9.18 states:

9.18 Regulation of Development on 30% or Steeper Slopes

- a. 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 ridgeline. Parcels shall not be created where the only building site, in whole or in part, including roads and driveways, is on a slope of 30% or more. An engineering geologic report shall be required for any development on a slope of 30% or more. Development less than 10 feet in height that does not constitute a building, road or driveway, or require grading shall be exempt from the application of this provision.
- b. Employ the siting and grading criteria of the Design Review Zoning Ordinance and the Community Design Manual for Development on Slopes 30% or Greater.

The appellant does not specify how the approved development's location "on a rather steep slope" raises a substantial issue of conformity with the provisions of the certified LCP. According to the Geotechnical Investigation prepared for the approved

development, the site slopes at about 10% to 15% up from Coronado Avenue. Thus, the slope of the site is not considered steep or hazardous as those terms are utilized under the above-cited LCP policies. Based on the evidence contained in the Geotechnical Investigation and the appellant's lack of evidence to the contrary, the Commission finds both factual and legal support for the County's determination that the approved development is consistent with the San Mateo County LCP policies concerning development on steep slopes. Therefore, the Commission finds that appellant's contention regarding development on steep slopes raises no substantial issue under the San Mateo County LCP.

4.1.4 Development of Non-Conforming Parcels

The Hayes property is 11,500 square feet in area where the minimum parcel size under the applicable zoning is 10,000 square feet. Therefore, the site conforms to the zoning minimum parcel size. However, as discussed above, the approved development also resulted in the merger of APNs 048-025-110 and 048-025-100 to form one 8,250-square-foot development site owned by Thomas Callan. The appellant contends that the County's action could have required two alternative parcel configurations resulting in two 10,000-square-foot conforming lots rather than one 11,500-square-foot lot and one 8,250-square-foot lot.

Notwithstanding the arithmetic flaw contained in the appellant's contention that the 11,500- and 8,250-square-foot lots could be reconfigured to form two 10,000-square-foot lots, the creation of the 8,250-square-foot development site does raise a potential issue of consistency of the approved development under the applicable zoning as well as LUP Policy 1.20, which states:

1.20 Lot Consolidation

According to the densities shown on the Land Use Plan Maps, consolidate contiguous lots, held in the same ownership, in residential subdivisions in Seal Cove to minimize risks to life and property and in Miramar to protect coastal views and scenic coastal areas.

Depending on the particular facts in any specific instance, a lot line adjustment that results in the formation of a substandard development site *may* raise a substantial issue of conformity of the approved development with the certified LCP. However, for the reasons discussed below, in this instance it does not.

In her original permit application as approved by the County Planning Administrator, Ms. Hayes proposed to construct a single-family residence on her 11,500-square-foot site in its original configuration as comprised of APNs 048-025-110, 048-025-130, and 048-025-140. In fact, as originally proposed, the Hayes project carried out the requirement of LUP Policy 1.20 by proposing development of these three substandard APNs as a single development site that conforms to the density allowable under the land use plan and zoning.

Following the County's original approval of the project, Mr. Callan, who at the time owned the two substandard APNs on either side of APN 048-025-110, appealed the Planning Administrator's action on the following grounds:

County action allowing a driveway condition to be built on a 40' lot (APN #048-025-110 – Lot 23, Block 10, Shore Acres) between two (2) separate 40' lots violates the LCP Policy regarding consolidation of lots in Mid County into larger parcels meeting the minimum area required for septic tanks and water.

Your decision effectively creates two (2) orphan parcels (APN #048-025-100/120 – Lots 22 & 24, Block 10, Shore Acres) neither one meeting these standards.

In response to this appeal, Ms. Hayes agreed to swap property with Mr. Callan to allow him to also consolidate his property to form a larger development site and requested County approval of the required lot line adjustment. The result of this property swap was to maintain the 11,500-square-foot area of the applicant's property and to accommodate the adjacent property owner's wish to combine two severely substandard APNs into one larger development site. As such, the approved lot line adjustment is clearly an improvement in terms of the size and configuration of the affected property. These facts do not support a determination that the appeal raises a substantial issue under the LCP minimum lot-size standards.

In addition, as stated above, in order to protect coastal views and minimize risks to life and property, LUP Policy 1.20 seeks consolidation of substandard lots that are held in common contiguous ownership. Besides the 11,500-square-foot Hayes property, there are two other APNs adjacent to the Callan property. The property to the west, APN 048-025-340, is 11,000 square feet and is developed with an existing single-family residence. The undeveloped property to the south, APN 048-025-420, is also 11,000 square feet in area, but is undeveloped. Further, Thomas Callan owns neither of these lots. Thus, there are no other substandard lots held in common contiguous ownership with the subject Callan property. Consequently, LUP Policy 1.20 does not require any further consolidation of the property associated with the approved development.

Based on the foregoing, the Commission finds that the appeal raises no substantial issue of conformity of the approved development with the LCP standards concerning the development of non-conforming parcels.

4.2 Appellants Contentions that are not Valid Grounds for Appeal

The appellant contends:

"I object to the fact that the configuration of this land is a flag pole..."

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

The grounds for an appeal [of a local government action approving a coastal development permit] 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.

Although the LCP contains numerous standards related to the configuration or reconfiguration of property lines, none of these standards prohibit the approved configuration based on its "flag pole" shape. Further, the appeal does not identify how the approved site configuration conflicts with any standard contained in either the certified LCP or the public access policies of the Coastal Act. Thus, the above contention does not constitute a valid ground for appeal of the County's action because it does not

include an allegation that the approved development fails to conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act.

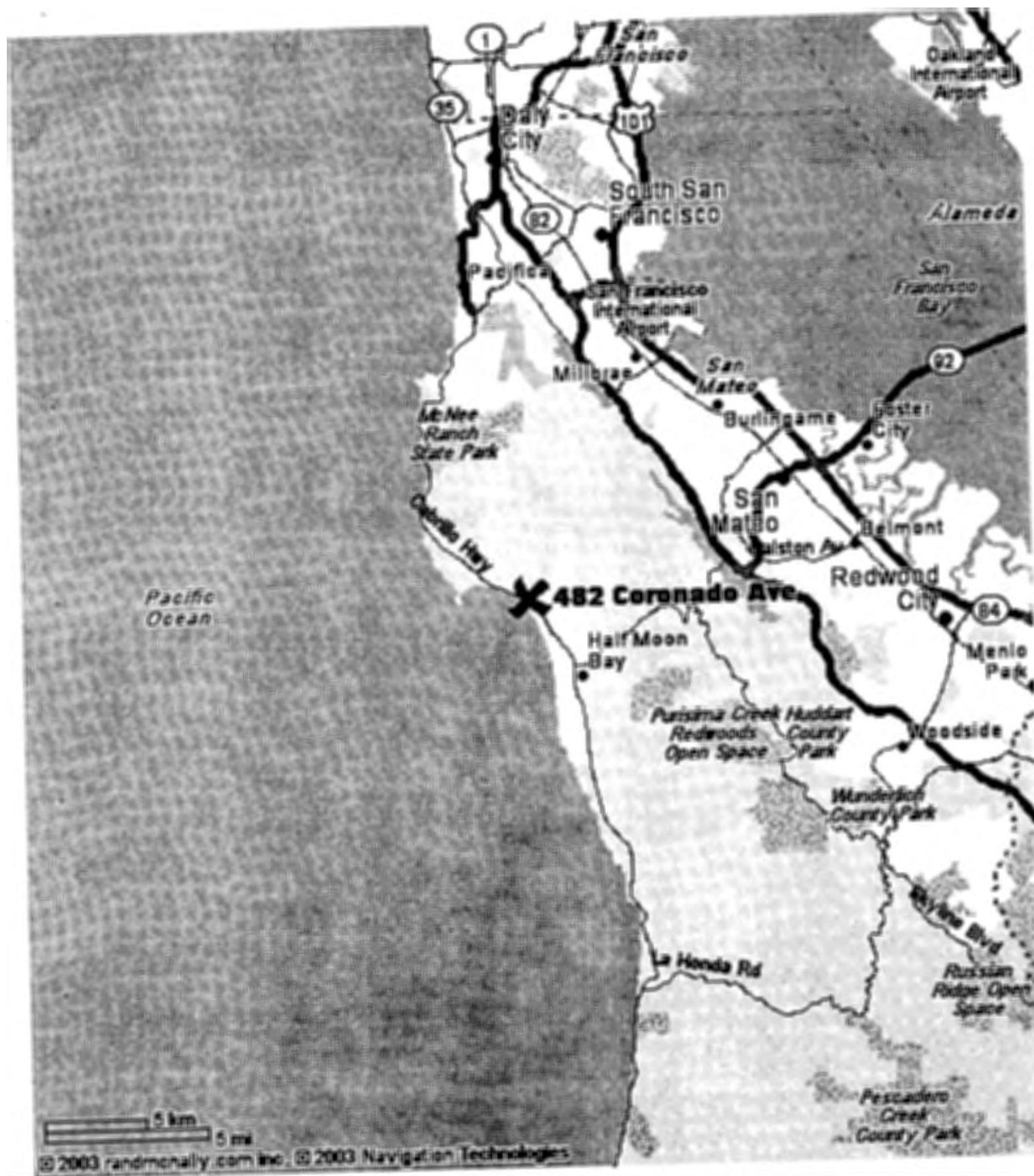


Exhibit 1
Regional Location Map
A-2-SMC-033 (Hayes)

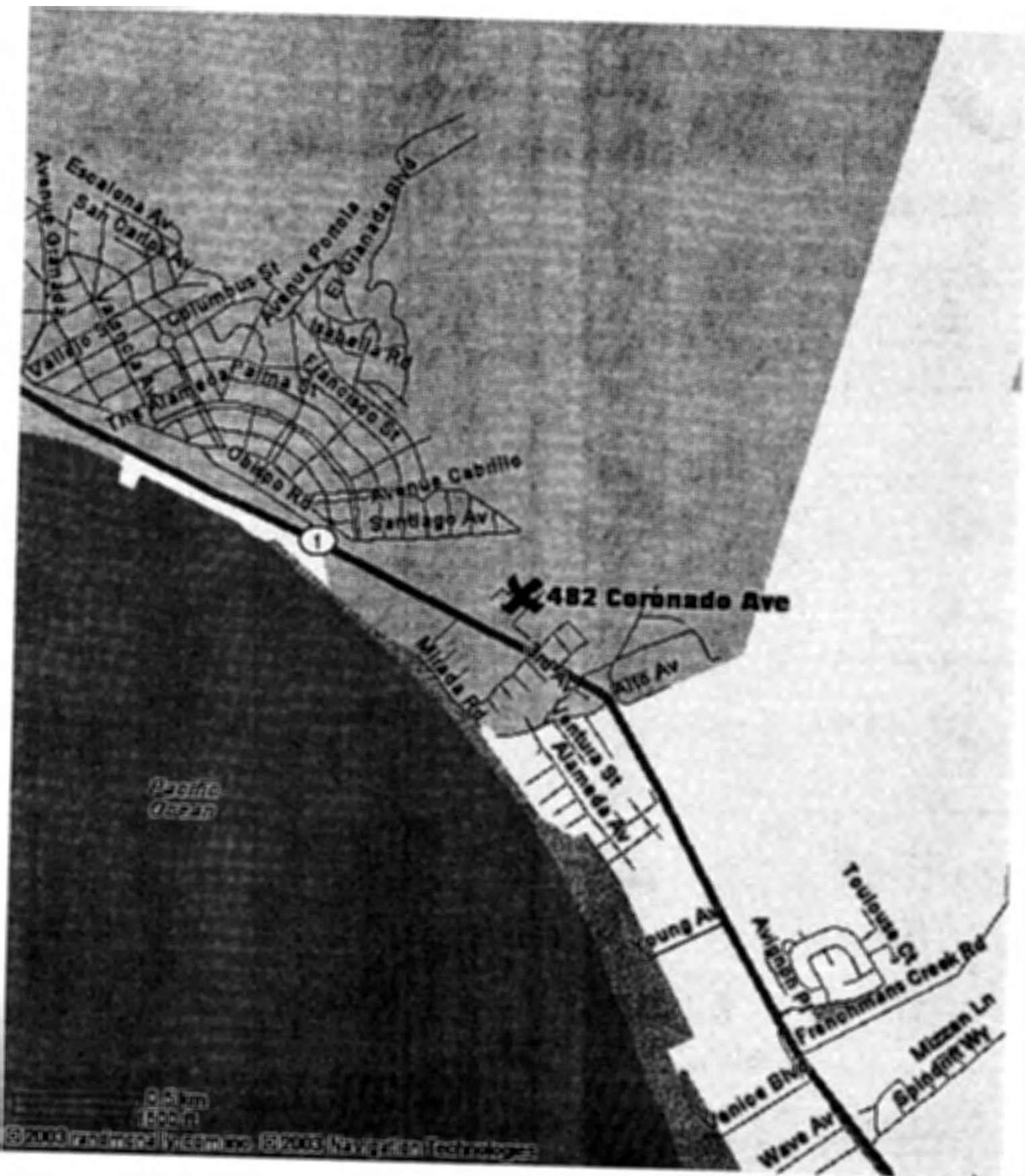


Exhibit 2
Street Location Map
A-2-SMC-033 (Hayes)

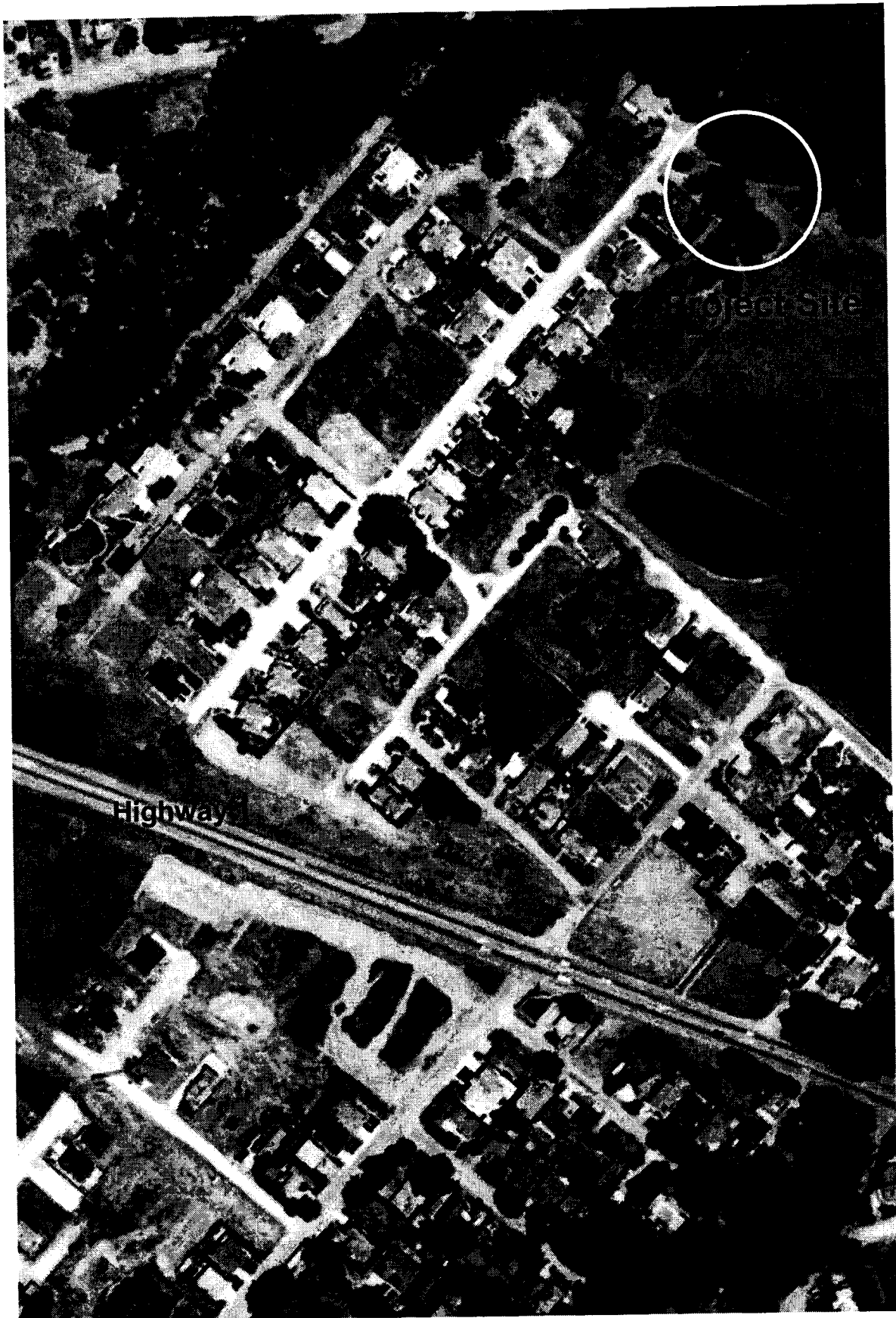


Exhibit 3
2001 Aerial Photograph
A-2-SMC-033 (Hayes)

TAX CODE AREA _____

48-2

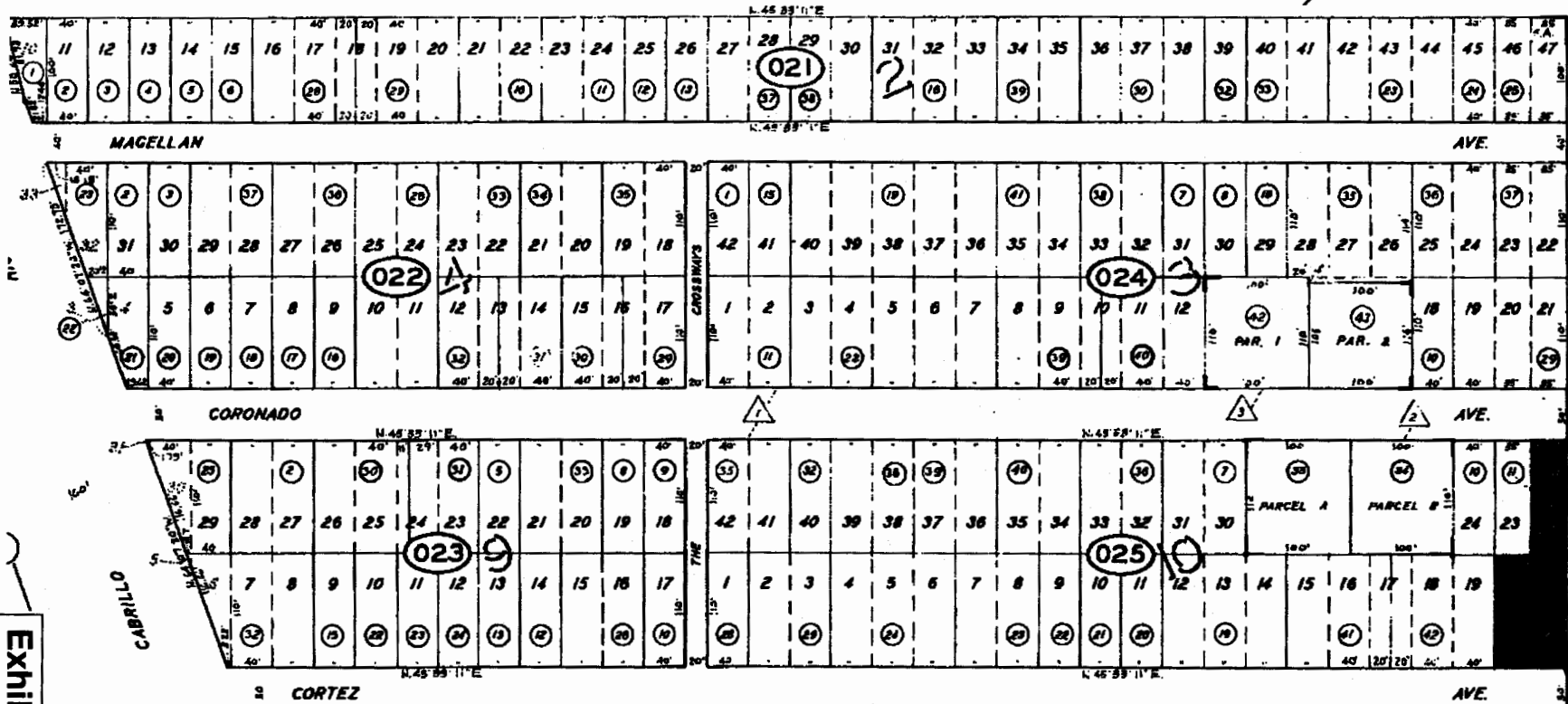
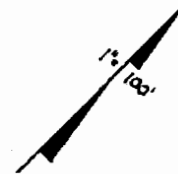


Exhibit 4
Assessor's Parcel Map
A-2-SMC-033 (Hayes)

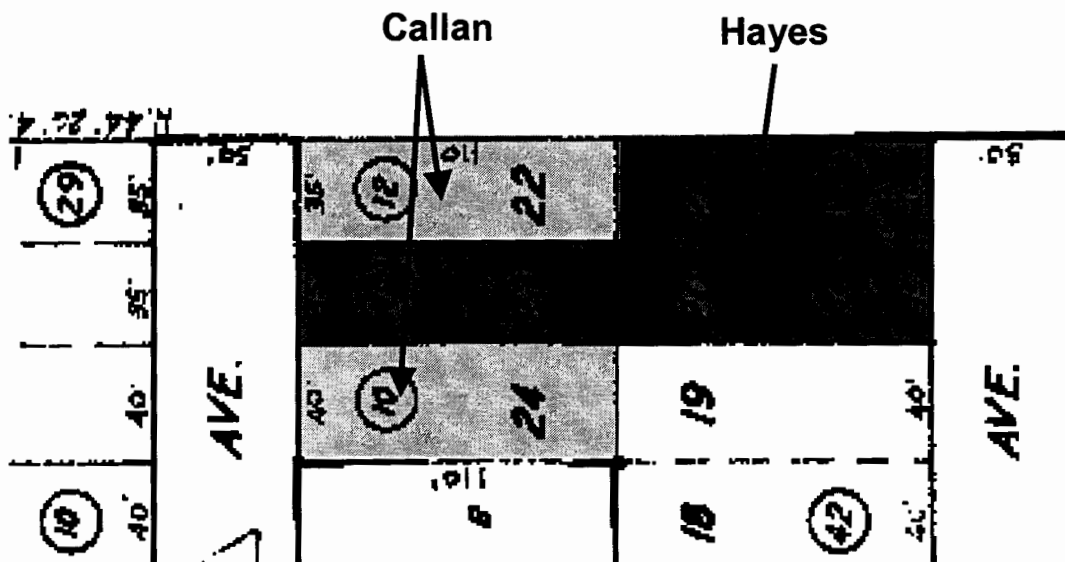
Project Site

- △ PARCEL MAP VOL 72/43
- △ PARCEL MAP VOL 67/2
- △ SHORE ACRES RSM 3/95

ASSESSOR'S MAP COUNTY OF SAN MATEO CALIF.

