

## CALIFORNIA COASTAL COMMISSION

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# W13a



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49<sup>th</sup> Day: July 27, 2007  
SI Hearing: July 12, 2007  
Staff: Tiffany S. Tauber  
Staff Report: May 29, 2009  
Hearing Date: June 10, 2009  
Commission Action:

**STAFF REPORT: APPEAL DE NOVO**

APPEAL NO.: **A-2-SMC-07-026**

APPLICANTS: **Debra Christoffers & Jon Jang**

LOCAL GOVERNMENT: **San Mateo County**

ACTION: **Approved with Conditions**

PROJECT LOCATION: **10721 Cabrillo Highway, Pescadero (San Mateo County) (APN 086-211-140)**

PROJECT DESCRIPTION  
(REVISED): (1) Demolition of an existing approximately 1,000-square-foot, 26-foot-high, A-frame house, (2) construction of a new 4,486-square-foot, 28-foot-high, two-story house with an attached 435-square-foot garage, (3) upgrade and expansion of an existing septic system, (4) widening and reorientation of the existing gravel driveway, and (5) removal of seven dead or diseased trees.

APPELLANT: **Committee for Green Foothills**

SUBSTANTIVE FILE  
DOCUMENTS: (1) San Mateo County File No. PLN 2005-00192; (2) *"Geotechnical Investigation for Proposed New Residence at the Christoffers Property,"* prepared by GeoForensics, Inc., dated August 2003; (3) *"Response to Coastal Board Review,"* prepared by GeoForensics, Inc., dated September 6, 2007; (4) *"Biological Assessment Report,"* prepared by Thomas Reid Associates, dated March 20, 2005.

**SUMMARY OF STAFF RECOMMENDATION *DE NOVO*:**  
**APPROVAL WITH CONDITIONS**

Staff recommends that the Commission approve with conditions the coastal development permit for the proposed project. Staff believes that as conditioned, the development as revised for purposes of the Commission's *de novo* hearing is consistent with the San Mateo County LCP.

For the purposes of *de novo* review by the Commission, the applicants submitted revised project plans that make changes to the proposed residential development as originally approved by the County. The project revisions were designed to address concerns raised in the appeal regarding visual impacts and geologic hazards by (1) reducing the size of the residence, and (2) siting the proposed new residence further landward from the bluff edge.

The revised project plans involve a reduction of the size of the proposed residence and attached garage by approximately 1,000 square feet to the currently proposed total of 4,921 square feet, to minimize potential visual impacts from the development. Additionally, the previously proposed 965-square-foot barn has been eliminated from the project.

Additionally, for purposes of *de novo* review, the applicants' geologist submitted a slope stability analysis that resulted in increasing the recommended bluff edge setback by an additional 25 feet from the identified 100-year slope stability setback line to provide an additional factor of safety to ensure protection from bluff retreat hazards. The applicants also submitted a visual impact and alternative siting analysis that included visual simulations from potential public viewing locations, including locations from within Bean Hollow State Beach and from Cabrillo Highway (Highway 1). Based on this additional information, the proposed revised project involve locating the new residence approximately 38 feet further landward from the bluff edge than the previously proposed development location to achieve an approximately 90-foot bluff edge setback to address geologic hazard and visual resource issues.

With regard to geologic hazards, staff believes that with the attachment of several special conditions, the proposed project is consistent with LCP policies requiring that development be set back to assure site stability, that new development neither create nor contribute significantly to erosion problems or geologic instability, and that prohibit new structures that would require the need for bluff protection work. As revised for *de novo* review, the proposed residence would be located well landward of the projected 100 year slope stability setback as determined by the applicants' geologist and reviewed by the Commission's staff geologist. Staff recommends that the Commission impose Special Condition Nos. 1, 2, 3, and 5, which would require (a) conformance to the revised site plan showing the further landward location of the proposed residence, (b) conformance of the design and construction plans to the geotechnical report, (c) no future bluff or

shoreline protective devices to protect the new residential development, and (d) applicant assumption of risk, and waiver of liability and indemnity.

With regard to visual resource issues, staff believes that with the attachment of several special conditions, the proposed project is consistent with LCP visual resource protection policies. The revised house location would site the residence in a manner such that it would be screened by the dense grove of existing trees located along the northern property boundary. In addition, the proposed residence would not result in adverse visual impacts as viewed from Cabrillo Highway due to the distance between the building site and the highway (approximately 400 feet) and because of the dense intervening forest vegetation and topography. Additionally, as revised, the 960-square-foot barn previously proposed to be located toward the eastern end of the property has been removed from the project, thereby further minimizing potential visual impacts of the proposed development as viewed from the highway. With regard to views from Bean Hollow State Park, the revised development location would tuck the residence further back into the existing grove of trees located along the northwestern property boundary such that the house would be well screened from public access locations within the State Beach. Additionally, because the revised development location would be setback an additional 38 feet from the bluff edge for a total setback of approximately 90 feet, the proposed new residence would not be visible from the shoreline below.

Staff also recommends that the Commission impose special conditions requiring that all existing visually screening trees be maintained in good condition throughout the life of the project, design restrictions regarding color, building materials and exterior lighting, the placement of utility extensions underground, and special conditions ensuring the protection of sensitive habitat and water quality.

As conditioned, staff believes that the development is consistent with the certified San Mateo County LCP and the public access and recreation policies of the Coastal Act.

**The Motion to adopt the Staff Recommendation of Approval is found at the bottom of page 3.**

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**I. STAFF RECOMMENDATION, MOTION, AND RESOLUTION ON DE NOVO:**

**Motion:**

I move that the Commission approve Coastal Development Permit No. A-2-SMC-07-026 subject to conditions.

**Recommendation of Approval:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**Resolution to Approve Permit:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on the grounds that the development as conditioned will be in conformity with the certified San Mateo County LCP and the public access policies of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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**Staff Notes:**

**1. Procedure**

On July 12, 2007, the Coastal Commission found that the appeal of San Mateo County's conditional approval of a coastal development permit (PLN 2005-00192) for the subject development raised a substantial issue with respect to the grounds on which the appeal had been filed, pursuant to Section 30625 of the Coastal Act and Section 13115 of Title 14 of the California Code of Regulations. As a result, the County's approval is no longer effective, and the Commission must consider the merits of the project with the LCP *de novo*. The Commission may approve, approve with conditions (including conditions different than those imposed by the County), or deny the application. Since the proposed project is within an area for which the Commission has certified a Local Coastal Program and includes area between the first through public road and the sea, the applicable standard of review for the Commission to consider is whether the development is consistent with San Mateo County's certified Local Coastal Program (LCP) and the public access and recreation policies of the Coastal Act. Testimony may be taken from all interested persons at the *de novo* hearing.

**2. Amended Project Description Submitted by Applicant for de novo Review**

For the purposes of *de novo* review by the Commission, the applicants submitted revised project plans dated May 2009 that make changes to the proposed residential development as originally approved by the County. The project revisions were designed to address concerns raised in the appeal regarding visual impacts and geologic hazards by (1) reducing the size of the residence, and (2) siting the proposed new residence further

landward from the bluff edge. These changes are described in detail in Finding IV.1(b). The amended project description and supporting information address issues raised by the appeal where applicable, and provides additional information concerning the amended project proposal that was not a part of the record when the County originally acted to approve the coastal development permit.