7-19-63

Pre-Lot Line Adjustment Parcel Configuration



Post-Lot Line Adjustment Parcel Configuration

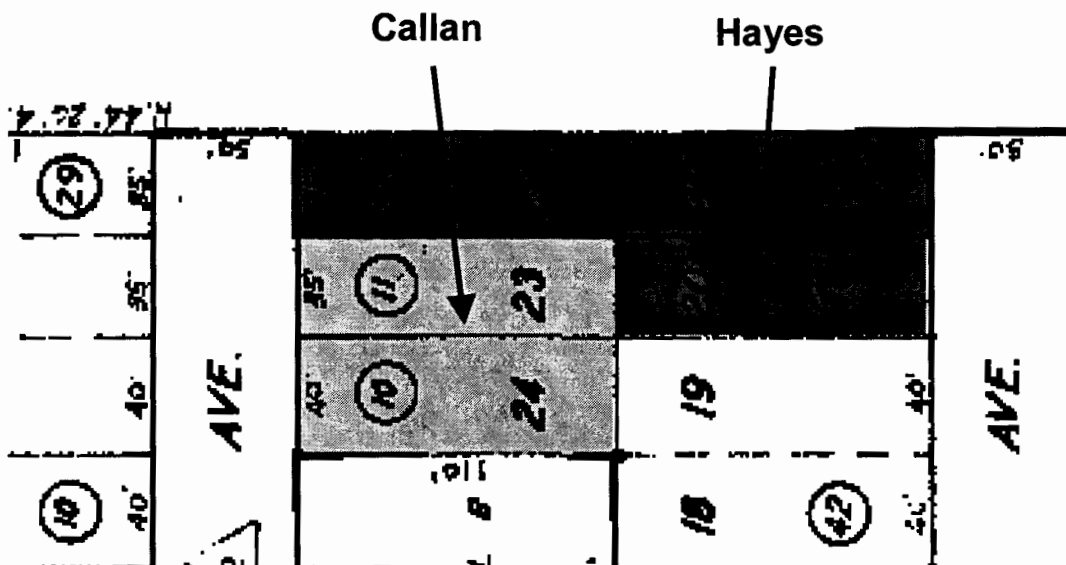


Exhibit 5
Parcel Configuration
A-2-SMC-033 (Hayes)

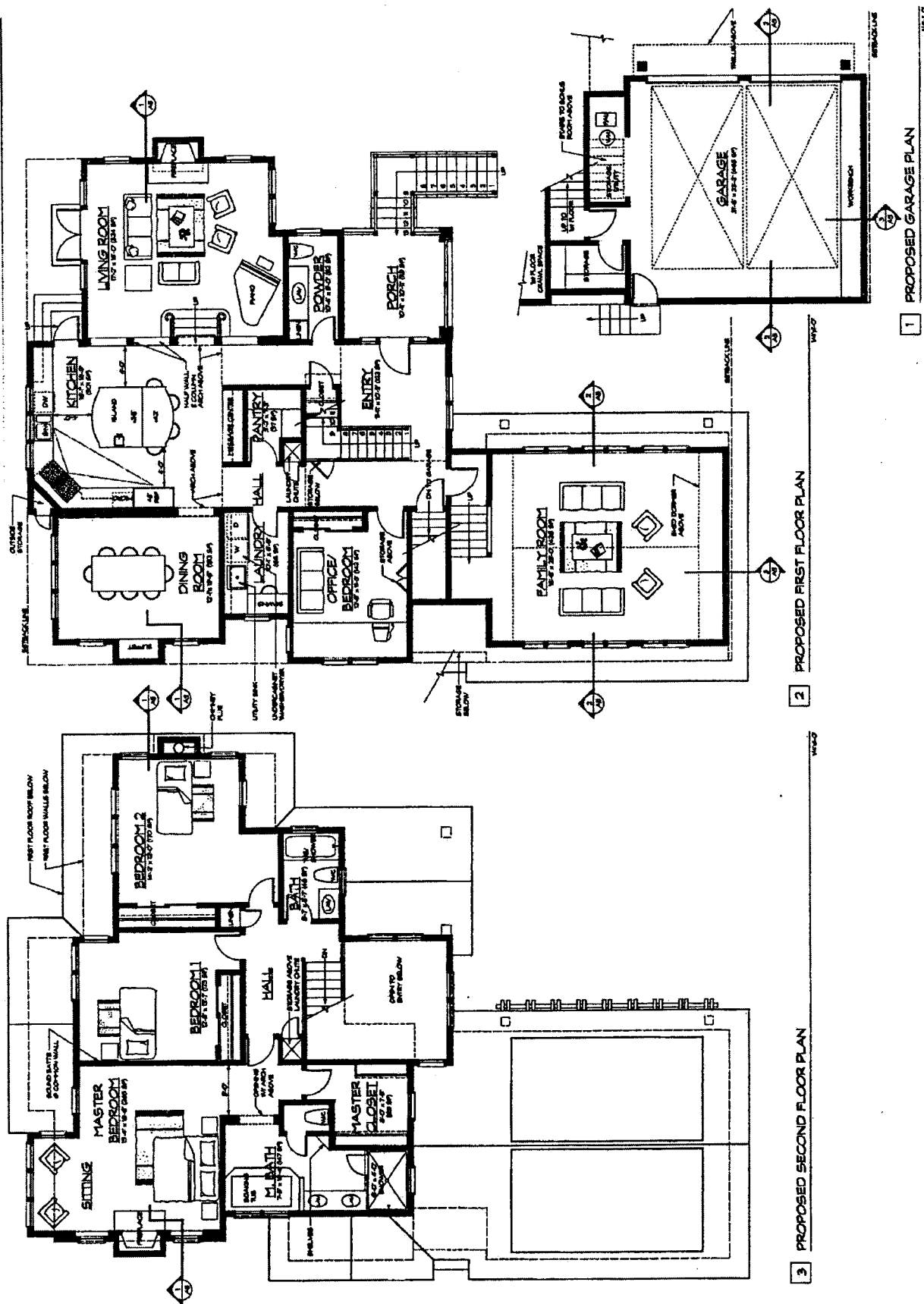
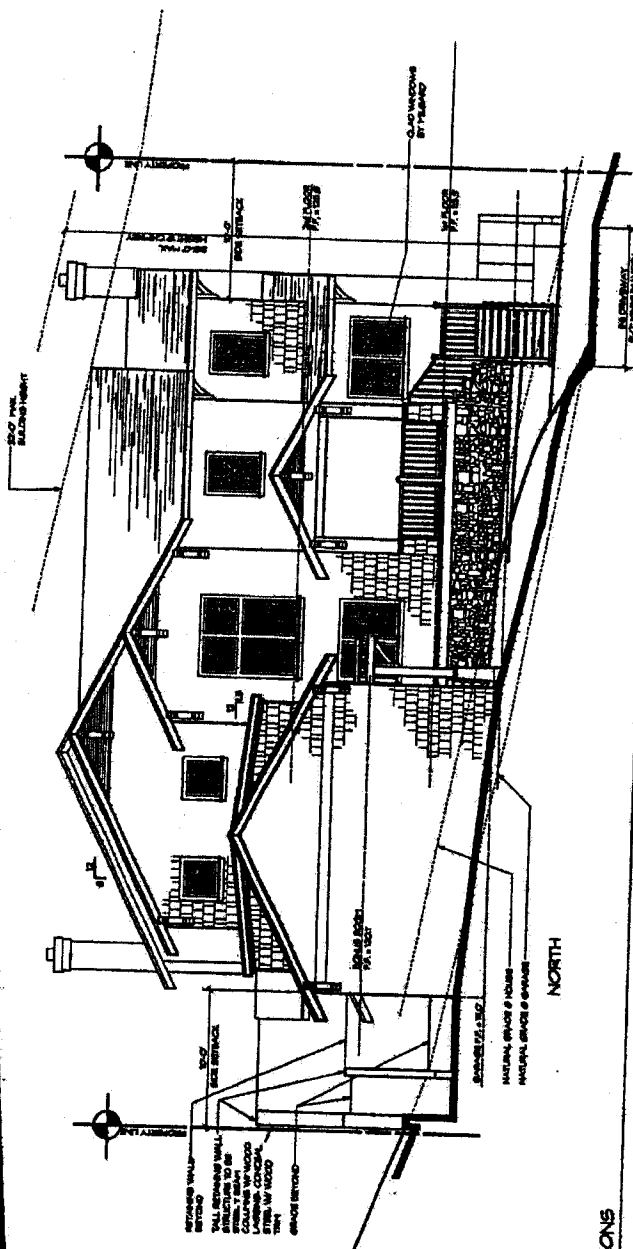


Exhibit 7
Floor Plans
A-2-SMC-033 (Hayes)

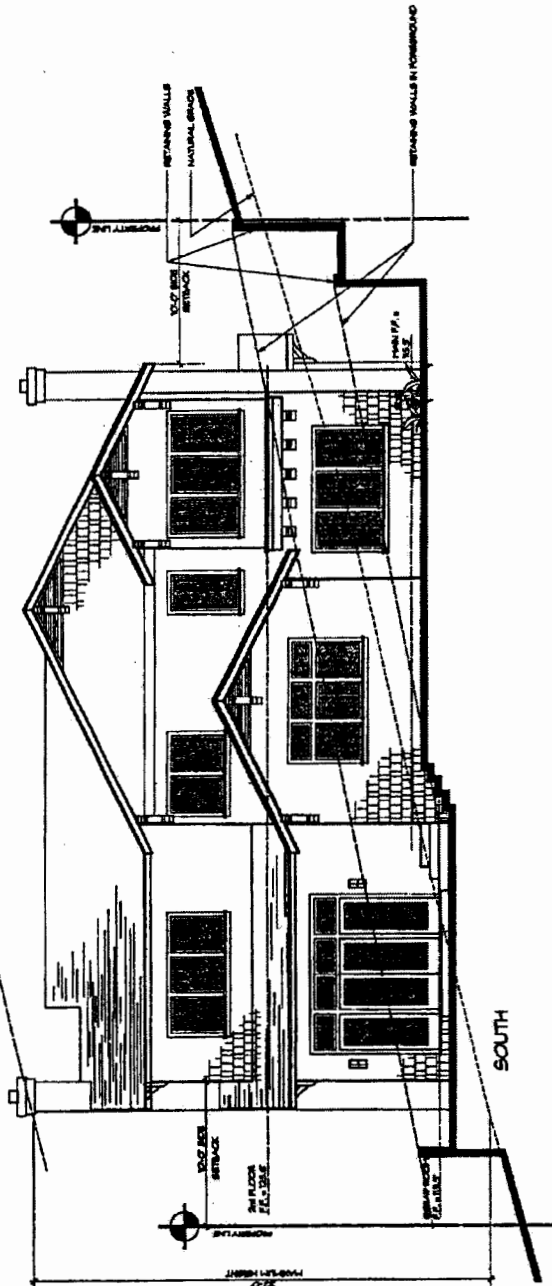
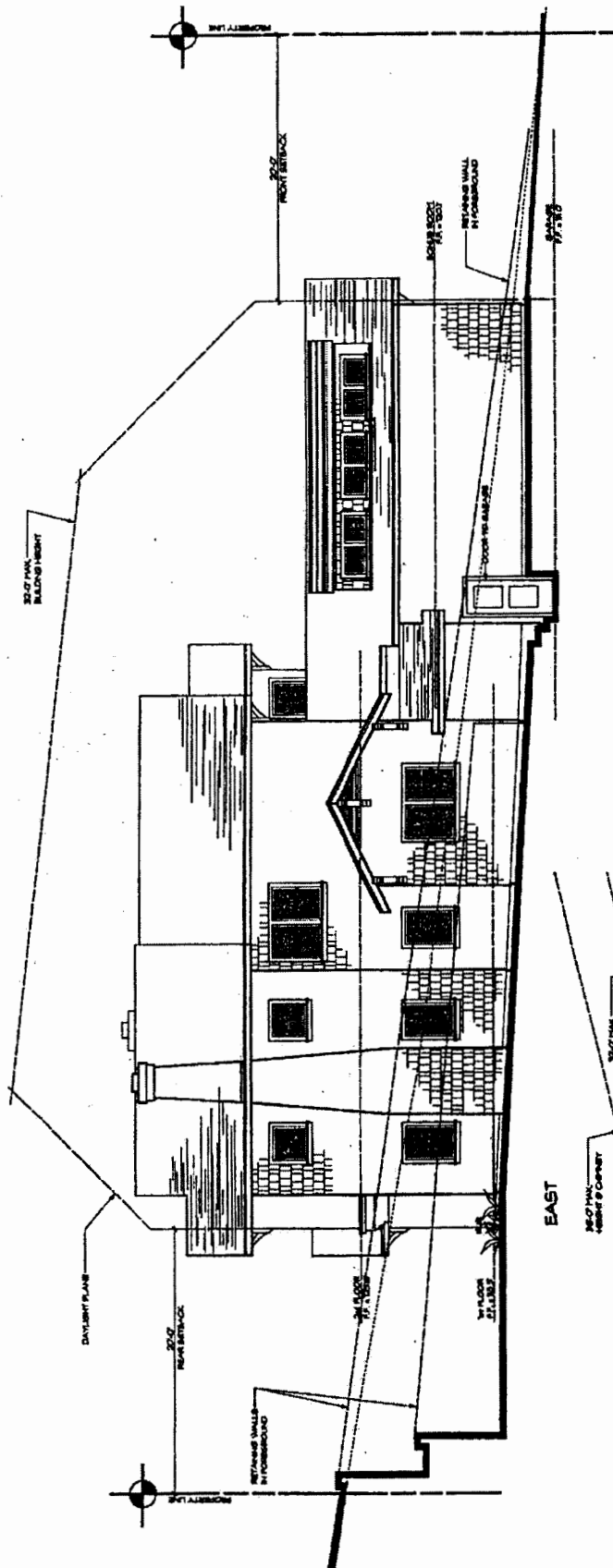


Exhibit 8
Elevations 1
A-2-SMC-033 (Hayes)



HILSON

Exhibit 8
Elevation 3
A-2-SMC-033 (Hayes)



**COUNTY OF SAN MATEO
ENVIRONMENTAL SERVICES AGENCY
PLANNING AND BUILDING DIVISION**

DATE: May 28, 2003

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration of an appeal of a decision by the Planning Director to approve a Coastal Development Permit and Coastsides Design Review, pursuant to Sections 6328.4 and 6565.7, respectively, of the San Mateo County Zoning Regulations, for a new 4,233 sq. ft. residence including a 637 sq. ft. attached garage, and including the installation of a new fire hydrant and the extension of 120 linear feet of water and sewer main lines on a parcel located at 482 Coronado Avenue in the unincorporated Miramar area of San Mateo County. This project is not appealable to the California Coastal Commission.

County File Number: PLN 2002-00115 (Hayes)

PROPOSAL

The applicant proposes to construct a new 4,233 sq. ft. residence and an attached 637 sq. ft. garage on a vacant, legal parcel. The project includes the installation of a fire hydrant to be located west of the parcel less than 250 feet away and the extension to water and sewer main lines to serve the proposed development. The project also requires the removal of one significant tree.

RECOMMENDATION

Deny the appeal and uphold the decision of the Planning Director to approve the Coastal Development Permit and Coastsides Design Review, County File Number PLN 2002-00115, by making the required findings and adopting the conditions of approval listed in Attachment A.

BACKGROUND

Report Prepared By: Gabrielle Rowan, Project Planner, Telephone 650/363-1829

Appellant: Thomas Callan

Applicant/Owner: Sheila Hayes

Location: 482 Coronado Avenue, Miramar

APNs: 048-025-110, 048-025-130 and 048-025-140

Total Project Size: 11,550 sq. ft.

Existing Zoning: R-1/S-94/DR/CD (Single-Family Residential/10,000 sq. ft. minimum lot size/Design Review/Coastal Development)

General Plan Designation: Medium to Medium-Low Density Residential (2.4-6.0 dwelling units per acre)

Existing Land Use: Vacant

Water Supply: Cal-American Water Company

Sewage Disposal: Granada Sanitary District

Flood Zone: FEMA Flood Insurance Rate Map designation indicates parcel as Zone C, Area of Minimal Flooding, Community Panel No. 060311 0114B; dated July 5, 1984

Environmental Evaluation: Categorically Exempt under Provisions of Class 3, Section 15303 of the California Environmental Quality Act Guidelines; (a) construction of a new single-family residence in a residential zone

Setting: The project site is located on the south side of Coronado Avenue in Miramar. The immediate surrounding area is residential in character and there is a variety of single and 2-story homes in the vicinity. There are developed residential parcels to the west and north of the project site. There are a mix of architectural styles and a variety of different sized homes in the neighborhood. The project parcel is vacant and gains access from Coronado Avenue. There is no vehicular access from Cortez Avenue.

Chronology:

<u>Date</u>	<u>Action</u>
March 5, 2002	- Application Received.
April 4, 2002	- Application considered by Midcoast Community Council Planning and Zoning Sub-Committee. Land ownership issues were raised. Copy of letter is included as Attachment I.
May 13, 2002	- Application deemed incomplete pending additional information required.
October 1, 2002	- Communication initiated from Thomas Callan, an adjacent landowner in relation to land ownership issues.
November 21, 2002	- Application deemed complete.

- November 25, 2002 - Additional information sent to Midcoast Community Council Planning and Zoning Sub-Committee. No further comments received.
- January 9, 2003 - Application considered by the Coastsides Design Review Committee. Recommended conditions of approval received.
- February 6, 2003 - Coastsides Design Review and Coastal Development Permit Approval letter issued.
- February 26, 2003 - Appeal filed by Thomas Callan.
- May 28, 2003 - Planning Commission Public Hearing.

DISCUSSION

A. KEY ISSUES

The issue of the appeal submitted by the adjacent landowner (a map showing the location of the parcels owned by the appellant is included in Attachment B) is indicated below in **bold** type followed by staff's response. A complete copy of the appeal application is included in Attachment G.

County action allowing a driveway condition to be built on a 40-foot lot between two (2) separate lots violates the LCP Policy regarding consolidation of lots in Midcoast into larger parcels meeting the minimum area required for septic tanks and water. The decision effectively creates two orphan parcels that do not meet the standards.

The project parcel is a legal 11,550 sq. ft. parcel following a County-initiated merger in 1979. The parcel and proposed development complies with Zoning Regulations for R-1/S-94 Zoning District as set out below in Section B of this report.