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## **II. STANDARD CONDITIONS:**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director of the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## **III. SPECIAL CONDITIONS:**

### **1. Conformance to Project Plans**

The permittee shall locate development in accordance with the proposed site plan (Sheet A2.0) prepared by Jonathan Jang, Architect entitled "*Site Plan Showing House Location "B" (Shifted Inland from Original County Approved Location) with Decreased Square Footage,*" (undated) and included as Exhibit No. 2. Any proposed changes to the site plan shall be reported to the Executive Director. No changes to the site plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**2. Conformance of the Design and Construction Plans to the Geotechnical Investigation Report**

All final design and construction plans shall be consistent with the recommendations contained in the Geotechnical Investigation report dated August 2003 prepared by GeoForensics, Inc. pertaining to: Site Preparation and Grading, Foundations, Retaining Walls, Slabs-on-Grade, Drainage, and Utility Lines. The Permittee shall undertake development in accordance with the specified geotechnical recommendations.

**3. No Future Bluff or Shoreline Protective Device**

- A. By acceptance of this permit, the applicants agree, on behalf of themselves and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. A-2-SMC-07-026, including, but not limited to, the residence with the attached garage, foundations, patio and bbq area, well, septic system, and driveway in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, ground subsidence or other natural hazards in the future.
- B. By acceptance of this Permit, the applicants further agree, on behalf of themselves and all successors and assigns, that the landowner shall remove the development authorized by this permit, including the residence with the attached garage, septic system, and driveway if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.
- C. In the event the edge of the bluff recedes to within 10 feet of the principal residence but no government agency has ordered that the structures not be occupied, a geotechnical investigation shall be prepared by a licensed geologist or civil engineer with coastal experience retained by the applicant, that addresses whether any portions of the residence are threatened by wave, erosion, storm conditions, or other natural hazards. The report shall identify all those immediate or potential future measures that could stabilize the principal residence without shore or bluff protection, including but not limited to removal or relocation of portions of the residence. The report shall be submitted to the Executive Director and the appropriate local government official. If the geotechnical report concludes that the residence or any portion of the residence is unsafe for occupancy, the permittee shall, within 90 days of submitting the report, apply for

a coastal development permit amendment to remedy the hazard which shall include removal of the threatened portion of the structure.

**4. Deed Restriction**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

**5. Assumption of Risk, Waiver of Liability and Indemnity**

By acceptance of this permit, the applicants acknowledge and agree: (i) that the site may be subject to hazards from landslide, bluff retreat, erosion, subsidence, and earth movement; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

**6. Maintenance of Existing Screening Trees**

All of the existing trees located (1) between the proposed house and attached garage and the northwest boundary of the parcel, and (2) along the eastern boundary of the parcel shall be maintained in healthy condition throughout the life of the project. If any of these existing trees die, become decadent, rotten, or weakened by decay or disease, or are removed for any reason, they shall be replaced no later than May 1<sup>st</sup> of the next spring season in-kind or with another native species common to the coastal San Mateo County area that will grow to a similar or greater height. All proposed plantings shall be obtained from local genetic stocks within San Mateo County. If documentation is provided to the Executive Director that demonstrates that native vegetation from local

genetic stock is not available, native vegetation obtained from genetic stock outside the local area, but from within the adjacent region of the floristic province, may be used.

**7. Design Restrictions**

- A. All exterior siding and roofing of the proposed residence and attached garage shall be composed of deep earth hues such as dark browns, greens and rusts. The current owner or any future owner shall not repaint or stain the house or other approved structures with products that will lighten the color of the house or other approved structures without an amendment to this permit. In addition, all exterior materials, including roofs and windows, shall be non-reflective to minimize glare;
- B. All exterior lights, including any lights attached to the outside of the residence, shall be the minimum necessary for the safe ingress and egress of the residence, and shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will shine beyond the boundaries of the subject parcel; and
- C. All utilities serving the proposed development shall be placed underground.

**8. California Red-Legged Frog and San Francisco Garter Snake Avoidance Measures**

The following avoidance measures shall be implemented:

- A. No more than two-weeks prior to the commencement of any earth-moving activities on the site, a qualified biologist or biological monitor, approved by the U.S. Fish and Wildlife Service and the California Department of Fish and Game, shall establish wildlife exclusion fences surrounding the entire building envelope, staging area, and anywhere the ground will be disturbed. A gate shall be installed to allow entrance/exit of construction vehicles and staff as needed, but it shall remain closed at all other times and overnight. Fencing shall be a minimum of 36 inches above ground level and buried 4-6 inches into the ground. Fencing shall have one-way escape funnels and shall remain intact for the entire duration of development activities. Fencing shall be made of plywood or another solid material. Erosion mesh netting is prohibited. Fencing shall be inspected for any breaks or other malfunctions once per week by biological monitors during all phases of construction activity. Upon completion of the proposed project all traces of fencing should be removed and properly disposed of off-site.
- B. If applicable, after the establishment of fencing but prior to the start of any earth-moving activities, grass and vegetation within this area shall be removed via belt driven weedwacker to a two- to four-inch height.



- C. Immediately after grass clipping, the approved biological monitor shall perform pre-construction surveys of the area to determine if the California red-legged frog or San Francisco garter snake occur in or adjacent to the wildlife exclusion fencing. If any listed species are found, before any earth-moving activities may commence, the permittee shall consult with U.S. Fish & Wildlife Service to establish any additional avoidance measures designed to avoid take of these species. Pre-construction surveys shall be performed again immediately prior to the commencement of earth-moving activities to ensure the area is clear.
- D. Prior to the start of any earth-moving activities on the site, the approved biologist shall conduct a worker education program. All workers, including, but not limited to earth-moving heavy equipment operators, shall be informed of the potential presence of the California red-legged frog or San Francisco garter snake, their protected status, work boundaries, and measures to be implemented to avoid the incidental take of frogs and/or snakes.
- E. If California red-legged frog or San Francisco garter snakes are observed before or during construction activities, all development activities shall cease until the applicant has consulted with the U.S. Fish & Wildlife Service to establish any additional avoidance measures designed to avoid take of these species. Under no circumstances shall anyone but a CDFG or USFWS approved biologist be allowed to handle these species.
- F. During construction, all holes shall be covered at the end of each day to prevent California red-legged frog or San Francisco garter snake from taking cover in holes on the construction site;
- G. Food and food-related trash items associated with construction works shall be enclosed in sealed containers and regularly removed from the project site to deter potential predators of California red-legged frog or San Francisco garter snake;
- H. Pets shall not be permitted on the construction site; and
- I. All staging areas and all fueling and maintenance of vehicles and other equipment shall take place at least 100 feet from any wetland and riparian areas.

**9. Nesting Raptor Avoidance Measures**

The following avoidance measures shall be implemented:

- A. Tree removal shall be conducted outside of the nesting season, which is from March 1 to August 31, if possible.
- B. If tree removal must occur during the nesting season, a pre-construction survey shall be conducted no more than 14 days prior to the commencement of tree removal by a qualified biologist with the ability to identify sensitive raptor species

under a variety of field conditions in order to determine if sensitive raptor species are nesting in trees proposed for removal, or within 250 feet of the building envelope established pursuant to Special Condition No. 1. If pre-construction surveys identify nesting of sensitive raptor species, all tree removal and project construction shall cease until the young have fledged and are not nesting in the area for thirty (30) continuous days.