The existing configuration of the project parcel and adjacent parcels will remain unchanged following this development.

The two parcels included within the grounds of appeal (APNs 048-025-100 and -120) are on either side of the subject parcel's access driveway and in different ownership than the subject parcel. The appellant refers to a LCP Policy in the appeal documents. This is not an LCP policy but a policy adopted by the Board of Supervisors on March 24, 1998 which seeks to merge substandard lots in the R-1/S-17 Zoning District and this does not apply in the R-1/S-94 Zoning District. Additionally, the project parcel is not a substandard parcel and the proposal will not create any substandard situation that did not exist prior to development.

Following an issue raised by the Midcoast Community Council Planning and Zoning Sub Committee, the applicant has been in correspondence with the adjacent owner to attempt to possibly purchase adjacent land or swap parcels. However, it has not been possible to reach a conclusion, which is acceptable to both land owners. The applicant has provided copies of

the correspondence to the Midcoast Community Council which satisfied their earlier concerns. Copies of the correspondence are included in Attachment J.

It is not the County's role or policy to insist on reconfiguration of lots or changes in land ownership when a project parcel conforms to the Zoning Regulations and the only beneficiary would be a third party. The developability of adjacent lots or the feasibility of future development on the adjacent parcels should not be a concern when reviewing a proposal on a conforming parcel.

B. COMPLIANCE WITH GENERAL PLAN AND ZONING REGULATIONS

Staff has determined that the project complies with all applicable General Plan and Local Coastal Program Policies. An LCP checklist was completed and is included as Attachment K. Staff has also determined that the project is in compliance with the San Mateo County Zoning Regulations. The project conforms with the R-1/S-94/DR Zoning Regulations as the following table summarizes:

	ZONING REQUIREMENT	PROPOSED
Minimum Lot Size	10,000 sq. ft.	11,550 sq. ft.
Maximum lot coverage	30%	20.6%
Maximum FAR	53%	36.7%
Front Setback	20 feet	20 feet
Side Setback	10 feet	10 feet
Rear Setback	20 feet	20 feet
Maximum Height	32 feet	32 feet
Daylight Plane	20 feet/45°	Complies

Design Review Standards

The project was reviewed by the Coastsides Design Review Committee on January 9, 2003. The Committee recommended conditional approval of the project.

Section 6565.1 of the Zoning Regulations relates to Design Review Districts in the Coastal Zone. Section 6565.7 sets out the design review standards for which projects must be assessed. The standards are listed below in **bold** followed by staff's response.

1. **Proposed structures are designed and situated so as to retain and blend with the natural vegetation and landforms of the site and to ensure adequate space for light and air to itself and adjacent properties.**

The proposal would ensure that there is adequate space for light and air to the project site and adjacent properties. The lot is gently sloping and the proposal is designed to conform with the terrain of the land and to retain as much natural vegetation as

possible. A eucalyptus tree will have to be removed to accommodate the driveway. An existing 15-inch Pine tree shown to be removed on the submitted plans, will be retained as per the recommendation of the Design Review Committee (Condition Number 6).

2. **Where grading is necessary for the construction of structures and paved areas, it blends with adjacent landforms through the use of contour grading rather than harsh cutting or terracing of the site and does not create problems of drainage or erosion on its site or adjacent property.**

Minimal contour grading is proposed to accommodate the construction on the site. The grading and drainage plan submitted with the application shows compliance with County standards.

3. **Streams or other natural drainage systems are not altered so as to affect their character and thereby causing problems of drainage, erosion or flooding.**

There are no streams or natural drainage systems within the vicinity of this project. However, a number of conditions have been recommended which relate to erosion and sediment control measures and the prevention of runoff into stormwater drains. These are to be implemented for the life of the project.

4. **Structures are located outside flood zones, drainage channels and other areas subject to inundation.**

The project site is not located in a flood zone.

5. **Trees and other vegetation land cover are removed only where necessary for the construction of structures or paved areas in order to reduce erosion and impacts on natural drainage channels, and maintain surface runoff at acceptable levels.**

Only one eucalyptus tree will be removed as part of this project to accommodate the driveway.

A smooth transition is maintained between development and adjacent open areas through the use of natural landscaping and plant materials which are native or appropriate to the area.

The project site is located within an urbanized area and is surrounded by existing residential development.

7. **Views are protected by the height and location of structures and through the selective pruning or removal of trees and vegetative matter at the end of view corridors.**

No public views will be affected by this proposal.

8. **Construction on ridgelines blends with the existing silhouette by maintaining natural vegetative masses and landforms and does not extend above the height of the forest or tree canopy.**

This project does not involve construction on a ridgeline.

9. **Structures are set back from the edge of bluffs and cliffs to protect views from scenic areas below.**

This project is not located on a bluff or cliff.

10. **Public views to and along the shoreline from public roads and other public lands are protected.**

No public views will be affected by this proposal.

11. **Varying architectural styles are made compatible through the use of similar materials and colors which blend with the natural setting and surrounding neighborhoods.**

The architectural style of the proposed house will be compatible with the other varying designs in the street scene. The proposed house will be constructed of natural materials and earth tone colors.

12. **The design of the structure is appropriate to the use of the property and is in harmony with the shape, size and scale of adjacent buildings in the community.**

The proposed shape, size and scale of the house would be in harmony with the neighborhood and would not be over dominant in the urbanscape or over-bearing to the adjacent properties. There are a number of 2-story houses within the surrounding area. The proposed development meets the Zoning District Standards in terms of lot coverage and FAR and therefore it will be an appropriate size and in scale with the surrounding area.

13. **Overhead utility lines are placed underground where appropriate to reduce the visual impact in open and scenic areas.**

All new utilities will be underground.

14. **The number, location, size, design, lighting, materials, and use of colors in signs are compatible with the architectural style of the structure they identify and harmonize with their surroundings.**

No signs are proposed as part of this project.

15. **Paved areas are integrated into the site, relate to their structure, and are landscaped to reduce visual impact from residential areas and from roadways.**

A condition of approval is recommended which ensures that the proposed driveway will be landscaped to reduce the visual impact from adjacent areas.

C. REVIEW BY COASTSIDE DESIGN REVIEW COMMITTEE

The project was reviewed by the Coastside Design Review Committee at a meeting on January 9, 2003. The Committee recommended conditional approval. The recommended condition related to the requirement to reconfigure the proposed driveway to prevent removal of trees. This condition is included as Condition Number 6. A copy of the Design Review Committee recommendation is attached to this report in Attachment H.

D. ENVIRONMENTAL REVIEW

This project is categorically exempt under Provisions of Class 3, Section 15303 of the California Environmental Quality Act Guidelines; (a) construction of a new single-family residence in a residential zone.

E. OTHER REVIEWING AGENCIES

Building Inspection Section
Department of Public Works
Granada Sanitary District
Half Moon Bay Fire Protection District
California Coastal Commission
Midcoast Community Council

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Location Map
- C. Site Plan
- D. Floor Plans
- E. Elevations
- F. CDP and DR Approval Letter dated February 6, 2003
- G. Appeal Application dated February 26, 2003
- H. Recommendation from Design Review Committee dated January 22, 2003
- I. Letter from MCCC Planning and Zoning Sub-Committee dated April 4, 2002
- J. Correspondence between Sheila Hayes and Thomas Callan.
- K. LCP Checklist

GER:kcd - GERN0688_WKU.DOC

County of San Mateo
Environmental Services Agency
Planning and Building Division

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2002-00115

Hearing Date: May 28, 2003

Prepared By: Gabrielle Rowan

For Adoption By: Planning Commission

RECOMMENDED FINDINGS

1.0 FOR THE ENVIRONMENTAL REVIEW, FIND THAT:

1. This project has been found to be categorically exempt under Section 15303 of the California Environmental Quality Act) relating to the construction of new structures. A Notice of Exemption will be filed and posted for review forthwith.

Regarding the Coastal Development Permit, find that:

2. The project as described in the application and accompanying materials required by Section 6328.7 as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program.
3. The project conforms to the specific findings of the San Mateo County Local Coastal Program.
4. 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 LCP Policies 1.22 and 1.23 as stated in Section 6328.15.

For the Coastsides Design Review, find that:

5. This project has been reviewed under and found to be in compliance with the Design Review Standards for Coastsides Districts, Section 6565.17 of the San Mateo County Zoning Regulations.

CONDITIONS OF APPROVAL

2.0 PLANNING DIVISION

1. This approval applies only to the proposal, documents and plans described in this report and submitted to and approved by the Planning Administrator. Minor revisions or modifications to the project may be made subject to the review and approval of the Planning Administrator.
2. If after two (2) years from the date of approval, the applicant has not obtained all other necessary permits and made substantial progress toward completing the proposed development the Coastal Development Permit and Coastside Design Review will expire. The CDP and CDSR may be extended beyond two years if the applicant requests an extension in writing and payment of applicable extension fees at least sixty (60) calendar days before the expiration date.
3. To ensure the height of the structure and/or structures do not exceed the maximum height permitted, staff requires the applicant to adhere to the height verification procedure during the building permit process. The applicant shall provide "finished floor elevation verification" to certify that the structure is actually constructed at the height shown on the submitted plans. The applicant shall have a licensed land surveyor or engineer establish a baseline elevation datum point in the vicinity of the construction site. The applicant shall maintain the datum point so that it will not be disturbed by the proposed construction activities until final approval of the building permit.
 - a. The datum point and its elevation shall be shown on the submitted site plan. This datum point shall be used during construction to verify the elevation of the finished floors relative to the existing natural grade or to the grade of the site (finished grade).
 - b. Prior to planning approval of the building permit application, the applicant shall also have the licensed land surveyor or engineer indicate on the construction plans: (1) the natural grade elevations at the significant corners (at least four) of the footprint of the proposed structure on the submitted site plan, and (2) the elevations of proposed finished grades.
 - c. In addition, (1) the natural grade elevations at the significant corners of the proposed structure, (2) the finished floor elevations, (3) the topmost elevation of the roof and (4) garage slab elevation, must be shown on the plan, elevations, and cross-section (if one is provided).
 - d. Once the building is under construction, prior to the below floor framing inspection or the pouring of the concrete slab (as the case may be) for the lowest floor(s), the applicant shall provide the Building Inspection Section a letter from the licensed land surveyor or engineer certifying that the lowest floor height – as constructed – is equal to the elevation specified for that floor in the approved plans. Similarly, certifications on the garage slab and the topmost elevation of the roof are required.
4. No site disturbance shall occur, including any grading or tree removal, until a valid building permit has been issued.
5. The colors submitted with the application and reviewed by the Design Review Committee are approved. Color verification by a Building Inspector shall occur in the field after the

applicant has painted the structure the approved color and installed the approved roof but before the applicant schedules a final inspection. The proposed colors to be used for external surfaces should ensure that the development blends in well to the surroundings.

6. The applicant shall reconfigure the driveway to save the 15-inch diameter pine tree and, if possible, to save the 30-inch diameter eucalyptus tree.
7. Prior to issuance of a building permit, the applicant shall submit a landscape plan to the Planning Division. This landscape plan shall show the location, types and sizes of all landscaping elements and shall include, at a minimum, the replanting of at least one 15-gallon size tree. The proposed landscaping shall be installed prior to a final on the building permit. The landscaping plan shall utilize native species and will minimize the use of non-native and invasive species. The proposed landscaping plan shall include planting measures adjacent to the proposed driveway to reduce the visual impact from adjacent properties.
8. During project construction, the applicant shall, pursuant to Section 5022 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site into storm drain systems by:
 - a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and May 1.
 - b. Removing spoils promptly and avoiding stockpiling of fill materials when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
 - c. Storing, handling and disposing of construction materials and wastes so as to avoid their entry to a local storm drain system or water body.
 - d. Avoid cleaning, fueling or maintaining vehicles on site, except in an area designated to contain and treat runoff.
 - e. Using filtration or other measures to remove sediment from dewatering effluent.
 - f. Limiting and timing application of pesticides and fertilizer to avoid polluting runoff.
9. The applicant shall include an erosion and sediment control plan on the plans submitted for the building permit. The plan shall identify the type location of erosion control devices to be installed upon the commencement of construction in order to maintain the stability of the site and prevent erosion and sedimentation off-site.
10. All new power and telephone utility lines from the street or nearest existing utility pole to the main dwelling and/or any other structure on the property shall be placed underground.
11. The applicant is responsible for ensuring that all contractors are aware of all stormwater quality measures and implement such measures. A handout is available from the Planning

Division, which details the BMPs. Failure to comply with the construction BMPs will result in the issuance of the correction notices, citations or a project stop order.

- a. All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration and minimize the use of fertilizers, herbicides and pesticides that can contribute to runoff pollution.
 - b. Where subsurface conditions allow, the roof downspout systems from all structures shall be designed to drain to a designated, effective infiltration area or structure (refer to BMP Handbook for infiltration system designs and requirements).
12. Noise levels produced by the proposed construction activity shall not exceed 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.
13. The applicant shall ensure that if during construction or grading, any evidence of archaeological traces (human remains, artifacts, concentration of shale, bone, rock, ash) are uncovered, then all construction and grading within a 30-foot radius shall be halted, the Planning Division shall be notified, and the applicant shall hire a qualified archaeologist to assess the situation and recommend appropriate measures. Upon review of the archaeologist's report, the Planning Administrator, in consultation with the applicant and the archaeologist, will determine steps to be taken before construction or grading may continue.

3.0 BUILDING INSPECTION SECTION

14. The applicant shall obtain a building permit for the proposed work and shall comply with all application requirements of the Building Inspection Section, the Department of Public Works and the respective Fire Authority.
15. At the time of application for a building permit, the following will be required:
- a. Prior to the pouring of any concrete foundations or retaining walls, written verification must be provided from a licensed surveyor that setbacks have been maintained as per the approved plans.
 - b. An automatic fire sprinkler system shall be installed. This permit must be issued prior to or in conjunction with the building permit.
 - c. If a water main extension/upgrade is required to provide sufficient water for fire suppression (sprinklers, hydrant, etc.), then the applicant must submit verification from the water district that a contract and agreement has been agreed to for this extension/upgrade.
 - d. A site drainage plan is required which will demonstrate how roof drainage and site runoff will be directed to an approved location.
 - e. A driveway plan and profile will be required.

4.0 DEPARTMENT OF PUBLIC WORKS

16. Prior to the issuance of the building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed residence per Ordinance #3277.
17. The applicant shall submit a driveway "Plan and Profile" to the Public Works Department, showing the driveway access to the parcel (garage slab) complying with County Standards for driveway slopes (not to exceed 20%) and to County Standards for driveways (at the property line) being the same elevation as the center of the access roadway. The driveway plan shall also include and show specific provisions and details for handling both the existing and the proposed drainage.
18. The applicant shall prepare a plan indicating the proposed method of sewerage for this new residence.
19. The applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed development and submit it to the Department of Public Works for review and approval. The drainage analysis shall consist of a written narrative and a plan. The flow of the stormwater onto, over, and off of the property being developed shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage. Recommended measures shall be designed and included in the Building plans and submitted to the Public Works Department for review and approval.
20. The applicant shall submit detailed plans showing the installation of the necessary energy and communication utilities to the new residence. Said plans shall be submitted to the Public Works Department and the Planning Division for review.
21. No construction work within the County right-of-way shall begin until Public Works requirements for the issuance of an encroachment permit, including review of applicable plans, have been met and an encroachment permit issued by the Department of Public Works.

5.0 HALF MOON BAY FIRE PROTECTION DISTRICT

22. Prior to the final of the building permit, a fire district approved fire hydrant (Clow 960) must be located within 250 feet of the proposed single-family dwelling unit measured by way of driveable access. The hydrant must produce a minimum fire flow of 1,000 gallons per minute at 20 pounds per square inch residual pressure for two hours. The desired location for the required fire hydrant is between parcels 048-025-070 and 036.
23. As per County Ordinance, the applicant is required to install an automatic fire sprinkler system within the proposed or improved dwelling. All areas that are accessible for storage purposes shall be equipped with fire sprinklers. The plans for this system must be

submitted with the building application plans to the San Mateo County Planning and Building Division. A building permit will not be issued until plans are received, reviewed and approved. Upon submission of plans, the County will forward a complete set to the Half Moon Bay Fire District for review. The fee schedule for automatic fire sprinkler systems shall be in accordance with Half Moon Bay Ordinance No. 13. Fees shall be paid prior to plan review.

24. An exterior bell and interior horn/strobe are required to be wired into the required flow switch on your sprinkler system. The bell, horn/strobe and flow switch, along with the garage door opener are to be wired into a separate circuit breaker at the main electrical panel and labeled.
25. As per the California Building Code and State Fire Marshal regulations, the applicant is required to install State Fire Marshal approved and listed smoke detectors which are hard wired, interconnected and have battery back-up. These detectors are required to 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 test and approved prior to the building final.
26. Building identification shall be conspicuously posted and visible from the street (Temporary address numbers shall be posted prior to the combustibles being placed on site). The letters/numerals for permanent address signs shall be of an adequate size and a color, which is contrasting with the background. In no case shall letter/numerals be less than 4 inches in height with a minimum of 3/4-inch stroke. Such letters/numerals shall be internally illuminated and facing the direction of access.
27. 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 as defined in the current edition of the California Building Code.
28. The applicant must have a maintained all-weather surfaced road for ingress and egress of fire apparatus. The San Mateo County Department of Public Works and the Half Moon Bay Fire District ordinance shall set road standards. Dead-end roads exceeding 150 feet shall be provided with a turnaround in accordance with Half Moon Bay Fire District specifications. Road width shall not be less than 20 feet.
29. The Half Moon Bay Fire District requires a minimum clearance of 30 feet, or to the property line of all flammable vegetation to be maintained around all structures by the property owner. This does not include individual species or ornamental shrubs and landscaping.
30. All new single-family dwellings, including duplexes are required to form a Communities Facilities District prior to the issuance of an occupancy permit. Please be aware that this is a legal process that takes a minimum of three months to complete. For details, please contact the Half Moon Bay Fire District Administration Office.



**ENVIRONMENTAL
SERVICES
AGENCY**

Agricultural
Commissioner/ Sealer of
Weights & Measures

Animal Control

Cooperative Extension

Fire Protection

LAFCo

Library

Parks & Recreation

Planning & Building

December 23, 2003

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

Dear Mr. Kern:

SUBJECT: CDP and LLA for Single Family Residence
CCC File No: 2-03-03-EDD (Hayes/Callan)
County File No: PLN2002-00115

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DEC 24 2003

CALIFORNIA
COASTAL COMMISSION

EXHIBIT NO. 10

APPLICATION NO.

A-2-SMC-03-033
(HAYES)

(Page 1 of 2 pages)

Thank you for your letter dated December 12, 2003 in relation to the above application.

The applicant, Sheila Hayes applied for a Coastal Development Permit on March 5, 2002. The project proposal included a new 4,233 square foot residence, installation of a new fire hydrant, extension of water/sewer lines (120 linear ft) to the parcel and a lot line adjustment.

The project received approval by the Planning Commission on September 24, 2003.

The Lot Line Adjustment was processed under a Coastal Development Permit because it was part of the larger scope project as described above.

In previous correspondence, the County has stated its position in relation to the requirement for a Coastal Development Permit for lot line adjustments and the appealability of these permits.

County local coastal program regulations exempt lot line adjustments from the requirement for a coastal development permit. The County's coastal development permit regulations are contained at section 6328 et seq. of the County's Zoning Regulations. These regulations were originally approved and certified by the California Coastal Commission as part of the County's Local Coastal Program in the early 1980s. Section 6328.5 provides for exemptions from the requirement of a coastal development permit.

The Coastal Act, at Public Resources Code section 30603, provides that, after certification of a local coastal program, "an action on a coastal development permit application may be appealed to the commission" for certain specified

PLANNING AND BUILDING

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types of developments. Since, in our view, lot line adjustments are not subject to the requirement that a coastal development permit be obtained under the provisions of section 6328.5, subdivision (i), any approval of a lot line adjustment is not "action on a coastal development permit" for purposes of appeal jurisdiction under the Coastal Act.

Therefore the County will not be sending a corrected notice in relation to the appealable status of this application.

If you have any questions in relation to the above please do not hesitate to contact me at (650) 363 1829.

Sincerely,



Gabrielle Rowan
Project Planner

c.c. Michael Murphy, County Counsel
Mary Raftery, County Counsel
Marcia Raines, Environmental Services Director
Terry Burnes, Planning Administrator
Sheila Hayes
Thomas Callan
Barbara Mauz

STATE OF CALIFORNIA - THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
CIS AND TDD (415) 804-8200

EXHIBIT NO. 11

APPLICATION NO.