- C. If no indications of nesting sensitive raptor species are found during the initial survey, no additional surveys or mitigation is required, provided the tree removal and project construction commences within 14 days of completion of the survey, and provided the project does not extend into the commencement of the nesting season of the sensitive avian species;
- D. If more than 14 days have passed since completion of the initial survey and work has not commenced, or if it is determined that work will extend past the commencement of the nesting season, a new survey shall be conducted.

**10. Best Management Practices and Construction Responsibilities**

The permittee shall comply with the following construction-related requirements:

- A. All debris resulting from demolition and construction activities shall be removed and disposed of at an authorized disposal site;
- B. Temporary sediment control Best Management Practices (BMPs) such as straw bales, fiber rolls, or silt fencing shall be installed prior to, and maintained throughout, the construction period to intercept and slow or detain runoff from the construction, staging, and storage/stockpile areas, allow entrained sediment and other pollutants to settle and be removed, and prevent discharge of sediment and pollutants toward the bluff edge. When no longer required, the temporary sediment control BMPs shall be removed.

Fiber rolls shall be 100% biodegradable, and shall be bound with non-plastic biodegradable netting such as jute, sisal, or coir fiber; photodegradable plastic netting is not an acceptable alternative. Rope used to secure fiber rolls shall also be biodegradable, such as sisal or manila.

- C. On-site vegetation shall be maintained to the maximum extent possible during construction activities;
- D. Any disturbed areas shall be replanted or seeded as soon as feasible following completion of construction of the residence, garage, utility connections, septic system upgrades, and driveway improvements, but in any event no later than May 1<sup>st</sup> of the next spring season. No plant species listed as problematic and/or

- invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or by the State of California shall be employed or allowed to naturalize or persist at the site of the proposed demolition. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property;
- E. All on-site stockpiles of construction materials and debris shall be covered and contained at all times to prevent polluted water runoff;
  - F. The canopy and root zones of existing living trees on site shall be protected through temporary fencing or screening during construction; and
  - G. All grading activity shall be limited to the dry season between April 15<sup>th</sup> and October 31<sup>st</sup>.

**11. Conditions Imposed By Local Government**

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act.

**IV. FINDINGS AND DECLARATIONS**

**1. Project and Site Description**

**a. Site Description**

The project site is a 2.6-acre bluff top parcel located at 10721 Cabrillo Highway (Highway 1), in the unincorporated Bean Hollow area of rural southern San Mateo County within a designated Scenic Corridor. The property is zoned RM-CZ (Resource Management-Coastal Zone). Residential uses are a conditionally permitted use in this zoning district. The site is bounded by rural residential development to the south, Bean Hollow State Beach to the north, a coastal bluff to the west, and Cabrillo Highway to the east. (See Exhibit Nos. 1, 2, & 5.)

The site slopes gently from east to west, with an average slope of 5% from the highway to the top of the coastal bluffs. The bluffs are approximately 25 feet high and have a slope ranging from 2:1 to a near vertical face.

Vegetation at the site is dominated by non-native plant species, including ice plant, myoporum, cut-leaf plantain, English plantain, geranium, and sheep sorrel. Some native plants interspersed at the site include Miner's lettuce, bush lupine, California aster, beach strawberry, and snakeroot.

Monterey Pines and Monterey Cypress trees are growing throughout the property, including a row of Monterey cypress trees growing along the north and south sides of the existing home. According to the applicant, numerous additional trees have recently been planted at the site, including 23 Monterey cypress trees along the northern property boundary, 6 trees along the eastern property boundary, and some additional pines planted throughout the property. One California wax myrtle is growing along the northern property boundary. A tree survey was completed by McClenahan Consulting in March of 2004. A total of 25 Monterey cypress trees and 26 Monterey pine trees were documented on the property. The survey recommended the removal of seven cypress and three pine trees. Reasons for removing these trees include dead (2), fallen (3), severe breakage (2), and irreversible decline (3).

The site is currently developed with an approximately 1,000-square-foot A-frame house situated approximately 60-feet from the edge of the coastal bluff. There is an existing detached garage located off the southeast corner of the house. An existing gravel driveway leads from Cabrillo Highway to the existing garage (see Exhibit No. 2).

**b. Project Description**

For the purposes of *de novo* review by the Commission, the applicants submitted revised project plans dated May 2009 that make changes to the proposed residential development as originally approved by the County. The project revisions were designed to address concerns raised in the appeal regarding visual impacts and geologic hazards by (1) reducing the size of the residence, and (2) siting the proposed new residence further landward from the bluff edge. (See Exhibit Nos. 2.)

The proposed project as revised for purposes of *de novo* involves demolition of the existing approximately 1,000-square-foot, 26-foot-high, A-frame house and construction of a new 4,486-square-foot, 28-foot-high, two-story house with an attached 435-square-foot garage. The proposed residence and garage have been reduced by approximately 1,000 square feet from the previously proposed total of 5,936 square feet to the currently proposed total of 4,921 square feet. Additionally, the previously proposed 960-square-foot barn has been removed from the project.

According to the applicant, the existing residence was built in 1960 without a foundation and thus, is structurally unsound and must be torn down. The proposed new house location is sited further landward of the existing A-frame house proposed to be removed and would be located approximately 90 feet from the edge of the coastal bluff.

The proposed new residence would be served by an existing well. An existing 200-square-foot utility shed located adjacent to the existing well would remain on the parcel. The proposed project also includes the upgrade and expansion of an existing septic system to accommodate the new, larger residence. Some minor widening and reorientation of the existing driveway is also proposed to provide access to the new

house. Lastly, the proposed development includes the removal of seven dead or diseased trees, including two trees along the northern property boundary, three trees along the southern property boundary, and two trees within the driveway turnaround (shown as #6, #8, #10, #13, #14, #35, and #40 on the site plan included as Exhibit No. 2). The applicant estimates that preparation of the new foundation and improvements to the driveway would result in approximately 26 cubic yards of grading.

## **2. Geologic Hazards**

### **LCP Policies and Standards:**

LUP Policy 9.7 (Definition of Coastal Bluff or Cliff) states:

*Define coastal bluff or cliff as a scarp or steep face of rock, decomposed rock, sediment or soil resulting from erosion, faulting, folding or excavation of the land mass and exceeding 10 feet in height.*

LUP Policy 9.8 (Regulation of Development on Coastal Bluff Tops) states:

- a. Permit bluff and cliff top development only if design and setback provisions are adequate to assure stability and structural integrity for the expected economic life span of the development (at least 50 years) and if the development (including storm runoff, foot traffic, grading, irrigation, and septic tanks) will neither create nor contribute significantly to erosion problems or geologic instability of the site or surrounding area.*
- b. Require the submittal of a site stability evaluation report for an area of stability demonstration prepared by a soils engineer or a certified engineering geologist, as appropriate, acting within their areas of expertise, based on an on-site evaluation. The report shall consider:*
  - (1) Historic, current and foreseeable cliff erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs where available, and possible changes in shore configuration and transport.*
  - (2) Cliff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site and the proposed development.*
  - (3) Geologic conditions, including soil, sediment and rock types and characteristics in addition to structural features such as bedding, joints, and faults.*

- (4) Evidence of past or potential landslide conditions, the implications of such conditions for the proposed development, and the potential effects of the development on landslide activity.*
- (5) Wave and tidal action, including effects of marine erosion on seacliffs.*
- (6) Ground and surface water conditions and variations, including hydrologic changes caused by the development (e.g., introduction of sewage effluent and irrigation water to the groundwater system; alterations in surface drainage).*
- (7) Potential effects of seismic forces resulting from a maximum credible earthquake.*
- (8) Effects of the proposed development including siting and design of structures, septic system, landscaping, drainage, and grading, and impacts of construction activity on the stability of the site and adjacent area.*
- (9) Any other factors that may affect slope stability.*
- (10) Potential erodibility of site and mitigating measures to be used to ensure minimized erosion problems during and after construction (i.e., landscaping and drainage design).*
- c. The area of demonstration of stability includes the base, face, and top of all bluffs and cliffs. The extent of the bluff top considered should include the area between the face of the bluff and a line described on the bluff top by the intersection of a plane inclined a 201 angle from the horizontal passing through the toe of the bluff or cliff, or 50 feet inland from the edge of the cliff or bluff, whichever is greater.*
- d. Prohibit land divisions or new structures that would require the need for bluff protection work. [emphasis added]*

### Discussion

As described above, the proposed development involves the demolition of an existing residence and construction of a new 4,486-square-foot house with an attached garage on a 2.6-acre bluff-top parcel. The site slopes gently from east to west, with an average slope of 5% from the highway to the top of the coastal bluff. The bluff at the site is approximately 25 feet high and has a slope ranging from 2:1 to a near vertical face.

LUP Policy 9.8 permits bluff-top development only if it is designed and setback an appropriate distance from the bluff edge to assure that it is stable for the expected 50-year

economic life span of the development, as determined by a site stability evaluation report. Additionally, this policy requires that the development neither create nor contribute significantly to erosion or geologic instability, and prohibits new structures that would require the need for bluff protection work.

GeoForensics, Inc. conducted a geotechnical investigation for the subject site dated August 2003 that involved a reconnaissance of the site, review of aerial photographs, subsurface exploration, and specific development recommendations. This report concluded that the proposed residential development could be constructed safely, and that the geotechnical development of the site is controlled by the presence of gentle slopes and non-expansive soils, so the house foundations may consist of conventional spread footings. The report also concluded that erosion of the ocean bluffs must be anticipated, and that development should be placed behind a 50-year set back line to limit the potential for damage to the development. Figure 5 of the 2003 report depicts this 50-year bluff retreat setback line, which varies from 0-feet from the bluff edge on the northern and southern sides of the lot, to approximately 50-feet at its widest point. As originally proposed and approved by the County, the new residence was proposed to be located generally within the same footprint of the existing house, approximately 60-feet from the bluff edge and behind the 50-year setback line described above.

However, notwithstanding the conclusions of the August 2003 geotechnical investigation, the methodology used to determine the 50-year setback line to ensure that the development is set back an appropriate distance from the bluff edge must also be considered. GeoForensics analyzed historical aerial photos of the site to estimate the historic rate of bluff retreat. This analysis predicted a retreat line that follows the existing points in the bluff and retreats back in a southeasterly fashion. The Commission's staff geologist reviewed this analysis and opined that it would be unusual for the bluff to retreat in this manner, as erosion often attacks the points in the bluffs rather than the coves, so the points would erode in a faster manner. In addition, this retreat line implies a prediction that the bluff edge will not retreat perpendicular to the shoreline. This is highly unusual based on Commission staff's experience with coastal erosion, and during its review of the Substantial Issue portion of the appeal, the Commission found that additional evidence, including a slope stability analysis, was necessary to substantiate that this retreat line and development setback line is sufficient.

Slope stability is a measure of the resistance of a slope to land sliding, and is assessed by a quantitative slope stability analysis. In such an analysis, the forces resisting a potential landslide are first determined. These are essentially the strength of the rocks or soils making up the bluff. Next, the forces driving a potential landslide are determined. These forces are the weight of the rocks as projected along a potential slide surface. The resisting forces are divided by the driving forces to determine the "factor of safety." The process involves determining a setback from the bluff edge where a factor of safety of 1.5 is achieved. The Commission generally defines "stable" with respect to slope stability as a minimum factor of safety of 1.5 against landsliding.

Accordingly, for purposes of the Commission's de novo review, the applicants submitted a supplemental analysis prepared by GeoForensics, Inc. dated September 6, 2007 that provides a slope stability analysis and additional bluff setback information. Although LUP Policy 9.8 defines the expected economic life span of the development to be "at least 50 years," the additional geologic analysis provided by the applicants' geologist for purposes of de novo review considered a 100-year economic lifespan of the proposed development. The supplemental analysis concludes that the factor of safety of 1.5 for static conditions is achieved at a horizontal distance of approximately 25 feet from the crest of the bluff. In order to address the appropriate setback for the residence, the analysis indicates that the previously determined 50-year projected bluff-top retreat line was doubled to achieve a 100-year projected bluff retreat line. The analysis states, "*Due to the geologically controlled erosion occurring at the southern end of the property, we have presented the idealized retreat line as a compound line with two moving fronts, one for the severe southern erosion, and another for the more generalized northern erosional fronts.*"

The analysis further indicates that when the projected bluff retreat line calculated from the slope stability analysis was plotted on the site plan, it was determined that a small portion of the originally proposed footprint of the house would fall within the setback area. In the September 7, 2007 supplemental geologic analysis, the applicants' geologist recommends addressing this setback encroachment by deepening the front foundations to a minimum depth of 36 inches below existing grades in order to provide the residence with a minimum 1.5 factor of safety for static conditions and 1.1 factor of safety for seismic conditions.

#### Revised Project Plans

Subsequent to preparation and submittal of the September 7, 2007 supplemental geologic analysis, the applicants submitted revised project plans dated May 2009 that involve relocating the proposed residence approximately 38 feet further westward than the originally proposed location that was analyzed in the supplemental geologic report dated September 7, 2007. Therefore, as revised on the project plans dated May 2009, the proposed new residence would be located approximately 90 feet from the edge of the bluff and all portions of the proposed development would be located well landward of the 100-year slope stability setback described above (see Exhibit No. 2). The applicants submitted a letter dated May 13, 2009 prepared by GeoForensics, Inc. in response to the proposed revised house location, which states:

"The new location for the proposed house is approximately 38 feet further away from the coastal bluff top than the previously planned location. The entire proposed house is now well outside of the projected 100 Year Slope Stability Line. This new location would also accommodate a projected 250 Year Retreat Setback Line."



The Commission's staff geologist reviewed the supplemental geotechnical analysis submitted by the applicants' geologist and determined that the proposed bluff retreat rate, setback, and other recommendations were reasonable. To ensure that the proposed residence is developed consistent with the geotechnical bluff setback as proposed, the Commission attaches Special Condition No. 1, which requires that the proposed development be located in accordance with the proposed revised site plan showing the residence located landward of the 100 year slope stability setback line and included as Exhibit No. 2 (Sheet A2.0 prepared by Jonathan Jang, Architect entitled "*Site Plan Showing House Location "B" Shifted Inland from Original County Approved Location with Decreased Square Footage.*") Special Condition No. 1 further requires that any proposed changes to the site plan shall be reported to the Executive Director and no changes to the site plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

The 2003 GeoForensics geotechnical report prepared for the site sets forth detailed recommendations regarding site grading, foundation support, seismic design criteria, and site drainage to address potential settlement, strong seismic shaking, and the impact of construction of the stability of the site and its ability to support the development. Special Condition No. 2 requires that the final construction plans for the residence adhere to the design recommendations specified in the geotechnical report, and that development is constructed consistent with these recommendations.