A-2-SMC-03-033
(HAYES)

(Page 1 of 51 pages)

VLS, Governor

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):

Barbara K. Manz
P.O. Box 1284
El Granada, CA 94018 (650) 726-4012
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:

PLAN 2002-00115 - Lot Line Adjustment
Sheila Hayes

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

4. Description of decision being appealed:

a. Approval; no special conditions:

b. Approval with special condition:

Planning Commission
Decision

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-03-033

DATE FILED:

10/15/03

DISTRICT:

NORTH CENTRAL COAST DIST.

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OCT 15 2003

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 Administratorc. ☒ Planning Commissionb. ☐ City Council/Board of Supervisorsd. ☐ Other

6. Date of local government's decision:

9-24-03

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

PLN 2002-00115

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) Barbara K. Manz - Appellant
P.O. Box 1280
El Granada, CA 94018

(2) Add'l to be provided at a future date

(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 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.

Barbara K May
Signature of Appellant(s) or Authorized Agent

Date: 10-14-03

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: _____

October 14, 2003

Peter Douglas, Executive Director
Members of the California Coastal Commission
C/O Chris Kern and Charles Lester
45 Fremont, Suite 2000
San Francisco, CA 94105

Re: San Mateo County PLN 2002-00115 - Sheila Hayes, Owner
Blanket "Administrative" Approved CDP, Coastsides Design Review and LLA
Location: Steep Hillside Area in Miramar Directly Adjacent
To Both the Urban/Rural Boundary and Agricultural Land
APN: 048-025-110, 120, 130 and 140 (Flag Pole Shaped Lot)

Dear Mr. Douglas and Commission Members:

This appeal is being made as a matter of principle and for multiple concerns including threats to the environment, questionable lot legality and the threat of possible urban sprawl into rural land behind the Urban/Rural Boundary and Agricultural that are directly adjacent. The above named project would put development pressures on the adjacent areas. (See my letters dated September 24th and May 28th, 2003 and Staff Report materials attached herewith.)

Despite the Coastal Commission's determination in August, 2003 which was handed to Terry Burnes, Planning Director - (Agenda Item #W4a Tom Carey LLA) that Lot Line Adjustments (LLAs) ARE considered to be development requiring a separate Coastal Development Permit (CDP) and, that LLAs ARE appealable to the Coastal Commission (See Exhibit A), on September 24, 2003, the San Mateo County Planning Commission, on advisement from Mr. Burnes, WENT TOTALLY AGAINST the Coastal Commission's determination with the granting a blanket CDP for LLA and project as described above for Sheila Hayes PLN 2002-00115. It is doubtful that Mr. Burnes disclosed the Determination regarding LLAs to the Planning Commissioners. Also, the statement in the Staff Report that says that LLAs are not appealable to the Coastal Commission misinformed both the appellant and other concerned parties.

I am requesting that I be able to appeal the decision regarding the project noted above directly to the California Coastal Commission. I am attaching my letters regarding the above named LLA/Project, which were submitted for the record along with other background materials for your review. Please also note that I am in complete support of Nick Licato's recent appeal of Tom Carey's LLA - this LLA carried along with it schemes for buildout water and sewer line extensions and a huge turnaround "cul-de-sac" plans (PLN 2001-00508) which were Exhibits attached to my letter of July 30th at the time of the Commission's LLA Determination regarding Tom Carey's (PLN 2001-00508). Please note, these buildout utility plans that were a part of the project under appeal by Mr. Licato include a 8" diameter water main extension that could service Hundreds of houses, 4" diameter sewer main extension, plans to cut down thirty (30) trees, grade an ephemeral stream/stream bank with the possibility of filling it in for construction of houses has now been converted into a NEW proposal using this same Project File Number - (PLN 2001-00508) by Tom Carey and his Contractor/Agent, Bruce Stebbins which was also granted a blanket CDP on September 11th, 2003 (See Exhibit B). This project would put AT RISK Three (3) contiguous Greenbelt/Open Space Areas - ("Mirada Surf" Hillside, Quarry Park/Quarry Park Trail Access Rd. and the newly acquired Peninsula Open Space Trust (P.O.S.T.) forested hillside areas called "Wicklow"). (See Exhibit C).

Continued ...

Page 2

Audrey Rust describes these three Open Space Areas as One Contiguous Greenbelt where people will be able to walk along the ocean, over the "Mirada Surf" bluff area up along the Quarry Park trail access road, past the beautiful field/tree grove areas of "Mirada Surf" which is directly adjacent, past the Ephemeral Stream and the Grove of Trees along that Stream Bank up into the Quarry Park area and into the newly acquired "Wicklow" hillside areas and then, clear over to Montara Mountain. This little stream and tree covered stream bank are the GATEWAY to these treasured Greenbelt/Open Space Areas!

It is requested that the Coastal Commission issue an immediate Stop Order/Injunction to stop the destruction of this Coastal Resource that has is well documented - (See U.S.G.S. Geologist, retired, Ken LaJoie's letter of February 27, 2001, aerial photos, and topographic maps which were hand delivered to Chris Kern earlier this month - these photos show over sixty years existence of this ephemeral stream which were given to the County and were subsequently lost. Perhaps the ONLY way to prevent the destruction of this valued Coastal Resource is for a return visit to the site by Mr. Kern, Biologist, Dr. John Dixon and Enforcement Officer, Jo Ginsberg who determined that this ephemeral stream/stream bank is a Coastal Resource with an intent to change the Coastal Commission's jurisdictional map to reflect this; now, that the Commission has Mr. LaJoie's materials, this determination can finally get accomplished.

Thank you,

Barbara K. Mauz

Barbara K. Mauz

P.O. Box 1284

El Granada, CA 94018

Phone: (650) 726-4013

Attach.

September 24, 2003

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

Re: File No. PLN 2002-00115 - Lot Line Adjustment
Owner/Applicant: Sheila Hayes - Appellant: Thomas Callan
APN's 048-025-110, 120, 130 and 140 - Miramar

Dear Chairman Kennedy and Commissioners:

I am writing to express my continued opposition to this LLA proposal that involves multiple Sub-Standard Lots of undetermined legality. Please make this letter a part of the Official Public Record regarding the appeal of the project described above.

At their August meeting, the California Coastal Commission handed Planning Director, Terry Burnes, a determination that upheld the findings in the Staff Report (W-4a) which was prepared by Peter Douglas, Executive Director, Charles Lester, Deputy Director and Chanda Meek, Coastal Program Analyst involving a proposed LLA between 4 contiguous parcels of undetermined legality by Tom Carey at Coronado Ave. and Magellan Ave. in Miramar (APNs 048-024-180, 350, 420 and 430). This determination was a result of a unanimous vote of all Coastal Commissioners and essentially stated to Terry Burnes that LLAs are considered to be development by the Coastal Commission as they increase the density and the Coastal Act seeks to protect Coastal Resources in the Coastal Zone; this determination also states that LLAs ARE considered appealable to the Coastal Commission.

This relevant Coastal Commission determination on LLAs has been left out of the Staff Report which deprives the Planning Commission of this new information that is critical towards making any decision involving the Sheila Hayes LLA appeal before you and, that is very improper procedure.

The Coastal Commission's determination on LLAs was based on the b119186 - La Fe v L.A. County & the CC in 1999 in CA Case Law at:

http://caselaw.lp.findlaw.com/data2/california/state/cases/b119186.pdf

As I wrote in my previous letter which was submitted for the record on June 11, 2003 at that hearing of Mr. Thomas Callan's appeal of Ms. Hayes' proposed LLA, I object to the fact that the configuration of this land is a flag pole - this proposed house of 4,233 sq.ft. including a 637 sq.ft. attached garage is way over-sized house for what the size of the flag portion is and which would be directly adjacent to agricultural land and the Urban/Rural Boundary; also, the pole shaped lot which is proposed to be a "driveway" is directly adjacent to the Urban/Rural Boundary. That puts a tremendous amount of development pressure on both the Urban/Rural Boundary and the agricultural land which is directly adjacent to the proposed development site. Additionally, the proposed development site is located on a rather steep hillside.

Continued ...

Page 2

At the hearing on June 11, 2003, as you will recall, Mr. Leonard Woren presented two parcel configurations that would have combined enough land for both Ms. Hayes and Mr. Callan to have conforming lots of 10,000 sq.ft. which is the Zoning Lot Minimum Requirement for Miramar - I don't think that a flag pole shaped parcel is at all appropriate.

Please deny this project and uphold the appeal on the grounds described above. Members of this Planning Commission should contact Mr. Chris Kern at the San Francisco Coastal Commission Office at (415) 904-5200 for further information and the Staff Report findings and about the Coastal Commission appeal filed by Mr. Nick Licato against the Tom Carey LLA mentioned herein. Please see these findings which were adopted by Commission's unanimous vote in the attached Coastal Commission Staff Report W-4a as Exhibit A.

Very truly yours,

Barbara K. Mauz

Barbara K. Mauz
P.O. Box 1284
El Granada, CA 90418

Attach. - Exhibit A - Coastal Commission Staff Report W-4a
Public hearing and Commission determination of appealability for
Purposes of applicable hearing and notice procedures, pursuant
To California Code of Regulations. Title 14, Section 13569, for
Coastal development permit granted to Tom Carey by San Mateo County
For a purported lot line adjustment between 4 contiguous parcels of
Undetermined legality at Coronado Ave. and Magellan Ave. in Miramar,
San Mateo County (APNs 048-024-180, 350, 420 and 430).

May 28, 2003

Planning Commission
County Government Center
455 County Center - 2nd Floor
Redwood City, CA 94063

Re: PLN # 2002-00115 - Applicant: Sheila Hayes
APN: # 048-025-110, 130 & 140 - Appellant: Thomas Callan
Location: 482 Coronado Ave., Miramar

Dear Planning Commissioners:

I write in support of the appeal and of Nicholas Licato's (adjacent homeowner) letter of concern dated May 22nd. It is not the obligation of the adjacent homeowner nor of the purchaser of lot in this case or in any other case to attempt to solve problems involving Non-Conforming, Sub-Standard Lots. It is the County's obligation to do this -- the County needs to establish a moratorium on any further development until such time that these Non-Conforming, Sub-Standard Lots can be re-configured into Conforming Parcels. Please make this letter a part of the Official Public Record regarding this appeal and place a copy in the file.

The parcel purchased by Ms. Hayes is flag-shaped - the flag portion is at the paper street "Cortez" and the Sub-Standard pole portion connects onto Coronado. Ms. Hayes' letter states that a realtor, Judy Taylor" encouraged her to purchase this lot -- knowing full-well that there are constrictions on the deveopability of Sub-Standard Lots. Ms. Hayes can sue her realtor, Judy Taylor, and report this incident to the Dept. of Real Estate that oversees realtor's behavior relative to their license for absolute failure to properly disclose the facts relating to the Sub-Standard Lot portion of the parcel she sold her.

This transaction creates two orphan Sub-Standard Lots on each side (Mr. Callan's property) this is one of the most outstanding problems involving Non-Conforming, Sub-Standard Lots in the Mid-Coast as delineated in excerpts from the Coastal Commission's Staff Report shown below - in particular see the last paragraph that has to do with the problems the Coastal Commission has relative to people being able to split and thereby create and isolate new Sub-Standard Lots - currently, there is NO control over this:

Jack Liebster, Staff Analyst, at the Coastal Commission forewarned about the peril of these exact circumstances in the Staff Report of the Appeal in 1999 of the 25' lot at 910 Ventura, El Granada. Report by Jack Liebster Staff Analyst, (retired) Re: Coastal Commission Appeal A-1-SMC-99-014 (25' lot located at 910 Ventura, El Granada) (Applicants: Judy Taylor and Linda Banks) (Appellants: Garrett Crispell, Barbara K. Mauz and Morris Gaede of El Granada) (Pages 12,13 &14): "In support of their contentions (concerns regarding 25' lots), the appellants submitted a "Capacity Report" compiling data from studies done about development in the area." This report summarizes concerns about substandard lots as follows:

Continued....

Page 2

There has been NO definitive planning around the issue of how to manage and use and impacts for thousands of vacant, substandard lots uncounted for in the LCP buildout total (19,000 sewer connections worth of buildings), but the number of lots is unknown. The MAGNITUDE of this UNCERTAINTY can be seen by comparing the number of substandard lots (5,000) manually counted for the Montara Sanitary District (Montara and Moss Beach) [Ref.15:8/97 MSD Ltr.] with the number of lots (2,000) the County gets from statistical sampling of the entire Midcoast. [Ref 16:3/98 County Staff Rpt.]...Letting market forces and court cases alone determine what happens on such a large, unknown number of substandard lots, introduces so much UNCERTAINTY into what the LCPs can accomplish, that the BASIC LCP ASSUMPTIONS MAY NO LONGER BE APPLICABLE. These are SERIOUS CONCERNS. The consequences of higher buildout totals and OVERLOADING infrastructure capacities could include: (1) increased levels of congestion on Highways 1 and 92, with consequent adverse impacts on opportunities for recreational access to the coast, (2) increased demands for already strained water supplies, and the heightened problems associated with OVERDRAFT of the GROUNDWATER BASINS, including REDUCED WATER FLOWS for streams and wetland areas, and (3) exceeded water treatment capacities, with consequent hazards of renewed pollutant discharges to the ocean.

*** The Commission itself has already expressed concern that extensive development of substandard lots could EXCEED DEVELOPMENT LEVELS anticipated in the LCP. As one part of the LCP Amendment 1-97-C (failed Coastal Protection Initiative), the County submitted amendments to the certified zoning non-conformities use permit section of the LCP that were intended to address the substandard lot question. The amendments more or less incorporated the lot coverage and floor-area-ratio (FAR) provisions of the "San Mateo County Policy: "Use Permits" for Construction on Non-conforming (25-foot-wide) Residential Parcels" (Exhibit 17). This Policy was adopted in March, 1992, but was never submitted for certification as part of the LCP. In the hearings on Amendment 1-97-C, NUMEROUS COMMUNITY MEMBERS RAISED CONCERNS that the standards in the existing Policy and the proposed amendment permitted houses too large for such small lots, causing undesirable impacts to Community Character. Moreover, there was CONCERN that MAKING SUCH SMALL LOTS MORE MARKETABLE would INCREASE the INCENTIVE to DEVELOP THEM as individual building sites, RATHER THAN to COMBINE THEM into building sites that MEET ZONING STANDARDS. This in turn would RESULT in an UNANTICIPATED LEVEL OF BUILDOUT OF SMALL LOTS, with the potential impacts discussed above. *****

For these reasons, the Commission's action on LCP Amendment 1-97-C rejected the approach offered by the County to resolve the substandard lot problem. The COMMISSION recognized that simply rejecting the County's proposed amendment would not solve the problem, and directed staff to encourage the County to determine the exact magnitude of the problem, and develop an effective means to deal with it. *** (Ed Note: NOT DONE TO DATE!)

The county subsequently reviewed its previous estimates of the total number of substandard lots on the Coastside. Based in part on this information, the County Board approved a new policy for review of substandard lots that provides for the merger of contiguous, commonly owned substandard lots in the R-1/S-17 (El Granada) zoning district when a house on such lots is constructed, enlarged, or demolished. In addition, the policy provides that if the median parcel size for newly developed parcels in the R-1/S-17 zoning

drops below 5,000 sq.ft. for two consecutive years, the County would reconsider establishing a comprehensive merger program. It should be noted that this policy has not been submitted to the Commission for incorporation into the LCP. The County did not choose to resubmit revised design standards for homes on substandard lots, but did offer County planning staff assistance to the Mid-Coast Community Council if it demonstrated broad Community support for such more restrictive standards. There has been much subsequent public debate about the adequacy of the approach the County has taken. The Midcoast Community Council (Elected individuals advisory to the Board of Supervisors) has actively raised the issue of potential problems associated with buildout of substandard lots; their letter is included as Exhibit 19. Another local public agency, the Granada Sanitary District has been so concerned with the potential impact on its facilities of buildout of substandard lots that it has commissioned a study in part to specifically count the substandard lots in its jurisdiction.

*** Indeed, some of the facts related to this appeal raise serious concerns over the EFFICACY of the County's approach to substandard lots. As discussed further in section 2c, page 26 below, the subject parcel was recently one of three "contiguous, commonly owned substandard lots" held by Richard Shimek and Shannon Marquard. The 8,000 sq.ft. total area of the three lots, if merged, would have met the minimum 5,000 sq.ft. parcel size required by the zoning district. However, in the period leading up to the submittal of the subject development proposal to the County, two of the three lots were sold to different neighbors, leaving the remaining 3,000 sq.ft. lot to be sold to yet another purchaser, the present applicant (Linda Banks/Judy Taylor).

That THREE CONTIGUOUS LOTS in A SINGLE, COMMON OWNERSHIP COULD BE SOLD OFF in a MANNER that NECESSITATED DEVELOPING A SUBSTANDARD BUILDING SITE RATHER THAN MERGED INTO A PARCEL MEETING MINIMUM LOT REQUIREMENTS, POSES REAL QUESTIONS about the WORKABILITY OF THE COUNTY'S APPROACH. COMMISSION STAFF had EXPRESSED CONCERN to COUNTY STAFF during the formulation of its substandard lot consolidation policy that PRECISELY this KIND OF TRANSFER of TITLE could be USED as a LOOPHOLE to AVOID the CONSOLIDATION REQUIREMENTS. Staff further CAUTIONED that it WOULD BE VERY DIFFICULT TO TELL IF SUCH TRANSFERS WERE HAPPENING ON A LARGE SCALE, because SUCH SALES or TRANSFERS DO NOT REQUIRE ANY PERMIT. MOREOVER, ONCE DONE, the "creation" of substandard lots by this means is VERY DIFFICULT, IF NOT IMPOSSIBLE, TO REVERSE. If the breakup of the original property involved in this project is a harbinger of what may come, and indeed what may already be happening, on the Midcoast, a substantial number of substandard lots may soon be on their way to becoming building sites. Given this scenario, the concerns of the appellants and others over a potential substantial future increase in the development of substandard lots may well warrant development of an LCP amendment by the County." ***

I have three other concerns:

(1) I feel this proposed house will put undue pressures on the Urban/Rural Boundary and the PAD Agricultural land it is directly adjacent to - this isn't right at all due to the fact that this location may negatively impact Environmentally Sensitive Habitat Areas - plants and animals there and this appeal should therefore be appealable to the Coastal Commission as a consequence.

Page 4

(2) It is not appropriate for this proposed project or any others to be granted "Administrative"/"Staff" Approved Coastal Development Permits. For your information, the Half Moon Bay City Council has directed that there be NO "Administrative"/"Staff" Approved Coastal Development Permits for residential development. Their directive stipulates that there is a definite need for oversight from the Planning Commission and City Council in this regard because they want to make sure that LCP Policies, Zoning Laws and Environmental Concerns according to the Coastal Act are taken into consideration with a full and comprehensive review. The County's Planning Department needs to match Half Moon Bay's lead in this regard.

(3) The County's "LCP Update" is NOT dealing with the Sub-Standard Lot Problems in the Mid-Coast! George Bergman's material states that it is the County's intent to consider lots 3,500 sq.ft. "buildable, as a matter of right" and 25' wide lots - 2,500 sq.ft. "buildable with a Use Permit" - that is NOT dealing with the Sub-Standard Lot Problem as the Coastal Commission directed. Nor does the fact that the Zoning Lot Minimum Requirements or lot merging policies are NOT being enforced.

Please uphold the appeal and take steps to consolidate both the applicant's and the appellant's parcels into Conforming Parcels that DON'T create and isolate Sub-Standard Lots as is the case with the current proposed project. And, to ensure that this type of problem does not reoccur, impose a moratorium on any further development involving Non-Conforming, Sub-Standard Lots until such time that they are consolidated into feasible, conforming parcels.

Very truly yours,



Barbara K. Mauz
P.O. Box 1284
El Granada, CA 94018



Please reply to: **Gabrielle Rowan**
(650) 363-1829

September 29, 2003

**ENVIRONMENTAL
SERVICES
AGENCY**

Thomas Callan
2790 Junipero Serra Boulevard
Daly City, CA 94015

Dear Mr. Callan:

Subject: File Number 2002-00115
Location: 482 Corodado Avenue, Miramar
APN: 048-025-110, 120, 130, and 140

Agricultural
Commissioner/ Sealer of
Weights & Measures

Animal Control

Cooperative Extension

Fire Protection

LAFCo

Library

Parks & Recreation

Planning & Building

On September 24, 2003, the San Mateo County Planning Commission considered your appeal of a decision by the Planning Director to approve a Coastal Development Permit and Coastsides Design Review pursuant to Sections 6328.4 and 6565.7, respectively, of the San Mateo County Zoning Regulations, and a Lot Line Adjustment pursuant to Section 7124 of the County Subdivision Regulations, for a new 4,233 sq. ft. residence including a 637 sq. ft. attached garage and the installation of a new fire hydrant and the extension of 120 linear feet of water and sewer main lines on a parcel located at 482 Coronado Avenue in the unincorporated Miramar area of San Mateo County. The Lot Line Adjustment revises the parcel boundary and effectively 'swaps' lot 23 (048-025-110) with lot 22 (048-025-120).