Therefore, the Commission finds that as conditioned, the design and setback provisions are adequate to assure stability and structural integrity for the expected economic life span of the development and the development will neither create nor contribute significantly to erosion problems or geologic instability of the site or surrounding area consistent with LUP Policy 9.8.

Based upon the geologic information prepared by GeoForensics, Inc. and the evaluation of the project by the Commission's staff geologist, the Commission finds that the risks of geologic hazard would be minimized if the residence is set back approximately 90 feet from the bluff edge as proposed, and if the design and construction recommendations discussed above are implemented. Although a comprehensive geotechnical evaluation is a necessary and useful tool that the Commission relies on to determine if proposed development is permissible at all on any given bluff top site, the Commission finds that a geotechnical evaluation alone is not a guarantee that a development will be safe from bluff retreat. It has been the experience of the Commission that in some instances, even when a thorough professional geotechnical analysis of a site has concluded that a proposed development will be safe from bluff retreat hazards, unexpected bluff retreat episodes that threaten development during the life of the structure sometimes still do occur. Site-specific geotechnical evaluations cannot always accurately account for the

spatial and temporal variability associated with coastal processes and therefore, cannot always absolutely predict bluff erosion rates.

The GeoForensics, Inc. geotechnical investigation report states that their geologic and engineering services and review of the proposed amended development was performed in accordance with the usual and current standards of the profession, as they relate to this and similar localities and specifically states, *"We make no other warranty, expressed or implied. By utilizing the design recommendations within this report, the addressee acknowledges and accepts the risks and limitations of development at the site, as outlined within the report."* This language in the report itself is indicative of the underlying uncertainties of this and any geotechnical evaluation and supports the notion that no guarantees can be made regarding the safety of the proposed development with respect to bluff retreat.

Therefore, the Commission finds that the subject parcel is an inherently hazardous piece of property, that the bluffs are eroding, and that the proposed new development will be subject to geologic hazards and could potentially someday require a bluff or shoreline protective device.

LUP Policy 9.8(d) prohibits the development of new structures that would require the need for bluff protection work. The Commission finds that the proposed development could not be approved as being consistent with LUP Policy 9.8(d) if projected bluff retreat would affect the proposed development and necessitate construction of a seawall to protect it. Therefore, the Commission attaches Special Condition No. 3, which indicates that by acceptance of the permit amendment, the applicants agree that no bluff or shoreline protective devices shall ever be constructed to protect the proposed development.

In addition, some risks of an unforeseen natural disaster, such as an unexpected landslide, massive slope failure, erosion, etc. could result in destruction or partial destruction of the house, or other development approved by the Commission. Furthermore, the proposed development itself and its maintenance may cause future problems that were not anticipated. When such an event takes place, public funds are often sought for the cleanup of structural debris that winds up on the beach or on an adjacent property. As a precaution, in case such an unexpected event occurs on the subject property, Special Condition No. 3 further requires the landowner to accept sole responsibility for the removal of any structural debris resulting from landslides, slope failures, or erosion on the site, and agree to remove the house should the bluff retreat reach the point where a government agency has ordered that the structure not be occupied.

The Commission also attaches Special Condition No. 4, which requires the applicants to record a deed restriction for the amended project, to impose the special conditions of the permit amendment as covenants, conditions and restrictions on the use and enjoyment of the property. This special condition is required, in part, to ensure that the development is consistent with the LCP and to provide notice of potential hazards of the property and

help eliminate false expectations on the part of potential buyers of the property, lending institutions, and insurance agencies that the property is safe for an indefinite period of time and for further development indefinitely into the future, or that a protective device could be constructed to protect the approved development.

Additionally, the Commission attaches Special Condition No. 5, which requires the landowner to assume the risks of extraordinary erosion and geologic hazards of the property and waive any claim of liability on the part of the Commission. Given that the applicants have chosen to implement the proposed project despite these risks, the applicants must assume the risks. In this way, the applicants are notified that the Commission is not liable for damage as a result of approving the proposed development. The condition also requires the applicants to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the proposed development to withstand hazards. In addition, the requirement of Special Condition No. 4 that a deed restriction be recorded will ensure that future owners of the property will be informed of the risks, the Commission's immunity from liability, and the indemnity afforded the Commission.

Therefore, the Commission finds that the proposed project is consistent with the provisions of LUP Policy 9.8 because (a) the proposed project site will be stable over the life of the project, (b) the development neither creates nor contributes significantly to erosion problems or geologic instability, and (c) and the new structure would not require the need for bluff protection work.

### **3. Visual Resources**

#### **LCP Policies and Standards:**

LUP Policy 8.4 (Cliffs and Bluffs) states:

- a. Prohibit development on bluff faces except public access stairways where deemed necessary and erosion control structures which are in conformity with coastal policies on access and erosion.*
- b. Set back bluff top development and landscaping from the bluff edge (i.e., decks, patios, structures, trees, shrubs, etc.) sufficiently far to ensure it is not visually obtrusive when viewed from the shoreline except in highly developed areas where adjoining development is nearer the bluff edge, or in special cases where a public facility is required to serve the public safety, health, and welfare.*

LUP Policy 8.5 (Location of Development) states:

- a. Require that new development be located on a portion of a parcel where the development (1) is least visible from State and County Scenic Roads, (2) is*

*least likely to significantly impact views from public viewpoints, and (3) is consistent with all other LCP requirements, best preserves the visual and open space qualities of the parcel overall. Where conflicts in complying with this requirement occur, resolve them in a manner which on balance most protects significant coastal resources on the parcel, consistent with Coastal Act Section 30007.5.*

*Public viewpoints include, but are not limited to, coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches... This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation on the parcel. In such cases, agricultural development shall use appropriate building materials, colors, landscaping and screening to eliminate or minimize the visual impact of the development.*

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

LUP Policy 8.9 (Trees) states:

- a. Locate and design new development to minimize tree removal.*
- b. Employ the regulations of the Significant Tree Ordinance to protect significant trees (38 inches or more in circumference) which are located in urban areas zoned Design Review (DR).*
- c. Employ the regulations of the Heritage Tree Ordinance to protect unique trees which meet specific size and locational requirements.*
- d. Protect trees specifically selected for their visual prominence and their important scenic or scientific qualities.*
- e. Prohibit the removal of trees in scenic corridors except by selective harvesting which protects the existing visual resource from harmful impacts or by other cutting methods necessary for development approved in compliance with LCP policies and for opening up the display of important views from public places, i.e., vista points, roadways, trails, etc.*
- f. Prohibit the removal of living trees in the Coastal Zone with a trunk circumference of more than 55 inches measured 4 1/2 feet above the average surface of the ground, except as may be permitted for development under the regulations of the LCP, or permitted under the Timber Harvesting Ordinance, or for reason of danger to life or property.*
- g. Allow the removal of trees which are a threat to public health, safety, and welfare.*

LUP Policy 8.10 (Vegetative Cover) states:

*(with the exception of crops grown for commercial purposes)  
Replace vegetation removed during construction with plant materials (trees, shrubs, ground cover) which are compatible with surrounding vegetation and is suitable to the climate, soil, and ecological characteristics of the area.*

LUP Policy 8.15 (Coastal Views) states:

*Prevent development (including buildings, structures, fences, unnatural obstructions, signs, and landscaping) from substantially blocking views to or along the shoreline from coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches.*

LUP Policy 8.16 (Landscaping) states:

- a. Use plant materials to integrate the manmade and natural environments and to soften the visual impact of new development.*
- b. Protect existing desirable vegetation. Encourage, where feasible, that new planting be common to the area.*

LUP Policy 8.18 (Development Design) states:

- a. Require that development (1) blend with and be subordinate to the environment and the character of the area where located, and (2) be as unobtrusive as possible and not detract from the natural, open space or visual qualities of the area, including but not limited to siting, design, layout, size, height, shape, materials, colors, access and landscaping.  
The colors of exterior materials shall harmonize with the predominant earth and vegetative colors of the site. Materials and colors shall absorb light and minimize reflection. Exterior lighting shall be limited to the minimum necessary for safety. All lighting, exterior and interior, must be placed, designed and shielded so as to confine direct rays to the parcel where the lighting is located.  
Except for the requirement to minimize reflection, agricultural development shall be exempt from this provision. Greenhouse development shall be designed to minimize visual obtrusiveness and avoid detracting from the natural characteristics of the site.*
- b. Require screening to minimize the visibility of development from scenic roads and other public viewpoints. Screening shall be by vegetation or other materials which are native to the area or blend with the natural environment and character of the site.*

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

LUP Policy 8.19 (Colors and Materials) states:

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

LUP Policy 8.20 (Scale) states:

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

LUP Policy 8.23 (Utilities in County Scenic Corridors) states:

- a. Install new distribution lines underground, except as provided in b.*
- b. For all development, exceptions may be approved by the Planning Commission when: (1) it is not physically practicable due to topographic features, (2) there are agricultural land use conflicts or (3) development is for farm labor housing. In addition, for building permits, exceptions may be approved by the Planning Commission for financial hardships. In each case, however, utilities shall not be substantially visible from any public road or developed public trail.*

LUP Policy 8.29 (State Scenic Roads and Corridors) states:

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

LUP Policy 8.31 (Regulation of Scenic Corridors in Rural Areas) states:

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

- f. Continue applying special regulations for the Skyline Boulevard and Cabrillo Highway State Scenic Corridors.*
- g. Enforce specific regulations of the Timber Harvest Ordinance which prohibits the removal of more than 50% of timber volume in scenic corridors.*

Section 6324.2 (Site Design Criteria) of the certified zoning regulations for the Resource Management District states:

- (a) Development shall be located, sited and designed to carefully fit its environment so that its presence is subordinate to the pre-existing character of the site and its surrounding is maintained to the maximum extent practicable.*
- (b) All roads, buildings and other structural improvements or land coverage shall be located, sited and designed to fit the natural topography and shall minimize grading and modification of existing land forms and natural characteristics.*  
*Primary Designated Landscape Features defined in the Open Space and Conservation Elements of the San Mateo County General Plan shall not be damaged.*
- (c) Small, separate parking areas are preferred to single large parking lots.*
- (d) No use, development or alteration shall: 1) create uniform, geometrically terraced building sites which are contrary to the natural land forms; 2) substantially detract from the scenic and visual quality of the County; or 3) substantially detract from the natural characteristics of existing major water courses, established and mature trees and other woody vegetation, dominant vegetative communities or primary wildlife habitats.*
- (e) All development shall be sited and designed to minimize the impacts of noise, light, glare and odors on adjacent properties and the community-at-large.*
- (f) The applicant shall demonstrate that the development will not contribute to the instability of the parcel or adjoining lands and that all structural proposals including excavation, and proposed roads and other pavement have adequately compensated for adverse soil engineering characteristics and other subsurface conditions...*
- (h) The development shall employ colors and materials which blend in with, rather than contrast with, the surrounding soil and vegetative cover of the site. In forested areas, all exterior construction materials shall be of deep earth hues such as dark browns, greens and rusts. Materials shall absorb light (i.e., dark, rough textured materials). Exterior lighting shall be minimized, and earth-tone colors of lights used (e.g., yellow, brown toned lights, rather than blue toned fluorescents). In grassland, or grassland/forest areas, all exterior materials shall be of the same earth and vegetative tones as the predominant colors of the site (as determined by on-site inspections). Highly reflective surfaces and colors are discouraged.*
- (i) Wherever possible, vegetation removed during construction shall be replaced.*

*Vegetation for the stabilization of graded areas or for replacement of existing vegetation shall be selected and located to be compatible with surrounding vegetation, and should recognize climatic, soil and ecological characteristics of the region.*

- (j) Removal of living trees with trunk circumference of more than 55 inches measured 4-1/2 feet above the average surface of the ground is prohibited, except as may be required for development permitted under this Ordinance, or permitted under the timber harvesting ordinance, or for reason of actual or potential danger to life or property.*

Section 6325.1 (Primary Scenic Resources Areas Criteria States):

*The following criteria shall apply within Scenic Corridors and other Primary Scenic*

*Resources Areas as defined or designated in the Open Space and Conservation Element of the San Mateo County General Plan:*

- (a) Public views within and from Scenic Corridors shall be protected and enhanced, and development shall not be allowed to significantly obscure, detract from, or negatively affect the quality of these views. Vegetative screening or setbacks may be used to mitigate such impacts. Development visible from Scenic Corridors shall be so located and designed as to minimize interference with ridgeline silhouettes...*

- (g) Colors and plant materials shall be selected as necessary to minimize visual impact of development upon Scenic Corridors.*

Discussion

The project site is located on a bluff-top parcel within a designated Scenic Corridor in rural southern San Mateo County, adjacent to Bean Hollow State Beach. The site slopes gently from east to west, with an average slope of 5% from the highway to the top of the coastal bluffs. The bluffs are approximately 25 feet high and have a slope ranging from 2:1 to a near vertical face.

Monterey pines and Monterey cypress trees are growing throughout the property, including a row of Monterey cypress trees growing along the north and south sides of the existing home. A row of Monterey pines have been planted along the eastern fence line with some additional pines planted throughout the property. One California wax myrtle is growing along the northern property boundary.

As described above, for the purposes of *de novo* review by the Commission, the applicants submitted revised project plans dated May 2009 that make changes to the proposed residential development as originally approved by the County. The project revisions were designed to address concerns raised in the appeal regarding visual impacts



and geologic hazards by (1) reducing the size of the residence, and (2) siting the proposed new residence further landward from the bluff edge.

The proposed 26-foot-high residence and garage have been reduced by approximately 1,000 square feet from the previously proposed total of 5,936 square feet to the currently proposed total of 4,921 square feet to minimize potential visual impacts from the development. Additionally, the proposed new house location as revised is sited approximately 38 feet further landward than the originally proposed footprint to further minimize visual impacts of the development. As proposed, the new residence would be located approximately 90-feet from the edge of the coastal bluff. Additionally, as revised, the 960-square-foot barn previously proposed to be located toward the eastern end of the property has been removed from the project, thereby further minimizing potential visual impacts of the proposed development.

The proposed project also involves the removal of seven dead or diseased trees, including two trees along the northern property boundary, three trees along the southern property boundary, and two trees within the driveway turnaround (shown as #6, #8, #10, #13, #14, #35, and #40 on the site plan included as Exhibit No. 2).