Commissioners:

Based on information provided by staff and evidence presented at the hearing the Planning Commission denied the appeal, upheld the decision of the Planning Director, approved the Coastal Development Permit, Coastsides Design Review and Lot Line Adjustment, made the findings and adopted conditions of approval as attached.

David Bomberger

William Wong

Bill Kennedy

Ralph Nobles

Jon Silver

Any interested party aggrieved by the determination of the Planning Commission has the right of appeal to the Board of Supervisors within ten (10) business days from such date of determination. The appeal period for this matter will end at 7:00 p.m. on Tuesday, October 14, 2003.

PLANNING COMMISSION

455 County Center, 2nd Floor • Redwood City, CA 94063 • Phone (650) 363-4161 • FAX (650) 363-4849

Thomas Callan
September 29, 2003
Page 2

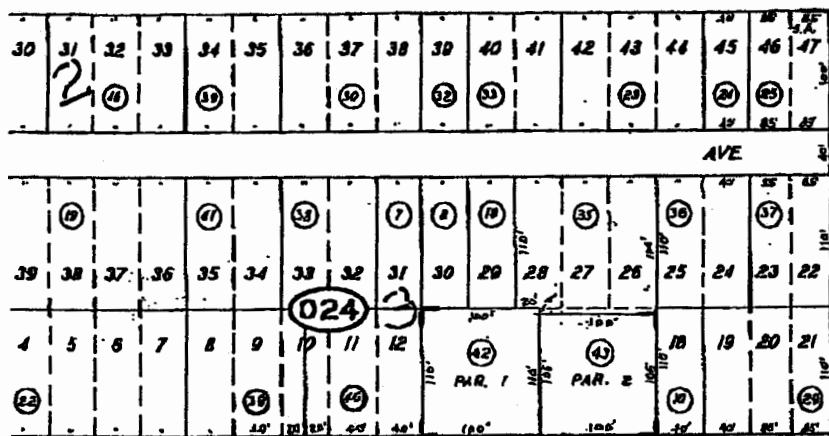
If you have questions regarding this matter, please contact the Project Planner listed above.

Sincerely,

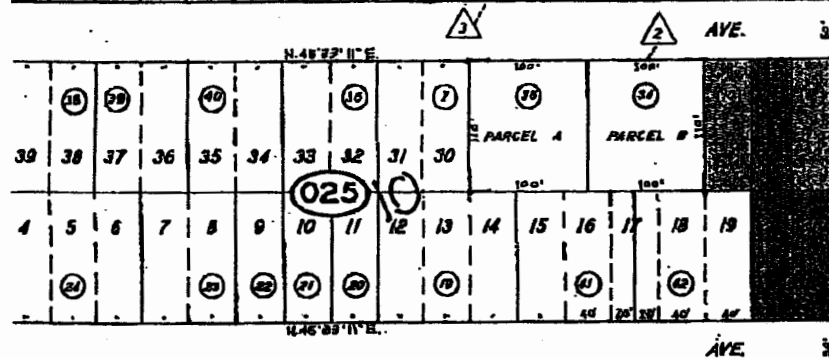


Kan Dee Rud
Planning Commission Secretary
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cc: Department of Public Works
Building Inspection
Environmental Health
CDF
HMB Fire Protection District
Assessor
California Coastal Commission
Sheila Hayes, Owner
Barbara Mauz
Nicholas Licato
Leonard Woren
James Brennan
MCC



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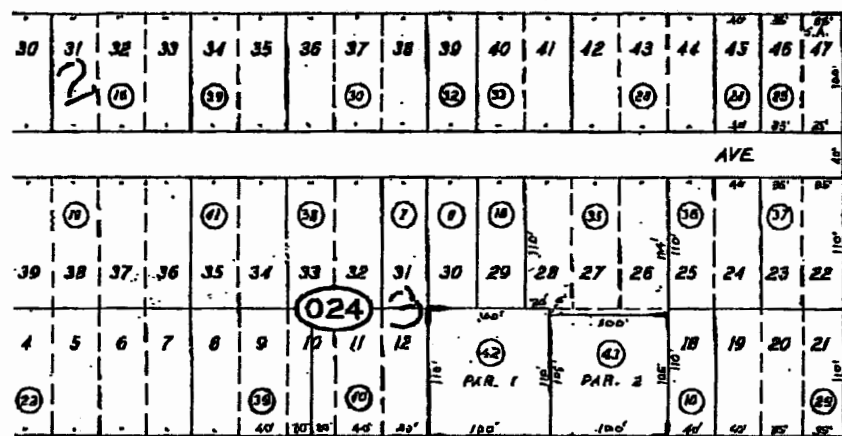


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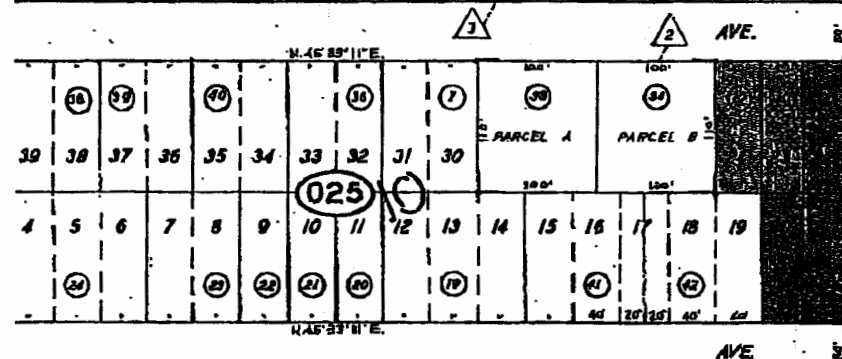
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2 PARCEL MAP VOL 87/2
1 SHORE ACRES RSM 3/05

7-18-85

File Numbers: **PLN2002-00115**



ВК. 47
33



BK 41
(39)

- 2 PARCEL MAP VOL 72/43
 2 PARCEL MAP VOL 67/2
 1 SHORE ACRES RSM 3/95

7-47-0

Item #5/Hayes/Callan
Regular Agenda

**COUNTY OF SAN MATEO
ENVIRONMENTAL SERVICES AGENCY
PLANNING AND BUILDING DIVISION**

DATE: September 24, 2003

TO: Planning Commission

FROM: Planning Staff

SUBJECT: STAFF REPORT ADDENDUM: Consideration of an appeal of a decision by the Planning Director to approve a Coastal Development Permit and Coastsides Design Review, pursuant to Sections 6328.4 and 6565.7, respectively, of the San Mateo County Zoning Regulations, and a Lot Line Adjustment, pursuant to Section 7124 of the County Subdivision Regulations, for a new 4,233 sq. ft. residence including a 637 sq. ft. attached garage, and including the installation of a new fire hydrant and the extension of 120 linear feet of water and sewer main lines on a parcel located at 482 Coronado Avenue in the unincorporated Miramar area of San Mateo County. This project is not appealable to the California Coastal Commission.

County File Number: PLN 2002-00115 (Hayes)

RECOMMENDATION

Deny the appeal and uphold the decision of the Planning Director to approve the Coastal Development Permit, Coastsides Design Review and Lot Line Adjustment, County File Number PLN 2002-00115, by making the required findings and adopting the conditions of approval listed in Attachment A.

PROPOSAL

This item was continued from the June 11, 2003 Planning Commission meeting in order to allow time for both parties to submit a lot line adjustment application to prevent two substandard parcels continuing to exist following the proposed development.

The applicant and appellant submitted a lot line adjustment application on August 6, 2003. The proposed lot line adjustment effectively swaps Lot 23 (048-025-110) with Lot 22 (048-025-120) as per the discussion at the last Planning Commission hearing. The proposed development site for the new house will still be a flag configuration and will still be 11,550 sq. ft. The design of the house and driveway has been revised to relocate the proposed driveway adjacent to the open space at the end of Coronado Avenue and to re-orientate the garage to face the street.

The adjacent parcels will be 3,850 sq. ft. and 4,400 sq. ft., respectively. As a condition of this approval, these will be required to be merged to create just one substandard parcel of 8,250 sq. ft. This will significantly improve the current non-conforming situation of two legal substandard parcels.

This revised application has been reviewed by the Midcoast Community Council and they stated that they have no further issue with the project.

Planning staff considers that this revised proposal complies with the applicable General Plan Policies, the Local Coastal Program, the Zoning Regulations and the Subdivision Regulations and, therefore, recommends that the Planning Commission deny the appeal and uphold the decision of the Planning Director to approve the Coastal Development Permit, Coastsides Design Review and Lot Line Adjustment by making the required findings and adopting the conditions of approval as listed in Attachment A.

ATTACHMENTS

- A. Revised Recommended Findings and Conditions of Approval
- B. Lot Line Adjustment Plan
- C. Revised Site Plan
- D. Revised Elevations

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CALIFORNIA COASTAL COMMISSION

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

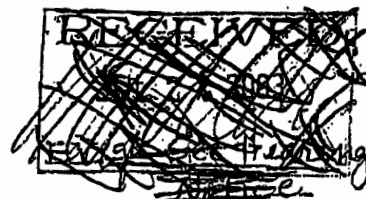
W-4a

Exhibit

-A-



June 26, 2003

To: Coastal Commissioners and Interested Parties**From:** Peter Douglas, Executive Director
Charles Lester, Deputy Director
Chanda Meek, Coastal Program Analyst**Subject:** Public hearing and Commission determination of appealability for purposes of applicable hearing and notice procedures, pursuant to California Code of Regulations, Title 14, Section 13569, for coastal development permit granted to Tom Carey by San Mateo County for a purported lot line adjustment between 4 contiguous parcels of undetermined legality at Coronado Avenue and Magellan Avenue in Miramar, San Mateo County (APNs 048-024-180, 350, 420, and 430).**Summary of Staff Recommendation**

On September 10, 2002, staff received a Notice of Final Local Decision from San Mateo County indicating that the County had granted a coastal development permit (CDP) to Tom Carey for a purported lot line adjustment between 4 contiguous parcels of undetermined legality in the R-1 zone (single family residential, 10,000 square-foot lot minimum) located at Coronado Avenue and Magellan Avenue in Miramar (APNs 048-024-180, 048-024-350, 048-024-420, and 048-024-430). Staff had previously informed County Planning staff on August 8, 2002 in writing that, pursuant to Coastal Act Section 30603(a)(4), County approval of a coastal development permit for the purported lot line adjustment would be appealable to the Commission because a lot line adjustment is development and is not identified as the principal permitted use in any zoning districts within the Coastal Development overlay zone in the County, including the R-1 zone. Staff also informed the County of the administrative procedures provided by the Commission's regulations for resolution of questions or disagreements concerning whether a development is non-appealable or appealable for purposes of notice, hearing and appeals procedures (14 CCR §13569). Despite the fact that the County believes a CDP is not required for lot line adjustments in the County of San Mateo, the County informed the applicant of the dispute between the County and the Commission's Executive Director and allowed the applicant to voluntarily apply for a CDP (Exhibit 4, page 2).

On August 14, 2002, on appeal from the Planning Director's decision, the San Mateo County Planning Commission approved CDP PLN2001-00193 for a purported lot line adjustment between four contiguous parcels of undetermined legality. The Commission received a Notice of Final Local Action ("FLAN") from the County on September 10, 2002. The County's FLAN did not designate the project as appealable or non-appealable (Exhibit 1).

By letter dated September 12, 2002, Commission staff informed the County and the applicant that pursuant to 14 CCR Section 13571, the Executive Director had determined that the project

2-03-01-EDD (Carey)

was appealable and that the FLAN was deficient because it did not meet the requirements of 14 CCR Section 13571 and San Mateo County Zoning Code Sections 6328.11.1 and 6328.16 and requested that the County issue a corrected FLAN that indicates the permit is appealable and includes the procedures for appeal of the local decision to the Commission (Exhibit 3). The September 12, 2002 letter also informed the County and the applicant that, pursuant to Section 13572 of the Commission's regulations and San Mateo County Zoning Code Section 6328.16, the CDP approved by the County (PLN2001-00193) would remain suspended and would not become effective until a corrected notice had been issued and the ten-day appeal period to the Commission had elapsed.

On November 21, 2002 Commission staff received a FLAN dated November 19, 2002 continuing to notice CDP PLN2001-00193 as not appealable to the Commission (Exhibit 4). The accompanying letter to the applicant stated that the County does not consider a coastal development permit to be required for a lot line adjustment. By letter dated November 25, 2002, Commission staff informed the County and the applicant that the FLAN remains deficient (Exhibit 5). Commission staff also informed the County that as the County continues to disagree with the Executive Director's determination that the project comes within the Commission's appellate jurisdiction, the staff would schedule a hearing on the determination of appealability pursuant to 14 CCR Section 13569(d).

Staff recommends that the Commission determine that the County's action on the coastal development permit application authorizing the purported lot line adjustment is development appealable to the Coastal Commission pursuant to Section 30603(a)(4) of the Coastal Act.

1.0 STAFF RECOMMENDATION

1.1 Motion

I move that the Commission reject the Executive Director's determination that the coastal development permit approved by the San Mateo County Planning Commission on August 14, 2002, for Assessor Parcels 048-024-180, 048-024-350, 048-024-420, and 048-024-430 is appealable to the Coastal Commission.

Staff recommends a NO vote. Failure of this motion will result in: (1) the Commission upholding the Executive Director's determination that the coastal development permit for the purported lot line adjustment granted by the San Mateo County Planning Commission on August 14, 2002, for San Mateo County Assessor Parcel Numbers 048-024-180, 048-024-350, 048-024-420, and 048-024-430 is appealable to the Coastal Commission; and (2) the adoption of the following resolution and findings. A majority vote of the Commissioners present is required to pass the motion.

1.2 Resolution

The Commission, by adoption of the attached findings, determines consistent with Section 13569 of Title 14 of the California Code of Regulations, that the coastal development permit for the purported lot line adjustment granted by the San Mateo County Planning Commission on August 14, 2002, for Assessor Parcel Numbers 048-024-180, 048-024-350, 048-024-420, and 048-024-430 is appealable to the Coastal Commission.

2-03-01-EDD (Carey)

2.0 Findings and Declarations

The Commission finds and declares as follows:

2.1 Authority for Determination

Title 14, Section 13569 of the California Code of Regulations states:

The determination of whether a development is categorically excluded, non-appealable or appealable for purposes of notice, hearing and appeals procedures shall be made by the local government at the time the application for development within the coastal zone is submitted. This determination shall be made with reference to the certified Local Coastal Program, including any maps, categorical exclusions, land use designations and zoning ordinances which are adopted as part of the Local Coastal Program. Where an applicant, interested person, or a local government has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is categorically excluded, non-appealable or appealable:

- (a) The local government shall make its determination as to what type of development is being proposed (i.e. categorically excluded, appealable, non-appealable) and shall inform the applicant of the notice and hearing requirements for that particular development. The local determination may be made by any designated local government employee(s) or any local body as provided in local government procedures.
- (b) If the determination of the local government is challenged by the applicant or an interested person, or if the local government wishes to have a Commission determination as to the appropriate designation, the local government shall notify the Commission by telephone of the dispute/question and shall request an Executive Director's opinion;
- (c) The executive director shall, within two (2) working days of the local government request (or upon completion of a site inspection where such inspection is warranted), transmit his or her determination as to whether the development is categorically excluded, non-appealable or appealable;
- (d) Where, after the executive director's investigation, the executive director's determination is not in accordance with the local government determination, the Commission shall hold a hearing for purposes of determining the appropriate designation for the area. The Commission shall schedule the hearing on the determination for the next Commission meeting (in the appropriate geographic region of the state) following the local government request. [Emphasis added.]

After the certification of a LCP, the Commission is authorized to resolve disputes regarding the appropriate status of a development proposal (i.e., categorically excluded, non-appealable, or appealable). The purpose of the dispute resolution regulation is to provide for an administrative process for the resolution of disputes over the status of a particular project. Such a process is important when two agencies, here San Mateo County and the Coastal Commission, each have either original or appellate jurisdiction over a given project. The Coastal Act was set up to give certified local governments the primary permitting authority over projects proposed in the Coastal Zone but to allow the Commission oversight authority over specified projects through the appeal process. Thus, the regulations anticipated that, from time to time, there may be disagreements regarding the status of a particular project and an administrative dispute resolution process would be preferable (and quicker) than the immediate alternative of litigation. The local government or other interested person may initiate or forward a request to the Commission's Executive Director. If the Executive Director and the local government are in disagreement over

2-03-01-EDD (Carey)

the appropriate processing status, as is the situation here, the Commission is charged with making the final determination.

The Executive Director is required to render a determination (14 CCR §13569(c)) and, in the event the local government disagrees with the opinion, "the Commission *shall* hold a hearing for purposes of determining the appropriate designation for the area" (14 CCR §13569(d)). It is clear from a plain reading of the regulation, that where the Executive Director and the local government disagree, participation is not optional and that if a system for dispute resolution is to be effective, the requirements for implementation of the process must be observed by both the Coastal Commission and the local government. The Executive Director has therefore made a determination, the County disagrees, and the Commission will hear the matter.

2.2 Local Government Action

On August 14, 2002, the San Mateo County Planning Commission granted Coastal Development Permit PLN2001-00193 to Tom Carey for development described as:

Lot line adjustment between four parcels to create four reconfigured parcels located at Coronado Avenue and Magellan Avenue.

The Planning Director's approval of the CDP was appealed locally to the County Planning Commission. On August 14, 2002 the Planning Commission took final action on the appeal, denied the appeal and upheld the Planning Director's approval of CDP PLN2001-00193 for the purported lot line adjustment.

The County Planning Department subsequently transmitted to Coastal Commission staff a Notice of Final Local Decision dated September 9, 2002 (Exhibit 1) stating:

- On August 14, 2002, the County had conditionally approved a coastal development permit for the subject lot line adjustment; and
- The County appeal period for this action ended on September 3, 2002.

2.3 Executive Director's Determination

On August 8, 2002, Commission staff received an agenda staff report for CDP PLN2001-00193 for a purported lot line adjustment between 4 contiguous parcels of undetermined legality. On August 8, 2002, Commission staff informed the County Planning Department by letter that CDP PLN2001-00193 is appealable to the Commission pursuant to Coastal Act Section 30603(a)(4) because lot line adjustments are development and are not designated as the principal permitted use under the zoning ordinance or zoning district map (Exhibit 2). Staff requested that the County correct the report and notice the permit application as appealable to the Commission. Staff also notified the County that if it disagreed with the Commission staff's determination of appealability, staff would schedule a dispute resolution hearing before the Commission pursuant to 14 CCR 13569.

Section 6328.16 of the County's certified LCP specifies that actions by the County "may be appealed to the Coastal Commission in accordance with Coastal Commission regulations." Section 13571 of the Commission's regulations requires that a local government's Notice of Final Local Action on appealable development must include the procedures for appeal of the

2-03-01-EDD (Carey)

local decision to the Commission. The September 9, 2002 County Notice of Final Local Decision did not meet the requirements for such notice specified by Section 13571 of the Commission's regulations and Sections 6328.11.1 and 6328.16 of the County's Zoning Code.

In accordance with Section 13572 of the Commission's regulations:

A local government's final decision on an application for an appealable development shall become effective after the ten (10) working day appeal period to the Commission has expired unless either of the following occur:

...

(b) the notice of final local government action does not meet the requirements of Section 13571. [Emphasis added.]

Section 13571 of the Commission's regulations requires that a Notice of Final Local Action provide the procedures for appeal of the local decision to the Commission. The County's Notice of Final Local Action did not contain these required procedures. Consequently, the County's Notice of Final Local Action on CDP PLN2001-00193 was deficient and, pursuant to section 13572 of the Commission's regulations and Section 6328.16 of the County's Zoning Code, the effective date of the local government action has been suspended.

On August 14, 2002, on appeal from the Planning Director's decision, the San Mateo County Planning Commission approved CDP PLN2001-00193 for a purported lot line adjustment between four contiguous parcels of undetermined legality. The Commission received a Notice of Final Local Action ("FLAN") from the County on September 10, 2002. The County's FLAN did not designate the project as appealable or non-appealable (Exhibit 1).