LUP Policies 8.4, 8.5, and 8.15 require that development be located and designed so as to avoid obstruction of coastal views from the shoreline, and coastal roads and recreation areas. In addition, LUP Policy 8.18 requires that development blend with, and be subordinate to, the surrounding environment, and requires adequate screening when necessary to minimize the visibility of the development. Furthermore, LUP Policy 8.19 requires non-reflective colors and materials in new development that blend with the surrounding physical conditions of the site.

For purposes of de novo review by the Commission, the applicants submitted a visual impact and alternative siting analysis that considered three alternative locations (Locations “B”, “C”, and “D”) that would site the residence further landward from the previously proposed location (i.e., Location “A”). Additionally, photo-simulations from seven potential public viewing locations, including locations from within Bean Hollow State Beach and from along Cabrillo Highway, were prepared for each of the three alternative locations. Based on this analysis, the applicants subsequently submitted revised project plans, as described above, that locate the proposed new residence at alternative house site “B,” located approximately 38 feet further landward from the previously proposed location. This revised house location would site the residence in a manner such that it would be further screened by the dense grove of trees located along the northern property boundary. (See Exhibit Nos. 2 & 5.)

With regard to views from Cabrillo Highway, the proposed development as revised would not be visible due to the distance between the building site and the highway (approximately 400 feet) and because of the dense intervening forest vegetation. When

traveling southbound on Cabrillo Highway, the site is obstructed from view due to a small knoll on the Bean Hollow State Beach property to the north of the subject site.

With regard to views from Bean Hollow State Park, the revised development location would tuck the residence further back into the existing grove of trees located along the northwestern property boundary such that the house would be well screened from public access locations within the State Park. The proposed revised elevations show the height of the existing trees surrounding the development site as ranging in height from 19 feet to 55 feet relative to the proposed 28-foot-high residence (see Exhibit No. 3). Additionally, the recently planted trees along the northern and eastern property boundaries will serve to provide additional visual screening in the future. According to the applicant, these trees currently range in height from 8 to 18 feet and are in good health. Furthermore, because the revised development location would be setback an additional 38 feet from the bluff edge for a total setback of approximately 90 feet, the proposed new residence would not be visible from the shoreline below.

To ensure that the proposed new residence would be located on a portion of the parcel where the development would not significantly impact views from public viewpoints, or be visually obtrusive when viewed from the shoreline as required by LUP Policies 8.4 and 8.5, the Commission attaches Special Condition No. 1, which requires that the proposed development be located in "House Location B" as proposed. Special Condition No. 1 requires the applicant to adhere to the proposed revised site plan (Exhibit No. 2) showing the residence located landward of the existing A-frame house to be removed (Sheet A2.0 prepared by Jonathan Jang, Architect entitled "*Site Plan Showing House Location "B" Shifted Inland from Original County Approved Location with Decreased Square Footage*"). Special Condition No. 1 further requires that any proposed changes to the site plan shall be reported to the Executive Director and no changes to the site plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

As the existing trees are essential for providing screening of the proposed residence and ensuring that the development blends with, and is subordinate to, the environment and the character of the area as required by LUP Policy 8.18, the Commission finds that the health and maintenance of the existing screening trees must be maintained to provide on-going compliance with the visual resource protection policies of the LCP. Special Condition No. 6 requires that all trees located (1) between the proposed house and attached garage and the northwest boundary of the parcel, and (2) along the eastern boundary of the parcel be maintained in good condition throughout the life of the project, and prohibits limbing or pruning of the visually screening trees without a permit amendment. If any of the existing trees located (1) between the proposed house and attached garage and the northwest boundary of the parcel, and/or (2) along the eastern boundary of the parcel die, become decadent, rotten, or weakened by decay or disease, or are removed for any reason, they shall be replaced no later than May 1<sup>st</sup> of the next spring season in-kind or with another native species common to the coastal San Mateo County

area that will grow to a similar or greater height. All trees to be planted must be obtained from local genetic stocks and be native, non-invasive species. Additionally, Special Condition No. 10(C)&(D) require that on-site vegetation be maintained to the maximum extent possible during construction activities and any disturbed areas be replanted or seeded with native and/or non-invasive plant species as soon as feasible following completion of construction consistent with LUP Policy 8.10 and 8.16.

LUP Policies 8.18 and 8.19 require that colors of exterior materials shall harmonize with the predominant earth and vegetative colors of the site and require use of colors and materials that blend, rather than contrast, with the surrounding physical conditions of the site. The applicant proposes to utilize textured stucco plaster with siding in shades of beige and taupe with gray slate roofing. The Commission finds that due to the heavily wooded nature of the site, the proposed light-colored siding would contrast, rather than blend with, the dark forest tones that characterize the site and surrounding area in a manner that would be inconsistent with LUP Policies 8.18 and 8.19. Furthermore, Zoning Code Section 6324.2(h) specifically requires that in forested areas, all exterior construction materials shall be of deep earth hues such as dark browns, greens and rusts. Thus, given the forested nature of the site, the Commission finds that darker earth tone colors would ensure that the proposed residence blends with the surrounding area in a manner that would further minimize potential visual impacts. Therefore, the Commission attaches Special Condition No. 7(A), which requires that all exterior siding and visible exterior components be made of natural-appearing materials of dark earth tone colors only such as dark browns, greens and rusts. Special Condition No. 7(A) also requires that non-reflective building materials be used in the construction of the proposed residence to minimize glare. Additionally, Special Condition No. 7(B) & (C) requires that exterior lights be shielded and positioned in a manner that will not allow glare beyond the limits of the parcel and that all utility extensions be placed underground. As conditioned, the project is consistent with LUP Policies 8.18, 8.19, 8.23 and Zoning Code Section 6324.2.

The Commission finds that if the applicant or future owner(s) choose to change the materials or colors of the residence to brighter, non-earth tone colors or materials, the development may no longer blend with and be subordinate to the natural setting and may become increasingly visible from public vantage points. As discussed above, Special Condition No. 4 requires that the applicants record a deed restriction detailing the specific development authorized under the permit, identifying all applicable special conditions attached to the permit, and providing notice to future owners of the terms and limitations placed on the use of the property, including restrictions on colors, materials, and lighting. The condition will ensure that any future buyers of the property are made aware of the development restrictions on the site because the deed restriction will run with the land in perpetuity.

Lastly, the applicant estimates that preparation of the new foundation and improvements to the existing driveway would result in approximately 26 cubic yards of grading. Construction of the proposed residence would not involve significant grading or require

modification of existing landforms or natural characteristics consistent with the provisions of Zoning Code Section 6324.2(b).

Therefore, the Commission finds that as conditioned, the proposed development is consistent with the visual resources policies of the LCP, as the proposed development would (1) be sited and designed to protect coastal views from public areas, including Bean Hollow State Beach, Cabrillo Highway, and the shoreline, (2) blend with and be subordinate to the character of the surrounding area, (3) be subordinate to the character of its setting, (4) place power distribution lines underground, and (5) minimize grading and modification of natural landforms.