By letter dated September 12, 2002, Commission staff informed the County and the applicant that pursuant to 14 CCR Section 13571, the Executive Director had determined that the project was appealable and that the FLAN was deficient because it did not meet the requirements of 14 CCR Section 13571 and San Mateo County Zoning Code Sections 6328.11.1 and 6328.16 and requested that the County issue a corrected FLAN that indicates the permit is appealable and includes the procedures for appeal of the local decision to the Commission (Exhibit 3). The September 12, 2002 letter also informed the County and the applicant that, pursuant to Section 13572 and San Mateo County Zoning Code Section 6328.16, the CDP approved by the County (PLN2001-00193) would remain suspended and would not become effective until a corrected notice had been issued and the ten-day appeal period to the Commission had elapsed.

On November 21, 2002 Commission staff received a FLAN dated November 19, 2002 continuing to notice CDP PLN2001-00193 as not appealable to the Commission (Exhibit 4). By letter dated November 25, 2002, Commission staff informed the County and the applicant that the FLAN remains deficient (Exhibit 5). Commission staff also informed the County that as the County continues to disagree with the Executive Director's determination that County approval of CDP PLN2001-00193 is appealable to the Commission, the staff would schedule a hearing on the determination of appealability pursuant to 14 CCR Section 13569(d).

2.4 Summary of Issue and Commission Determination

The issue before the Commission at this time is:

2-03-01-EDD (Carey)

Is approval by the County of the coastal development permit for the purported lot line adjustment between 4 contiguous parcels of undetermined legality appealable to the Coastal Commission? As discussed below, the Commission finds that Section 30603(a)(4) confers the Commission with appellate jurisdiction over any "development" that is not listed as the principal permitted use in the County's certified Local Coastal Program. Because the purported lot line adjustment between 4 parcels of undetermined legality constitutes "development" under 30106 of the Coastal Act and because lot line adjustments are not listed as the principal permitted use in the County's Certified Local Coastal Program, the purported lot line adjustment between 4 parcels of undetermined legality is development appealable to the Commission pursuant to Section 30603(a)(4) of the Coastal Act.

2.4.1 Appealability

Coastal Act Section 30603(a) states in relevant part:

(a) After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments:

...

(4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500). [Emphasis added.]

Section 30603(a)(4) confers appellate jurisdiction over any "development" approved by a coastal county that is not designated as the principal permitted use under a county's approved zoning ordinance (See also Section 6328.3(s) of the County's zoning code - Exhibit 6). Section 30106 of the Coastal Act states that "[d]evelopment" means, on land, in or under water, ... change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, " ... The Court of Appeal held in its published decision in *La Fe v. Los Angeles County* (1999) 73 Cal.App.4th 231 that lot line adjustments are development as defined in Section 30106 both because lot line adjustments constitute a division of land and because lot line adjustments result in a change in the density or intensity of use of land. A lot line adjustment thus constitutes "development" under Section 30106 of the Coastal Act.

Lot line adjustments are not designated as the principal permitted use under the San Mateo County One-family Residential (R-1) Zoning District, the Coastal Zone Overlay District (CD) or the applicable zoning district map. The property affected by the purported lot line adjustment is zoned R-1/S-94/CD. The R-1/S-94/CD Zoning District enumerates 10 different types of uses and none of these uses are designated as the principal permitted use (Exhibit 7). Therefore, the County's zoning ordinance fails to designate one principally permitted use for the R-1/S-94/CD Zoning District (Exhibit 7). In addition, none of the ten types of uses enumerated in the R-1/S-94/CD Zoning District such as "one-family dwellings" include lot line adjustments (Exhibit 7). Accordingly, because a lot line adjustment constitutes "development" but is not identified as either the principal permitted use of the R-1/S-94/CD Zoning District or even a permitted use in the R-1/S-94/CD Zoning District, pursuant to Section 30603(a)(4) of the Coastal Act, any approval of a coastal development permit for a lot line adjustment in the R-1/S-94/CD zone is appealable to the Coastal Commission. Therefore, County approval of CDP PLN2001-00193 for

the purported lot line adjustment is appealable to the Commission pursuant to Section 30603(a)(4) of the Coastal Act.

Additionally, the County's certified zoning ordinance further recognizes that the purported lot line adjustment does not qualify as a "principal permitted use" and is therefore development appealable to the Commission pursuant to Section 30603 of the Coastal Act. The County defines "principal permitted use" as *"any use representative of the basic zone district allowed without a use permit in that underlying district"* (See Section 6328.3(q) of the County's Zoning Code-Exhibit 6). As discussed above, a lot line adjustment is not listed as a permitted use in the County's zoning ordinance and is thus not a use representative of the basic zone district. Further, pursuant to Zoning Code Section 6133(3)(b)(1)(a) - (Exhibit 8), a use permit would be required for the purported lot line adjustment because one of the purported parcels to be adjusted is an unimproved, nonconforming parcel less than 5,000 square feet in size in a zone that requires a 10,000 square-foot minimum lot size. Specifically, Section 6133(3)(b)(1)(a) (Exhibit 8) of the City's Zoning Code states that *"[d]evelopment of an unimproved non-conforming parcel shall require the issuance of a use permit when... (c) the required parcel size is >5,000 square feet but the actual nonconforming parcel size is <5,000 square feet"* As stated above, a lot line adjustment constitutes "development" under 30106 of the Coastal Act. In the case of the subject property, the purported lot line adjustment would occur in a zone where the minimum lot size is 10,000 square feet and would involve a purported parcel <5,000 square feet. Thus, since one of the purported parcels is <5,000 square feet, the purported lot line adjustment would require a use permit because it constitutes development of that unimproved non-conforming parcel <5,000 square feet in a zone where the minimum lot size is 10,000 square feet. Thus, pursuant to Section 6133(3)(b)(1)(a) of the County's zoning code, the purported lot line adjustment is development that would require a use permit and does not constitute a principally permitted use in the County's zoning district. As such, the purported lot line adjustment between four contiguous parcels of undetermined legality is appealable to the Commission under Section 30603(a)(4) of the Coastal Act because it is "development approved by a coastal county that is not designated as the principal permitted use" under the County's certified zoning ordinance.

It should be noted that the four subject lots are held by two sets of owners in an antiquated subdivision in which many lots are nonconforming, substandard lots smaller than the required 10,000 square feet in the R-1/S-94/CD zone. The County did not conduct an analysis into whether or not the original subdivision of the lots was conducted in accordance with the subdivision law in effect at the time the lots were purportedly created. If the lots were not legally subdivided, then the purported lot line adjustment would constitute a subdivision. It is the Executive Director's opinion, consistent with the reasoning above, that whether the development approved by the County is a lot line adjustment or a subdivision, a CDP is required for such development and that any CDP approved by the County for either a lot line adjustment or a subdivision is appealable to the Commission.

2.4.2 Review of Lot Line Adjustments in the Coastal Zone is an Issue of Statewide Significance

The Commission's appellate review of lot line adjustments for conformity with the policies of the County's LCP and the Coastal Act is a matter of statewide significance. Lot line adjustments can result in a change in the density or intensity of use of land in a manner that conflicts with the resource and/or public access protection policies of a certified LCP and the Coastal Act. In the

case of the subject property, the purpose of the purported lot line adjustment would be to allow for the reconfiguration of four contiguous parcels of undetermined legality and ranging in size of 4,400, 13,600, 11,000 and 10,600 square feet into four parcels of 9,600, 9,600, 10,400 and 10,000 square feet in a zone in which the minimum parcel size is 10,000 square feet San Mateo County has hundreds of nonconforming substandard lots purportedly "created" by subdivision map in the early 20th century. Commission staff has not yet been able to investigate the legality of the majority of these lots under laws regulating divisions of land that existed at the time of the purported subdivision. In addition, many of these lots are not counted under the existing build-out calculations of the San Mateo County LCP. A careful review of the legal status of lots to be adjusted is important in order to protect coastal resources and public access to the sea.

The California Court of Appeals acknowledges the significance of the Commission's review of lot line adjustments in *La Fe v. Los Angeles County* (1999) 73 Cal.App.4th 231). In this case, the appellate court upheld the Commission's denial of a coastal development permit application for a lot line adjustment because it would have made all of the affected lots accessible to a public street that was insufficient to provide access to the developed lots by fire fighting equipment. A lot line adjustment could also result in the configuration of property boundaries to create a parcel entirely covered by wetlands or environmentally sensitive habitat such that the resulting parcel could not be developed consistent with the wetland or ESHA protection policies of the Coastal Act or a certified LCP.

The Commission recently affirmed that lot line adjustments are development that requires a local coastal development permit appealable to the Commission in an October 10, 2002 hearing. The Commission directed San Mateo County to process a coastal development permit for a purported lot line adjustment in San Mateo County and to notice it as appealable in accordance with the certified LCP and the Commission's regulations (Commission file 2-02-01-EDD, Burr).

List of Exhibits

- EXHIBIT 1: September 9, 2002 Deficient Final Local Action Notice
- EXHIBIT 2: August 8, 2002 CCC letter identifying approved development as appealable
- EXHIBIT 3: September 12, 2002 CCC Letter regarding Deficient Final Local Action Notice
- EXHIBIT 4: November 19, 2002 Final Local Action Notice
- EXHIBIT 5: November 26, 2002 CCC Letter regarding Deficient Final Local Action Notice
- EXHIBIT 6: Excerpt of San Mateo County Coastal Zone District Regulations and Definitions
- EXHIBIT 7: Excerpt of San Mateo County R-1 Zone Regulations
- EXHIBIT 8: Excerpt of San Mateo County Zoning Regulations pertaining to Non-Conforming Parcels

October 6, 2003

*- Urgent -**Exhibit B
Materials*

Members of the California Coastal Commission

C/O Mr. Chris Kern

45 Fremont, Suite 2000

San Francisco, CA 94105

Re: Request to Appeal to Coastal Commission Lot Line Adjustment/Project
San Mateo County PLN 2002-00115 - Sheila Hayes, Owner - and,
San Mateo County PLN 2001-00508 - Carey/Stebbins CDP for "Lot Merger",
"Utility Line (water/sewer main) Extensions", Tree Removal-30 Trees),
Grading/Filling In of Ephemeral Stream/Stream Bank & House Construction

Dear Mr. Kern,

Despite the Coastal Commission's determination in August, 2003 (Agenda Item #W4a Tom Carey LLA) that Lot Line Adjustments (LLAs) ARE considered to be development requiring a separate Coastal Development Permit (CDP) and, that LLAs ARE appealable to the Coastal Commission we are seeing a continuation of the pattern of abuse described in my letter dated July 30, 2003 (see attach.).

On September 24, 2003, the San Mateo County Planning Commission WENT TOTALLY AGAINST the Coastal Commission's determination made in August by denial of Thomas Callan's appeal and granting a blanket CDP for LLA and project for Sheila Hayes PLN 2002-00115 again, misinforming the appellant and other concerned parties that LLAs are not appealable to the Coastal Commission.

I am requesting that I be able to appeal the decision regarding the project noted above directly to the California Coastal Commission. I am attaching my letters regarding the above named LLA/Project which were submitted for the record along with other background materials for your review. Please also note that I am in complete support of Nick Licato's recent appeal of Tom Carey's LLA - this LLA carried along with it schemes for buildout water and sewer line extensions and a huge turnaround "cul-de-sac" plans (PLN 2001-00508) which were Exhibits attached to my letter of July 30th.

Please also see attached the materials that show a NEW scheme that involves these plans for (PLN 2001-00508 - Carey/Stebbins Project). The area involved is directly on a well-documented ephemeral stream/stream bank. Noted U.S.G.S. Geologist, retired, Ken Lajoie made a presentation of aerial photos and topographical maps showing over 60 years existence of this stream to the San Mateo County Board of Supervisors on February 27th, 2001 where he submitted these photos and maps directly to them. These materials have apparently been lost. Seeing that PLN 2001-00508 Tom Carey/Bruce Stebbins is a Blanket CDP which has received an "Administrative/Staff" approval, the only chance to prevent the exploitation and destruction of this stream/stream bank, which is a Coastal Resource, will be a return visit of your Biologist, John Dixon, Enforcement Officer, Jo Ginsberg and yourself to this site for identification so that the Coastal Commission's jurisdictional boundaries can be changed.

I will appreciate it very much if you can contact me as soon as possible via phone or mail of your advisements in these matters. Note that appeal period for the Hayes LLA will end at 7:00 p.m. on Tuesday, October 14, 2003 as per County Planning Department's Notice of Final Decision (attached).

Thank you,

Barbara K. Manz
P.O. Box 1284
El Granada, CA 94018 - phone: (650) 726-4013

July 30, 2003

Peter Douglas, Executive Director
Members of the California Coastal Commission
C/O Chris Kern, Charles Lester & Chanda Meek
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

Re: Agenda Item W-4a (Procedures 2-03-1-EDD [Carey-San Mateo County])

Dear Mr. Douglas and Commission Members:

The matter of the County's failure to require Coastal Development Permits for Lot Line Adjustments per the Commission considered appealable to the Coastal Commission as in the above case is but one example of an ever increasing pattern of abuse by the County of the Community Plan which was incorporated as Policy 1.5 in the County's Local Coastal Plan for the Mid-Coast.

Please advise what proceeding, audit, investigation or enforcement action that the Commission can offer a very aggrieved public in regard to correcting the following pattern of land use manipulation at work on the San Mateo County Mid-Coast.

- Creation of Sub-Standard Lots via LLA (See Exhibit 1)
- Proliferation of Administrative CDPs (See Exhibit 2)
- Incremental and thus piecemeal infra-structure expansion tacked onto Administrative CDPs in the Conditions of Approval (See Exhibit 3)

Note: These plans involve fragile/sensitive habitat areas on an intermittent Creek Bank that is directly adjacent to the "Mirada Surf" tree grove and hillside areas.

- Denial of valid appeal status for projects with significant cumulative impact on development intensity (Exhibit 3)
- Out of order approval of project entitlements (See Exhibit 4)
- Attempt to lower the lot size required for an entitlement to build by right from the current Zoning Lot Minimum Requirements of 5,000 sq.ft. for El Granada, Moss Beach & Montara and 10,000 sq.ft. in Miramar to 3,500 sq.ft. in County's "LCP Update" which is NOT dealing with the Sub-Standard Lot Problems in the Mid-Coast as the Coastal Commission previously directed them to do. Nor, is the County revising down the out-dated, over-estimated LCP Buildout Numbers from the 1980's that don't even include the hundreds, if not thousands of Sub-Standard Lots!
- Attempts to suppress communications between the elected Mid-Coast LCP advisory body (Mid-Coast Community Council) and the Commission.

There must be some remedy available to correct the County's attempt to make the Mid-Coast a Coastal Act Free Zone. Otherwise, both the County and Commission will be faced with hundreds of future appeals at great and unnecessary cost.

During the most recent (1998) LCP revision (spurred by the Coastal Protection Initiative) the Commission already rejected the County's attempt to grant full-scale development rights to Sub-Standard Lots. The above pattern shows the County implementing the rejected policy on a lot-by-lot basis that is destroying Coastal Resources including Coastal/Ocean Viewsheds and putting incredible pressures on other Coastal Resources such as roads and water supply/infra-structure.

Something must be done to stop this piecemeal destruction of the Mid-Coast.

Very truly yours,

Barbara K. Mauz

Barbara K. Mauz,
Co-Appellant - CC Appeal # 2-SMC-02-081 - Hodge - Sub-Standard Lot in Miramar
P.O. Box 1284
El Granada, CA 94018

See attached Exhibits



note: Plans were
hand delivered
with my fr. re.
pattern of Abuse

September 11, 2003

Bruce Stebbins
992 Lakeview Way
Emerald Lake Hills, CA 94062

3rd Scheme to
Swing in Backlot
intra-structure
Carey Stebbins
Terry Burns
Pl. Dir.

Dear Mr. Stebbins:

**ENVIRONMENTAL
SERVICES
AGENCY**

SUBJECT: Clarification on Coastal Development Permit Approval

X County File Number PLN 2001-00508 X

APNs 048-024-070 and 048-024-080

→ Administrative Approved ←

Agricultural
Commissioner/ Sealer of
Weights & Measures

As the approval letter states the Coastal Development Permit covers the lot merger, the construction of a new 3,490 square foot residence, access road improvements, utility line extensions and the placement of a fire hydrant. There has since been some confusion about Condition #15 regarding tree removal and the environmental exemption classification.

Animal Control

When drafting the conditions of approval, staff inadvertently forgot to specifically mention the trees that would be removed due to the road improvements. The Coastal Development Permit does allow for the removal of the one pine tree within the building envelope of the proposed residence as well as allows for the removal of 29 Euclaytpus trees, as shown on the approved plans, which will be affected by the road improvements and utility line extensions.

Cooperative Extension

Fire Protection

Regarding the environmental exemption, all aspects of the project, as stated above, are covered under the categorical exemption that was filed subsequent to the approval of the Coastal Development Permit.

LAFCo

If there are any questions, please contact me at 650/363-1839.

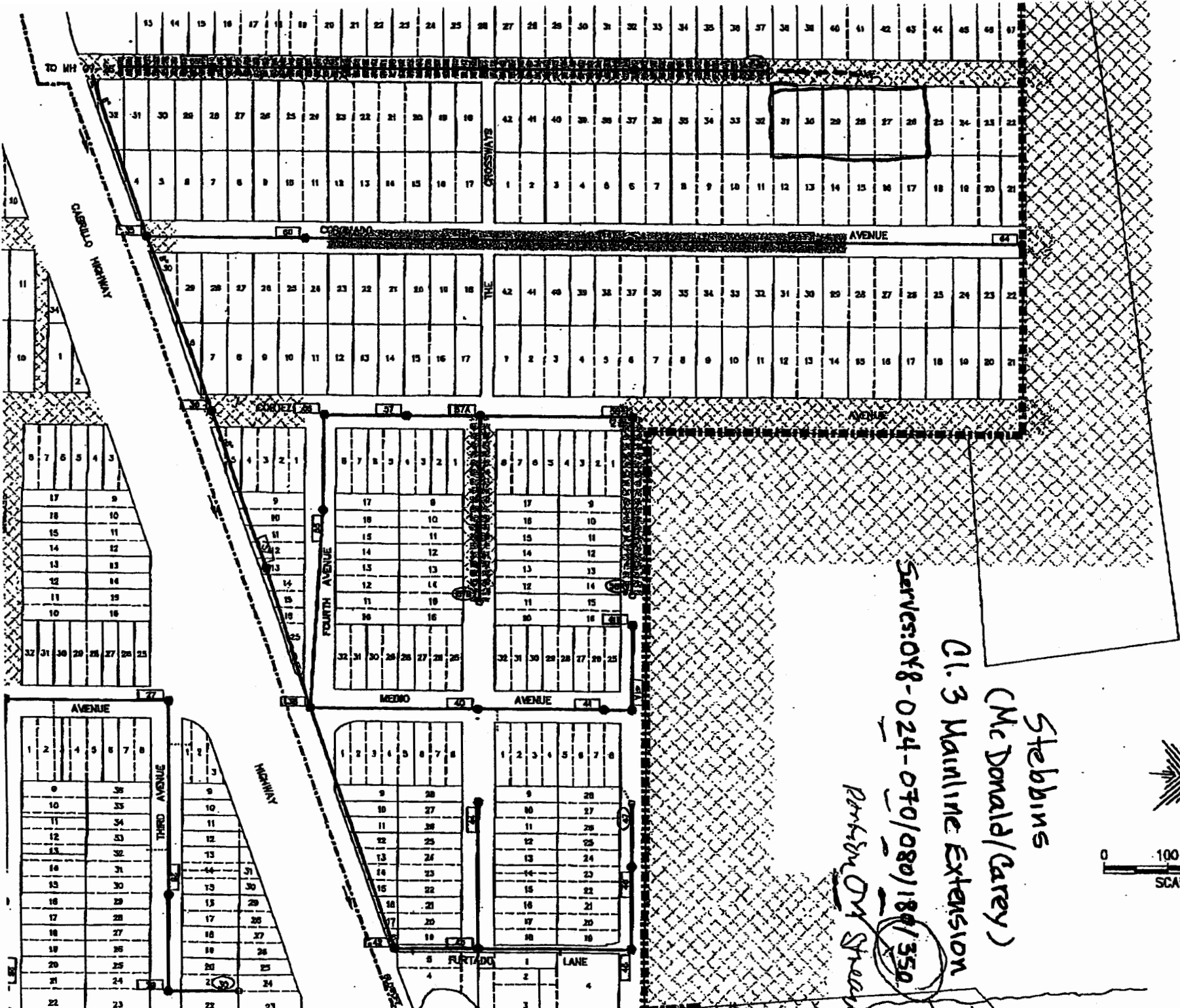
Sincerely,

Library

Sara M. Bortolussi
Sara Bortolussi, AICP
Planner III

Parks & Recreation

Planning & Building



Oct. 14 2003 06:53PM F

February 27, 2001

San Mateo County Board of Supervisors
400 County Center
Redwood City, CA 94063

Re: PLN 2000-00493
APN 047-330-010

Dear Members of the Board,

I am Kenneth R. Lajoie, a geologist recently retired after thirty years service with the US Geological Survey in Menlo Park, CA. While with the USGS, I conducted extensive research and published several reports on the geology of coastal San Mateo County.

I am writing this letter in support of a citizen's appeal regarding the definition of a riparian wetland habitat along a small, unnamed stream near the southern boundary of land parcel 4776 between El Granada and Miramar in coastal San Mateo County (please see enclosed map). Residents from El Granada recently informed me that part of this wetland had been damaged by road construction and home building in the area.

I understand that the wetland along this stream is not recognized as an environmentally sensitive habitat by the County Planning Department or by the Coastal Commission mainly because the stream, itself, is not delineated by a blue line on the USGS 1:24,000 topographic maps (Half Moon Bay and Montara Mountain) covering that area. I should point out that most small, intermittent streams are not delineated on any USGS topographic maps at this scale. Consequently, these maps are virtually useless for locating or defining riparian habitats, or any other wetlands for that matter.

At the request of two El Granada residents, I have inspected three sets of stereoscopic aerial photographs (1943, 1956 and 1974) presently in the archives of the USGS library to ascertain the nature of the disputed stream course (please see enclosed photocopies of these photographs). I have also inspected a 1962 ortho-photographic map from the CALTRANS archives in Oakland, CA and a 1995 ortho-photographic map from the Department of Public Works of San Mateo County (please see enclosed photocopies of these ortho-photographs). Additionally, I inspected the site in the field with local residents on Friday, February 24, 2001.

On all five aerial photographs, which span 67 years, a small stream course clearly delineated by riparian vegetation (most likely willows) extends from the mouth of the hillside watershed above land parcel 4776, across the flat coastal terrace and into the ocean. The stream course is also clearly delineated by the 10' contour lines on the large-scale 1962 CALTRANS ortho-photographic map. On the 1962, 1974 and 1995 photographs part of the stream course is obscured by a grove of eucalyptus trees, but is still visible.

A small culvert allows the stream to flow beneath a dirt road along the southern boundary of land parcel 4776, and a second, larger culvert allows it to flow beneath Highway 1. Prior to severe sea-cliff erosion in the 1960's, a low concrete bridge allowed the stream to flow beneath Mirada Road and into the ocean; presently the stream enters the ocean through a deep gully east of the damaged bridge. Additionally a small culvert beneath the dirt road allows drainage from Magellan Ave. to enter the stream.

The evidence from the aerial photographs, the culverts and the bridge clearly attest to the presence of a stream course along the southern boundary of land parcel 4776, even though it is not delineated by a blue line on the USGS maps. The presence of water-loving vegetation along the stream clearly attests to the presence of a riparian wetland, which by any environmental standard is a sensitive habitat.

I understand that the Planning Department of San Mateo County is presently updating the Coastal Resources Map of the Local Coastal Plan for the urban mid-coast. The aerial photographs I have inspected here, and many others that are readily available, would be extremely useful in delineating environmentally sensitive wetland habitats in the mid-coast area. I would be happy to work with your staff to demonstrate the effectiveness of using aerial photographs for this purpose. A useful means to field check potential wetlands delineated from aerial photographs is a book by Phyllis M. Faber entitled *Common Wetland Plants of Coastal California* (Pickelweed Press, 1996). This field guide is designed specifically to provide students, coastal planners, and public interest groups with a useful tool for identifying and delineating sensitive coastal wetlands.




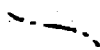

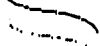
Please feel free to have your staff contact me concerning any questions they might have regarding the information I have presented here. I look forward to working with them in identifying coastal wetlands, the first step in preserving these sensitive and rapidly dwindling natural environments.

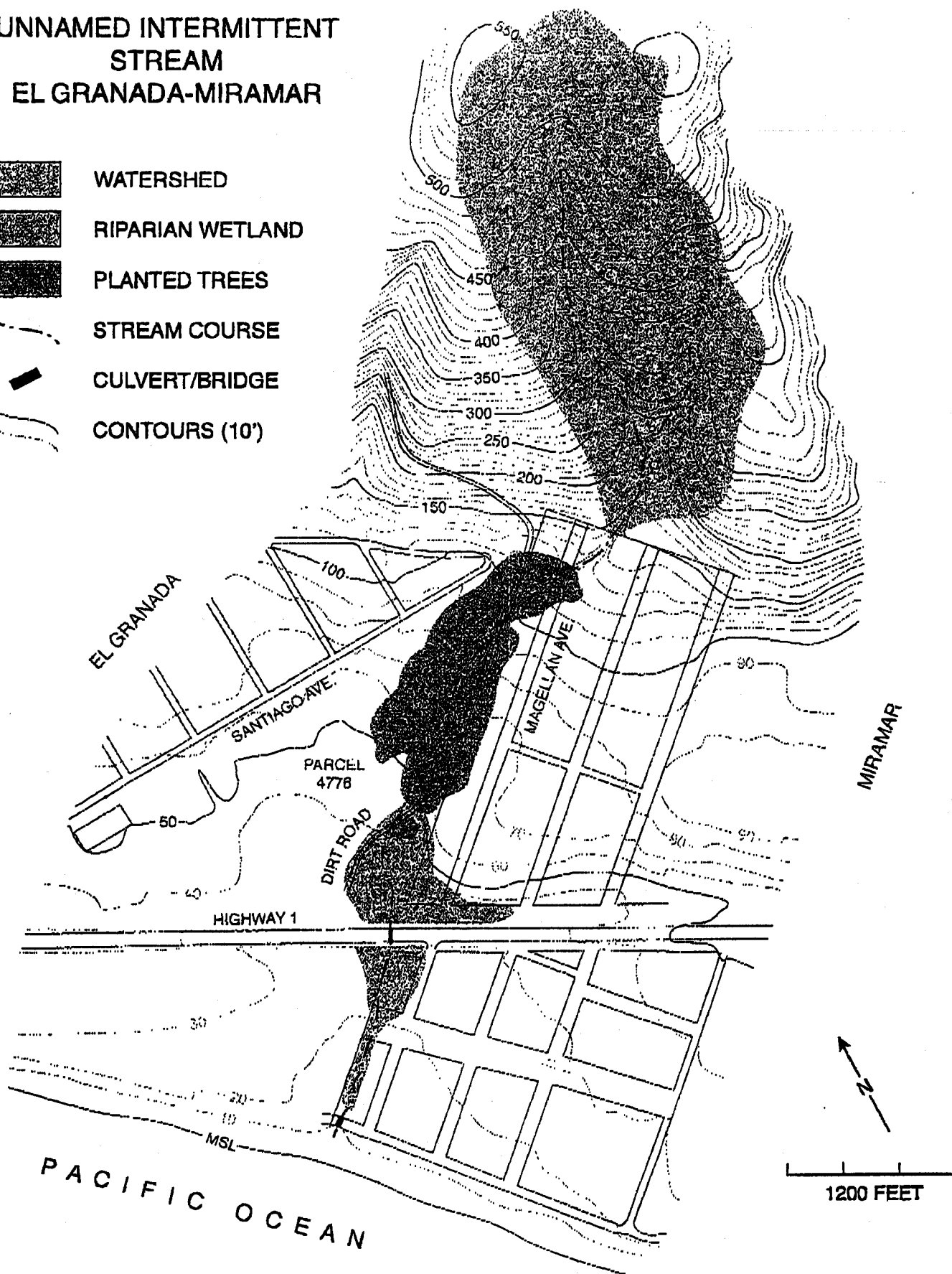
Sincerely,

Kenneth R. Lajoie, Ph.D.
Geologist
275 Oakhurst Place
Menlo Park, CA 94025
650-322-9791
kalajoie@aol.com




cc. California Coastal Commission
Laura Stein, Chair, Mid-Coast Community Council

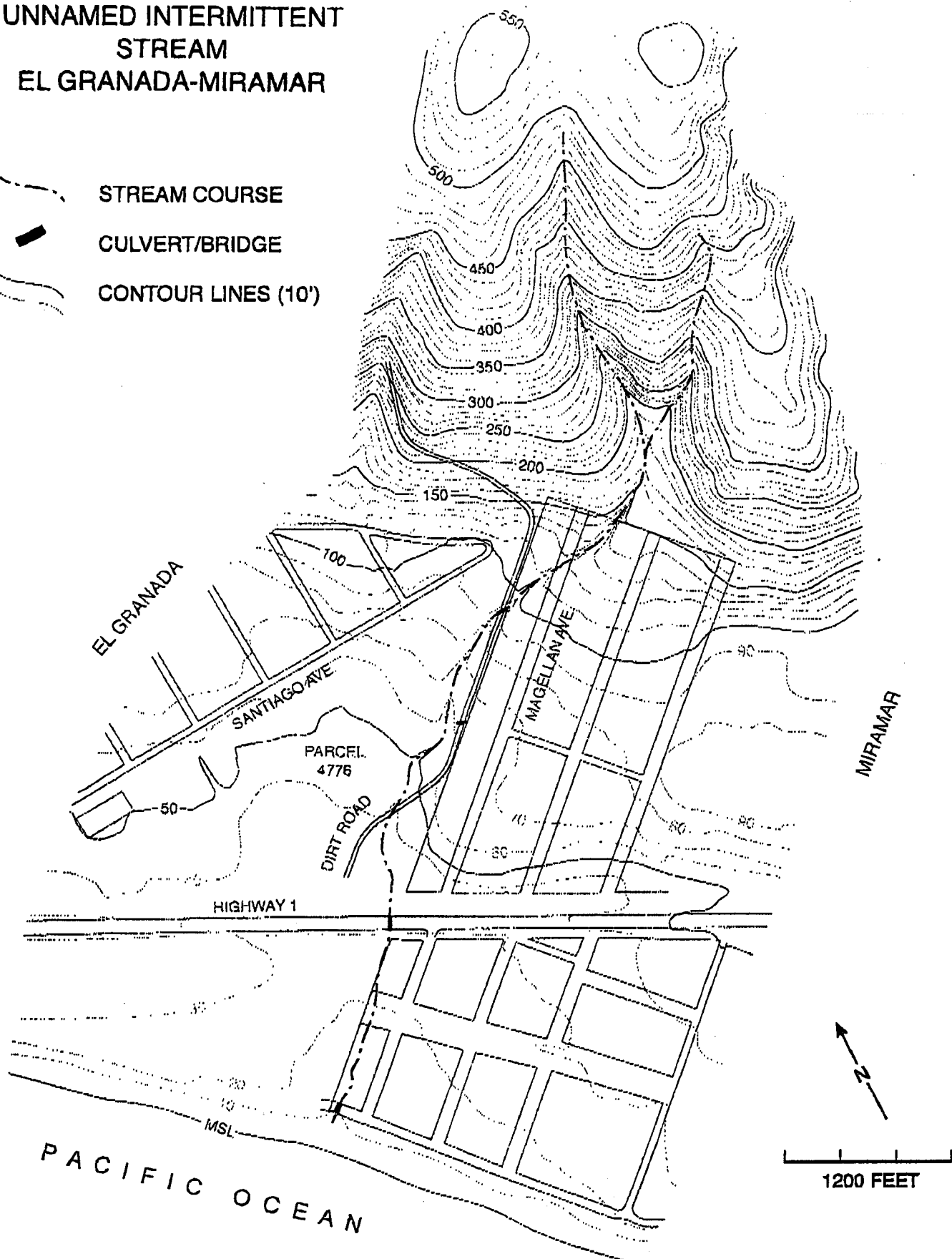
UNNAMED INTERMITTENT STREAM EL GRANADA-MIRAMAR

-  WATERSHED
-  RIPARIAN WETLAND
-  PLANTED TREES
-  STREAM COURSE
-  CULVERT/BRIDGE
-  CONTOURS (10')



UNNAMED INTERMITTENT STREAM EL GRANADA-MIRAMAR

-  STREAM COURSE
-  CULVERT/BRIDGE
-  CONTOUR LINES (10')



FROM : XXXXXXXXXXXXXXXXXXXXXXXX

Oct. 14 2003 06:57PM P34



pln01-780. cdr 1 1/28/01 ss (cdr5)midcinc2.cdr pg.7 rev. rp 6-23-98

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) 904-5200
FAX (415) 904-5400

~~XXXXXXXXXXXXXXXXXXXX~~

7 April 2000

San Mateo County Planning & Building Division
ATTN: Dave Holbrook
Mail Drop PLN 122
455 County Center
Redwood City, CA 94063

RE: Mirada Surf/Doherty

Dear Dave:

I am writing regarding the alleged Coastal Act/LCP violations on the Mirada Surf/Doherty properties. During our site visit of Tuesday, April 4, 2000, Chris Kern, John Dixon, and I looked at the culvert repair/expansion, the access/haul road, the drainageway, the areas of tree removal, and the Mirada Surf property. Pursuant to our site visit, John Dixon, our biologist, indicated that he believes that the drainageway located near the access road is actually a streambank, under the Coastal Commission's definition, as well as the Department of Fish and Game's definition of a stream. This stream constitutes an environmentally sensitive habitat area (ESHA), and, thus, any development proposed within 100 feet of the ESHA would be appealable to the Coastal Commission. It is our intent to revise our post-certification map to reflect this change.

In addition, as we discussed on site, the County's LCP regulations for repair and maintenance exclusions limit exclusions to repairs that do not increase the size of the structure being repaired. Since an addition to the culvert was constructed, increasing its size, it appears that the work done on the culvert does not properly qualify for an exemption under the County's regulations. You indicated to Mr. Doherty that an after-the-fact coastal permit would be required for the culvert repair and expansion. This coastal permit would be appealable to the Coastal Commission. We further concluded that the pending coastal permit for a single-family residence located near the culvert would be appealable to the Coastal Commission, based on its proximity to the stream.


We have yet to determine if the access/haul road graded by J. L. Johnson is exempt from coastal permit requirements because it was allegedly graded pursuant to a timber harvest plan. We will look into that matter.

DAVE HOLBROOK

Page 2

Finally, based on his site visit, it is Dr. Dixon's opinion that the boundaries of LSA's wetland survey of the Mirada Surf property seems to be accurate.

Sincerely,


JO GINSBERG
Enforcement Analyst

cc: Chris Kern



Report to the Community

PENINSULA OPEN SPACE TRUST

SPRING 2003

A Key Coastal Property Is Donated to POST

A few miles north of Half Moon Bay, a large, 482-acre property forms the scenic backdrop to the Coastsides communities of El Granada and Miramar.

This land, marked by grassy hillsides, coastal ridges and a massive eucalyptus forest, affords sweeping views of the coast. Its strategic location provides a rare opportunity to link other protected lands and create an extraordinary trail connection from the ocean shore to the crest of the Santa Cruz Mountains.

Recently appraised at \$3.6 million, the property, known as Wicklow, could have been developed into a number of luxury homes. Instead, due to the generosity and foresight of the landowners, Mike and Margaret O'Neill and their five children, it has been donated to POST and will be permanently preserved as open space. Of the property's 482 acres, the family gave 462 to POST and retained a 20-acre parcel that includes the home where the senior O'Neills reside.

Wicklow was named after the county in Ireland where Mike O'Neill grew up. The land has high recreational value in its own right, but its most significant recreational potential lies in providing an important link to other open lands.

The property is bordered by three other protected parcels: Rancho Corral de Tierra, a 4,262-acre property acquired by POST for inclusion in the Golden Gate National Recreation Area (GGNRA),



Margaret and Mike O'Neill on the Wicklow property (background and inset) they donated to POST

lies to the north and east; Quarry Park, a 40-acre community park owned by San Mateo County and maintained by Midcoast Park Lands (a local nonprofit organization that introduced POST to Mr. O'Neill) lies to the southwest; and Mirada Surf, a 40-acre parcel being purchased by the County for park use, is directly south, immediately adjacent to the Half Moon Bay state beaches.

When POST transfers the property to public ownership, Wicklow will connect these open lands and facilitate wonderful recreational opportunities. A

continuous network of county, state and (ultimately) GGNRA lands will create a spectacular trail connection stretching from the peak of Montara Mountain all the way down to the coast.

In the not too distant future thanks to the O'Neill family, you

continued on back page

Coastal Property

continued from page 1

will be able to hike from the beach at Mirada Surf up through the eucalyptus forest of Wicklow through Rancho Corral de Tierra to Montara Mountain. You'll then have the opportunity to trek down through the complex of state and county parks that lead to Pacifica or over to the trail that will be formed along Highway 1 after the Devil's slide tunnel is complete.

It's remarkable to think that these properties - along with the San Francisco Watershed lands - will form a contiguous, 29-square mile corridor of open lands just seven miles south of the San Francisco boundary line!

"We're delighted to receive this gift and ensure that this beautiful property will be permanently protected as open space," said

Audrey Rust, POST president.
"At a time when there is a lot of retrenching taking place, it's nice to see someone step forward and make a significant gift to the community. I find it very inspiring."

Mike O'Neill, 80, has been in the construction business in San Francisco for 40 years. His company owns and manages apartment buildings.

"California is getting too crowded, there's no place to move," O'Neill said. "When you come down here from San Francisco, you think you're in a different world. You're in the country. There's lots of fresh air. You see the deer and bobcat running around...the rabbits, the quail. You get back to nature."

"The reason I'm doing this is that I don't want to see anyone building anything out here. When I go out in the morning or nighttime and walk around, I like what I see, and I'd like to keep it that way. I want to see it left just as it is. I know

POST will do the right thing. They'll keep it as open space."

Wicklow has a rich and diverse history. The bowl-shaped parcel was used for cattle grazing in the early 1800s and later became the Blue Gum Ranch, the first settlement in the area. When renowned architect Daniel H. Burnham designed the town of El Granada in the early 1900s, this land was designated as a 500-acre "Pleasure Park" and planted with groves of Blue Gum Eucalyptus.

The land is home to abundant wildlife, including deer, fox, bobcat, raptors and a variety of other birds.

The upper reaches provide excellent views of Montara Mountain to the north, Half Moon Bay and the coastal bluffs to the south, Pillar Point and the harbor to the west, and Scarper Peak to the east. The protection of Wicklow will preserve this viewshed and the highly visible, scenic greenbelt behind El Granada and Miramar.



Focusing on POST's land protection activities on the San Mateo Coast

Peninsula Open Space Trust
3000 Sand Hill Road, 4-135
Menlo Park, CA 94025

Board of Directors

Dianne McKenna, Chair
Allan F. Brown
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*****ECRWSS**B-011

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OR CURRENT RESIDENT
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EL GRANADA CA 94018-1284



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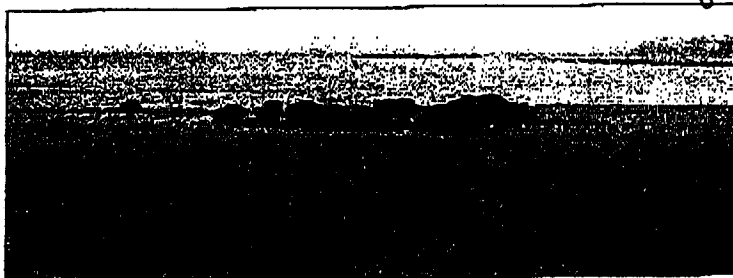


San Mateo County Parks & Recreation Foundation

Benefiting County Parks

Issue 2 No. 5

Mirada Surf, Hillside, Tree Grove, & Fella Bluff Winter 2002



The undeveloped coastal bluffs, with open grasslands and scattered stands of coyote brush, provide good bird habitat and extraordinary views.

Foundation joins effort to purchase Mirada Surf

In mid January, the County of San Mateo authorized half the required funds, approximately 3 million dollars, towards the purchase of a key piece of undeveloped coastal property, known as Mirada Surf. The site has been identified for open space and public recreation on the General Plan maps for over 20 years.

The San Mateo County Parks and Recreation Foundation has accepted the challenge of raising the remaining 3 million dollars by Dec 2002 for this acquisition. Though much of the funding is expected to come from founda-

tions or state agencies, this long held community vision will only be realized with generous contributions from the community.

The 49-acre parcel, located at the south end of El Granada, lies on both sides of Highway 1. The mixed terrain supports numerous habitats, including coastal bluff, a creek with healthy native willows, seasonal wetlands, grasslands, and forested hillsides.

Nestled between the northern boundary of Half Moon Bay and the southern edge of El Granada, this property is a natural greenbelt. The bluff, just south of



The natural greenbelt from ocean to hills is shown in this aerial view. Parcels D1 and D2 make up Mirada Surf. Quarry Park is parcel C.

Surfers' Beach, is the only undeveloped coastal bluff in the area. The curve of the shoreline in this area provides expansive views of the harbor to the north and beaches to the south. The bowl shaped terrain of the eastern portion of the property provides hillside views from both north and south bound Highway 1, the coastal bluffs and beach.

Coastal Trail advocates are ecstatic about the proposed purchase. Once funding is secured, planning can begin to complete this segment of the trail, the missing link between Pillar Point harbor and the City of Half Moon Bay.

The property also provides other opportunities for improved access and recreation. A section of a proposed regional trail, the Mid-Coast Foothill Trail, and the proposed 2.3-mile Scarper View Trail would be located on this property. The Scarper View Trail could provide access and linkage with Quarry Park, the Bay Area Ridge Trail, and future Golden Gate Natural Recreation Area lands.

(continued on next page)



An early morning rider commutes on the unimproved bike path.

Benefits of the Mirada Surf purchase

- establish a permanent greenbelt
- preserve coastal and hillside views from Highway 1
- protect sensitive wetlands and arroyo willows
- public ownership of proposed regional trail segments
- linkage to Quarry Park and other public lands
- opportunities to improve safety and parking for coastal access



Until the coastal path is completed, joggers also get to do a bit of rock climbing. This is much more dangerous at high tide or with young children.

Your donations support

- Volunteer recruitment
- Volunteer recognition
- Special tools and equipment
- Unique training opportunities
- Interpretive materials
- New play equipment
- Environmental Education
- Habitat protection
- Restoration planning for Sanchez Adobe Historical Site

San Mateo County Parks

Coyote Point Recreation Area

Crystal Springs Trails
Sawyer Camp Trail

Edgewood Park & Preserve

Fitzgerald Marine Reserve
Pillar Point Marsh

Flood Park

Junipero Serra Park

Huddart Park

Pescadero Creek Park

Memorial Park

Heritage Grove

Sam McDonald Park

San Bruno Mountain Park

Sanchez Adobe

San Pedro Valley Park

Woodside Store

Wunderlich Park

Contact Information

**San Mateo County Parks
and Recreation Foundation**

215 Bay Road, Menlo Park,
CA 94025

650/321-5812 voice

650/321-5813 fax

info@supportparks.org

www.supportparks.org



Putting your donations to work

Thanks to the generous donations of our members, over 800 people now, and grants from businesses and foundations, the San Mateo County Parks and Recreation Foundation has been able to support a variety of programs and projects in the San Mateo County Parks. Here are a few ways that your money is being spent.

Vegetation Assessment and Management Plan

Over the past year, volunteers, rangers and consultants have been working on an effort, funded by the Foundation, to inventory and map vegetation communities and habitats. The project also included starting a database to record the health and conditions in these habitats. Drafts of these projects are currently under review. Look for the information to be posted on the county's web site www.sanmateocountyparks.com later this spring.

As this phase of the project ends, the Foundation is seeking funds for the next phase of the Vegetation Management Plan. This phase will develop applicable Best Management Practices, a ranking system for project management and identify potential pilot projects, collaborative efforts and community involve-

ment opportunities to preserve and restore the parks' many habitats.

Edgewood Park and Natural Preserve Interpretive Center

The Acorn Group and Ron Yeo, FAIA Architects, Inc, firms with extensive experience in interpretive activities and design, have been hired to lead the community planning and design process for the proposed interpretive center. Over the next year, working with a local steering committee, they will seek input through surveying park users and facilitating design workshops. This input will guide development of a conceptual plan addressing parking, circulation, trails, building footprint, outdoor improvements and interpretive concepts for the proposed center.

Environmental Education

Thanks to the generous support from the San Francisco Foundation, we are starting a project to bring the County Parks to the schools. Over the next year, teacher's guides and resource kits using the County Parks as a theme will be developed and tested. If you are a



Not all schools have the luxury of a field trip to the County Parks. Our environmental education effort will bring the County Parks to the classroom.

teacher, or know of a teacher. Interested in helping with this effort, please let us know.

Sanchez Adobe Historical Site

Recent contributions from the Foundation will be used to update the Master Plan for the Sanchez Adobe Historic Site and for a new roof and seismic upgrades on the adobe building, which is over 150 years old. The goal of the master plan update is to improve the experience for the over 4000 students visit that visit the site every year.

For More Information

For more information about any of these efforts, please contact Julia Ball, Foundation Executive Director, at 650-321-5812 or Julia@SupportParks.org.

Mirada Surf

(continued from previous page)

This purchase also means permanent protection of the site's seasonal wetlands, the healthy arroyo willow plant community found along the creek, and its value as a wildlife corridor.

The San Mateo County Parks and Recreation Foundation was established 1998 to secure additional private funding for the County Parks. The Foundation's focus is, and will remain, improvements that enhance the visitors' experience or preserve the native habitats in the parks.

The Foundation's Board of



The purchase protects the seasonal wetlands east of Highway 1.

Directors strongly believes that the tremendous benefits of this purchase from the preservation of open space, views and sensitive resources to the enhanced access opportunities are worth the effort and expense. "We are a partner with the County and

are pleased to work with them on this historic opportunity," said Bruce Wright, board chairman.

To help, please make a check out to San Mateo County Parks and Recreation Foundation and write Mirada Surf in the memo. Send to 215 Bay Road, Menlo Park, CA 94025.

Note: Addendum
project
with ~~A~~ LCP Violations
to follow. Thank-you!
Barbara K. May

January 9, 2004

- ADDENDUM TO APPEAL FILED ON 10/14/03

Peter Douglas, Executive Director
Members of the California Coastal Commission
C/O Chris Kern and Charles Lester
45 Fremont, Suite 2000
San Francisco, CA 94105

RECEIVED
JAN 12 2004
CALIFORNIA
COASTAL COMMISSION

Re: San Mateo County PLN 2002-00115 - Sheila Hayes, Owner
Blanket "Administrative" Approved CDP, Coastsides Design Review and LLA
Location: Steep Hillside Area in Miramar Directly Adjacent
To Both the Urban/Rural Boundary and Pasture/Agricultural Land
R-1/S-9 (10,000 sq.ft. Zoning Lot Minimum - Medium Low Density)*
APN: 048-025-110, 120, 130 and 140 (Flag Pole Shaped Lot)
• Commission Appeal No. A-2-SMC-03-033/(2-SMC-03-104)
•

and,

Matters relating to PLN 2001-00508 (Infrastructure Plans
Were a part of Tom Carey's LLA which is NOW under Coastal
Commission Appeal by Mr. Nick Licato and now are a part of
New (Carey/Stebbins) Blanket "Administrative" Approved CDP that covers
"Lot Merger", Construction of 3,490 sq. ft. House, "Access Road
Improvements", "Utility Line Extensions" (8" Diameter Water Main Extension
goes Beyond What the LCP Allows and is Above the State Standard of 6"
Diameter, capable of servicing Hundreds of Houses & 4" Diameter Sewer Main
Extension, Cutting Down Thirty Heritage Sized Trees ON Ephemeral Stream
Bank, Grading of Stream Bed/Bank & the eventual Filling In of that Stream.

Dear Mr. Douglas & Members of the Commission,

I would like to draw to your attention the multiple Exhibits and attachments
previously faxed to you regarding my appeal and request that these important
letters and documents be carefully considered as they carry substantiating
information to my appeal.

I urge the Commission not to continue to allow San Mateo County to continue to
thumb their nose at the Commission's determination that LLAs ARE development
and require a separate CDP and ARE appealable to the Coastal Commission.

The Coastal Resources in this area are under siege by the County's allowance
of Blanket CDPs for LLAs such as the Hayes LLA. The consequence to not drawing
a hard line would be death of a thousand cuts to our Coastal Resources and the
development of hundreds if not thousands of Sub-Standard Lots.

Thank you,

Barbara K. Mauz

Barbara K. Mauz

CALIFORNIA COASTAL COMMISSION

25 MONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
FAXING TDD (415) 904-8200
(415) 604-8400



DEC 1999
PLANNING
HALF MOON BAY

December 23, 1999

TO: Planning Directors of Coastal Cities and Counties

FROM: Peter M. Douglas, Executive Director *Peter Douglas*

Re: Coastal Development Permit Jurisdiction and the Interpretation of Post-Certification Local Coastal Program Permit Jurisdiction Maps

On several recent occasions, questions were raised about the reliance by local governments and property owners on Post Certification Local Coastal Program (LCP) Permit Jurisdiction Maps. These maps indicate the boundaries where the Coastal Commission retains coastal development permit (CDP) authority and where coastal development permits approved by the local government are appealable to the Commission. Generally, these maps are reliable and should be used by local governments in making CDP jurisdiction decisions. However, as is clearly stated on the maps, the ultimate controlling factor as to jurisdiction turns on statutory language (i.e., Sections 30519 and 30603 PRC) and, at times, interpretive judgment.

I write to urge you to give direction to and remind persons who utilize these maps that over time circumstances affecting jurisdiction can change, that further refinement of these jurisdictional boundaries may be necessary through verification on the ground, and that in some instances the maps may be in error. More specifically, I want to underscore the need for close coordination between your staff and Coastal Commission staff when a proposed project is located in the following areas:

1. Where the project site includes development on a beach or is seaward of the toe of a shoreline bluff, even though the Post Certification LCP Jurisdiction Map may show the site in the appeals area, in many instances due to changing conditions such as shoreline erosion and rising sea level, the project may be in the Commission's retained CDP jurisdiction. In such cases, the applicant needs to obtain a CDP directly from the Commission.

2. Where the project site is directly adjacent to a wetland or estuary or is between the sea, an inland body of water, a lagoon or stream and the nearest public road, a locally approved CDP may be appealable to the Commission, or it may possibly be in the Commission's retained CDP jurisdiction.

1.4 Memo To Planning Directors
Post-Certification Maps
December 23, 1999

The point I want to stress is the need for increased coordination between local government and Commission staff when questions of coastal permit jurisdiction arise in certain geographic areas in the coastal zone. While the Post Certification LCP Jurisdiction Maps are generally reliable and should continue to be used, in the situations mentioned above, we recommend that your local government coordinate with Commission staff in order to provide certainty and to avoid situations where an applicant is advised incorrectly as to CDP jurisdiction. If you have any questions, please contact the Commission's nearest office and ask to speak with the District Manager.

cc: CCC District Directors and Managers
Jon Van Coops, Mapping Program Manager

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) 904-5200
FAX (415) 904-5400

~~XXXXXXXXXXXXXXXXXXXX~~

7 April 2000

San Mateo County Planning & Building Division
ATTN: Dave Holbrook
Mail Drop PLN 122
455 County Center
Redwood City, CA 94063

RE: Mirada Surf/Doherty

Dear Dave:

I am writing regarding the alleged Coastal Act/LCP violations on the Mirada Surf/Doherty properties. During our site visit of Tuesday, April 4, 2000, Chris Kern, John Dixon, and I looked at the culvert repair/expansion, the access/haul road, the drainageway, the areas of tree removal, and the Mirada Surf property. Pursuant to our site visit, John Dixon, our biologist, indicated that he believes that the drainageway located near the access road is actually a streambank, under the Coastal Commission's definition, as well as the Department of Fish and Game's definition of a stream. This stream constitutes an environmentally sensitive habitat area (ESHA), and, thus, any development proposed within 100 feet of the ESHA would be appealable to the Coastal Commission. It is our intent to revise our post-certification map to reflect this change.

In addition, as we discussed on site, the County's LCP regulations for repair and maintenance exclusions limit exclusions to repairs that do not increase the size of the structure being repaired. Since an addition to the culvert was constructed, increasing its size, it appears that the work done on the culvert does not properly qualify for an exemption under the County's regulations. You indicated to Mr. Doherty that an after-the-fact coastal permit would be required for the culvert repair and expansion. This coastal permit would be appealable to the Coastal Commission. We further concluded that the pending coastal permit for a single-family residence located near the culvert would be appealable to the Coastal Commission, based on its proximity to the stream.

We have yet to determine if the access/haul road graded by J. L. Johnson is exempt from coastal permit requirements because it was allegedly graded pursuant to a timber harvest plan. We will look into that matter.

DAVE HOLBROOK

Page 2

Finally, based on his site visit, Mr. Lincoln's opinion that the boundaries of LSA's wetland survey of the Mirada Surf property appear to be accurate.

Sincerely,

JO GILBERG

Enforcement Analyst

Chris Kern

These 2 Ltr
have to do
with the
ephemeral stream
in Carly's Ltr
I wrote about

Burb.

October 16, 2003

- ADDENDUM TO APPEAL FILED ON 10/14/03

Peter Douglas, Executive Director
Members of the California Coastal Commission
C/O Chris Kern and Charles Lester
45 Fremont, Suite 2000
San Francisco, CA 94105

RECEIVED
OCT 16 2003

CALIFORNIA
COASTAL COMMISSION

Re: San Mateo County PLN 2002-00115 - Sheila Hayes, Owner
Blanket "Administrative" Approved CDP, Coastside Design Review and LLA
Location: Steep Hillside Area in Miramar Directly Adjacent
To Both the Urban/Rural Boundary and Pasture/Agricultural Land
APN: 048-025-110, 120, 130 and 140 (Flag Pole Shaped Lot) and,

Matters relating to PLN 2001-00508 (Infrastructure Plans
Were a part of Tom Carey's LLA which is NOW under Coastal
Commission Appeal by Mr. Nick Licato and now are a part of
New (Carey/Stebbins) Blanket "Administrative" Approved CDP that covers
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goes Beyond What the LCP Allows and is Above the State Standard of 6"
Diameter, capable of servicing Hundreds of Houses & 4" Diameter Sewer Main
Extension, Cutting Down Thirty Heritage Sized Trees ON Ephemeral Stream
Bank, Grading of Stream Bed/Bank & the eventual Filling In of that Stream.

Dear Mr. Douglas & Members of the Commission,

The above two subjects of this appeal are current examples of San Mateo
County's, hereafter "the County" continuing Patterns of Abuse and Manipulation
that involve "Administrative" Approvals = Rubber Stamps, Denial of Public
Hearings, Blanket Approvals, Strained Exemptions to CEQA/Environmental Review,
Ignoring California Coastal Commission Findings, Misinforming the Public, etc.

The County is ignoring the Commission's August determination on LLA's - this
appeal against the above described Hayes LLA seeks to reinforce the
Commission's determination and support Nick Licato's appeal against Tom
Carey's LLA which was the subject of that determination.

It is requested that the Commission issue an immediate Stop Order/Injunction
and with the aid of the materials furnished by Ken LaJoie have a return site
visit to this Ephemeral Stream/Stream Bank which will facilitate the
determination that it is a Coastal Resource so that the jurisdictional
boundaries on the Coastal Commission Map can get changed to reflect that and
put a STOP to the County's Blanket "Administrative" approved CDP for the
Carey/Stebbins environmentally damaging plans described above that would
destroy this treasured, well documented Ephemeral Stream/Stream Bank Area and
negatively impact three (3) Greenbelt/Open Space Entities, "Mirada Surf"
Hillside Area, Quarry Park Area/Trail Access and the recently acquired
Peninsula Open Space Trust, hereafter "P.O.S.T." land called "Wicklow" --- ALL
of these beautiful Greenbelt/Open Space Areas are directly adjacent to the
Carey/Stebbins proposals delineated above. Please note that NO NOTICE of these
plans that would be destructive to this Stream/Tree Covered Stream Bank that
acts as a Gateway to these three Greenbelt/Open Space Areas was provided to
(1) Julia Bott, County Park Department - "Mirada Surf", (2) the Mid-Coast
Parklands Group - "Quarry Park" or (3) to Audrey Rust of P.O.S.T. - "Wicklow"
by the County.

Continued.....

Granting a Coastal Development Permit requires a finding that the County's Local Coastal Plan (LCP) Policies are met. The following LCP Policies have been ignored/violated by the County's Blanket "Administrative" approved CDP regarding the Hayes LLA - PLN 2002-00115:

LCP Policy 8.18 Development Design, in part states:

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.

Require screening to minimize the VISIBILITY of the 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.

This area is on a rather steep slope and is directly adjacent to the forested Urban/Rural Boundary and a Cow Pasture. The Hayes LLA/Proposed House of 4,233 sq. ft. with 637 sq. ft. attached garage would stand out like a sore thumb and WOULD BE VISIBLE from SR 1 in this area which is a part of a County Scenic Corridor! Additionally, it would be visible from ALL other Public Viewpoints including the visitor serving areas in the Ocean Side Miramar Areas. Please also note that there are NO houses on this hillside area.

LCP Policy 9.18 Regulation of Development on 30% or Steeper Slopes

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 ridgeline. Parcels shall not be created where the only building site, in whole or in part, including roads and driveways, is on a slope of 30% or more. An engineering geologic report shall be required for any development on a slope of 30% or more.

This hillside area is over 30% -- surely, there must be a better, more level, less obtrusive building site than on this steep hillside that is directly adjacent to (1) the forested Urban/Rural Boundary and (2) Cow Pasture/Agricultural Land! Apparently no alternative sites were even discussed. This project would undoubtedly put development pressures on the both the Urban/Rural Boundary and Agricultural Land that is directly adjacent.

LCP Policy *8.17 Alteration of Landforms

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.

To the degree possible, ensure restoration of pre-existing topographic contours after any alteration by development, except to the extent necessary to comply with the requirements of Policy 8.18.

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

LCP Policy 7.3 prohibits development that would have significant adverse impact on an ESHA and requires that development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the sensitive habitats.

There have been sittings of raptors including hawks and owls nesting in the forested areas behind the Urban/Rural Boundary which is directly adjacent to this proposed development site. This development would negatively impact/destroy these nesting areas.

LCP Policy 7.5 requires that the applicant demonstrate that there will be no significant impact on sensitive habitats. When it is determined that significant impacts may occur, then there must be a report prepared by a qualified professional. This report must provide mitigation measures and a program for monitoring. Please note that LCP Policy 7.3 does not require that the ESHA be on the subject parcel.

LCP Sections 7.32 through 7.35 and Sections 7.43 and 7.44 require that habitats for rare, endangered or unique species shall be designated on a special habitat map and that the CDP evaluation shall consider that map.

That has not been carried out.

LCP Policy 7.18 provides that a minimum buffer zone for wetlands is 100 feet. However, a larger setback shall be required as necessary to maintain the functional capacity of the wetland ecosystem.

There has been no investigation to determine if there are wetland areas in the adjacent pasture land or, if there is the presence of Red Legged Frogs or the San Francisco Garter Snake. The Planning Director has found that "this project has been found to be "Categorically Exempt" under Section 15303 of the California Environmental Quality Act.

LCP Policy 9.10 Geological Investigation of Building Sites

Require the County Geologist or an independent consulting certified engineering geologist to review all building and grading permits in designated hazardous areas for evaluation of potential geotechnical problems and to review and approve all required investigations for adequacy. As appropriate and where not already specifically required, require site specific geotechnical investigations to determine mitigation measures for the remedy of such hazards as may exist for structures of human occupancy and/or employment other than those considered accessory to agriculture as defined in Policy 5.6.

This has not been done.

Page 4

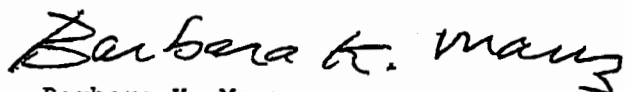
What would be the results of grading on this hillside in terms of erosion? How would the addition of impervious surfaces to this steep hillside affect the absorption of ground water? There are many concerns regarding the negative impacts on adjacent areas of pollutants from resulting run-off as a result of development. There are MANY unanswered questions with regard to the negative impacts on the adjacent Agricultural Land and the land that lies below that would result from the Hayes LLA/Proposed House Project.

What would the cumulative impacts of this project be? We have no idea because the project was not evaluated according to CEQA

In closing, there is a heavy concern that the County has allowed the Designated Density of Medium Low to be converted to High Density - De Facto in Miramar by allowing houses to be constructed on 4,400 sq. ft. lots where the Zoning Lot Minimum Requirement is 10,000 sq. ft. --- you will note that the great majority of these houses have received an "Administrative" approved CDP = Rubber Stamp (the Half Moon Bay City Council has determined that NO "Administrative" approved CDP's should be granted; the County should be following Half Moon Bay's example - this is ONE Coastside) and, the effects of this are the blocking of Coastal/Ocean Views, the destruction of Coastal Resources, increased traffic on SR's 1 & 92 and increased pressures on our shared water supplies and water/sewer systems.

It is unconscionable for the County to award this Blanket LLA that goes against the Coastal Commission's determination that would allow this large development on a steep hillside that is adjacent to both the forested Urban/Rural Boundary and Pasture Land that would now increase development pressures in these areas and exacerbate the ever-increasing density of Miramar which is designated Medium Low Density.

Very truly yours,



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