#### **4. Protection of Sensitive Habitat**

##### Summary of LCP Provisions

##### 7.1 Definition of Sensitive Habitats

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

*Sensitive habitat areas include, but are not limited to, riparian corridors, wetlands, marine habitats, sand dunes, sea cliffs, and habitats supporting rare, endangered, and unique species.*

##### 7.3 Protection of Sensitive Habitats

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

##### 7.36 San Francisco Garter Snake

*a. Prevent any development where there is known to be a riparian or wetland location for the San Francisco garter snake with the following exceptions:*

*(1) existing manmade impoundments smaller than one-half acre in surface, and  
(2) existing manmade impoundments greater than one-half acre in surface providing mitigation measures are taken to prevent disruption of no more than one half of the snakes known habitat in that location in accordance with recommendations from the State Department of Fish and Game.*

*b. Require developers to make sufficiently detailed analyses of any construction which could impair the potential or existing migration routes of the San Francisco garter snake. Such analyses will determine appropriate mitigation measures to be taken to provide for appropriate migration corridors.*

### Discussion

A biological assessment report was prepared for the subject site by Thomas Reid Associates dated March 20, 2005. According to the biological report, the subject site provides potential migration habitat for California red-legged frogs and San Francisco garter snakes. The site also provides potential nesting habitat for raptors.

#### **i. California red-legged frog**

The California red-legged frog (CRLF) is a California species of special concern and a federally listed threatened species. According to the biological report, several occurrences of CRLF are documented in the vicinity of the project area, including the closest occurrence being reported at Lake Lucerne, approximately 1,580 feet from the subject site. The report further states that although there are no wetland habitats on the property to support breeding habitat for this species, there is potential for CRLF to occur on site when disbursing between breeding pond habitats. For example, CRLF can move up to one mile over upland terrain when searching for wetland habitat.

In comments prepared by the Department of Fish and Game (DFG) dated March 9, 2006 on the biological report, the DFG concurred with the finding that although breeding habitat is not present at the site, the site does provide potential migration habitat for CRLF and San Francisco garter snakes (discussed below). The DFG states, “*The greatest potential for harm as a result of the proposal is to individual frogs or snakes that might be moving through the area.*” Due to the prolonged nature of the demolition and construction proposed at the site, the DFG recommends that the construction area be fenced to minimize potential adverse impacts to frogs that could be migrating through the site. Therefore, the Commission imposes Special Condition No. 8, which requires implementation of protection and avoidance measures, including, in part, that (1) exclusionary fencing be installed around the building envelope and staging areas, (2) surveys be conducted prior to any earth- moving work, and (3) a qualified biologist, approved by the U.S. Fish and Wildlife Service and California Department of Fish and

Game monitor all earth-moving activities for the presence of CRLF. The condition further requires that if CRLF are found on the site before or during construction activities, the applicant shall cease development and implement U.S. Fish and Wildlife Service recommended avoidance measures.

As conditioned, the Commission finds that the proposed project will be sited and designed to prevent adverse impacts that could significantly degrade California Red Legged Frog breeding and dispersal habitat, consistent with LUP Policy 7.3.

**ii. San Francisco garter snake**

The San Francisco garter snake (SFGS) is a state and federally listed endangered species that inhabits wetlands or grasslands near ponds, marshes, sloughs, and seasonal freshwater bodies. LUP Policy 7.36 requires appropriate mitigation measures for the protection of SFGS habitat and migration corridors. As discussed above, the subject site does not contain any wetland areas that could provide breeding habitat for SFGS. However, the site does provide potential migration habitat for SFGS, and individual snakes could be potentially adversely affected by the proposed demolition and construction activities.

Therefore, to ensure the protection of potential SFGS migration habitat as required by LUP Policy 7.36, the Commission imposes Special Condition No. 8, which requires protection and avoidance measures, including, in part, that (1) exclusionary fencing be installed around the building envelope and staging areas, (2) surveys be conducted prior to any earth- moving work, and (3) a qualified biologist, approved by the U.S. Fish and Wildlife Service and California Department of Fish and Game monitor all earth-moving activities for the presence of SFGS. The condition further requires that if SFGS are found on the site before or during construction activities, the applicant shall cease development and implement the U.S. Fish and Wildlife Service recommended avoidance measures.

As conditioned, the Commission finds that the proposed project will be sited and designed to present adverse impacts that could significantly degrade sensitive SFGS habitat, consistent with LUP Policy 7.36.

**iii. Nesting raptors**

The proposed project involves the removal of several Monterey cypress and Monterey pine trees. Although nesting raptors have not been observed on the site pursuant to surveys conducted to date, raptors could establish nesting habitat at the site before construction of the project actually commences. The biological report recommends that tree removal work be conducted outside of the nesting season, which is from March 1 to August 31. The biological report further recommends that if tree removal is to occur during the nesting season, a pre-construction survey shall be conducted to determine if

raptors are nesting in the trees. Therefore, Special Condition No. 9 is attached to implement this recommendation and ensure the protection of potential nesting raptors present at the site prior to the commencement of any tree removal or project construction during the nesting season.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with LUP Policy 7.3 regarding the protection of sensitive habitat.

#### **iv. Water Quality**

The proposed project is located on a bluff-top parcel and involves demolition, new construction, and ground-disturbing activities, which have the potential to result in sediment and other pollutants being entrained in site runoff. Runoff originating from the development site that is allowed to drain over the bluff edge, or drain indirectly to the ocean or off-site sensitive habitat could contain entrained sediment and other pollutants that would contribute to degradation of the quality of marine waters and sensitive habitats.

To control sedimentation and minimize the potential for sediment and other pollutants to leave the site, Special Condition No. 10 requires implementation of appropriate Best Management Practices (BMPs) to protect water quality and potential off-site ESHA during construction, including (1) sediment control structures, (2) maintaining on-site vegetation to the maximum extent possible and replanting disturbed areas following construction, (3) covering and containing on-site stockpiles, (4) protecting the canopy and root zones of existing trees, and (5) limiting grading activity to the dry season.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with LUP Policy 7.3 regarding the protection of sensitive habitat.

#### **6. Public Access**

Projects located between the first public road and the sea and within the coastal development permit jurisdiction of a local government are subject to the coastal access policies of both the Coastal Act and the LCP. Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions. Section 30210 states that maximum access and recreational opportunities shall be provided consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Section 30211 states that development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Section 30212 states that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it is

inconsistent with public safety, military security needs, or the protection of fragile coastal resources, adequate access exists nearby, or agriculture would be adversely affected.

In its application of the above policies, the Commission is limited by the need to show that any denial of a permit application based on this section, or any decision to grant a permit subject to special conditions requiring public access is necessary to avoid or offset a project's adverse impact on existing or potential access.

As described above, the subject parcel is located west of Cabrillo Highway One and sits atop a coastal bluff approximately 25 feet above the ocean. There is no physical access from the subject parcel to the shoreline due to the very steep bluff. There are no trails or other public roads that provide shoreline access within the vicinity of the project and therefore, the proposed development would not interfere with existing public access. Furthermore, the proposed project would not create any new demand for public access or otherwise create any additional burdens on public access. Public access to the coast is available at Bean Hollow State Beach located directly north of the subject site.

Therefore, the Commission finds that the proposed development does not have any significant adverse impact on existing or potential public access, and that the project as proposed, which does not include provision of public access, is consistent with the requirements of the Coastal Act Sections 30210, 30211, and 30212 and the public access policies of the County's certified LCP.

## **7. California Environmental Quality Act (CEQA).**

The San Mateo County Planning Commission, as the lead agency, certified a Negative Declaration for residential development of the site in May 2007.

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirement of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

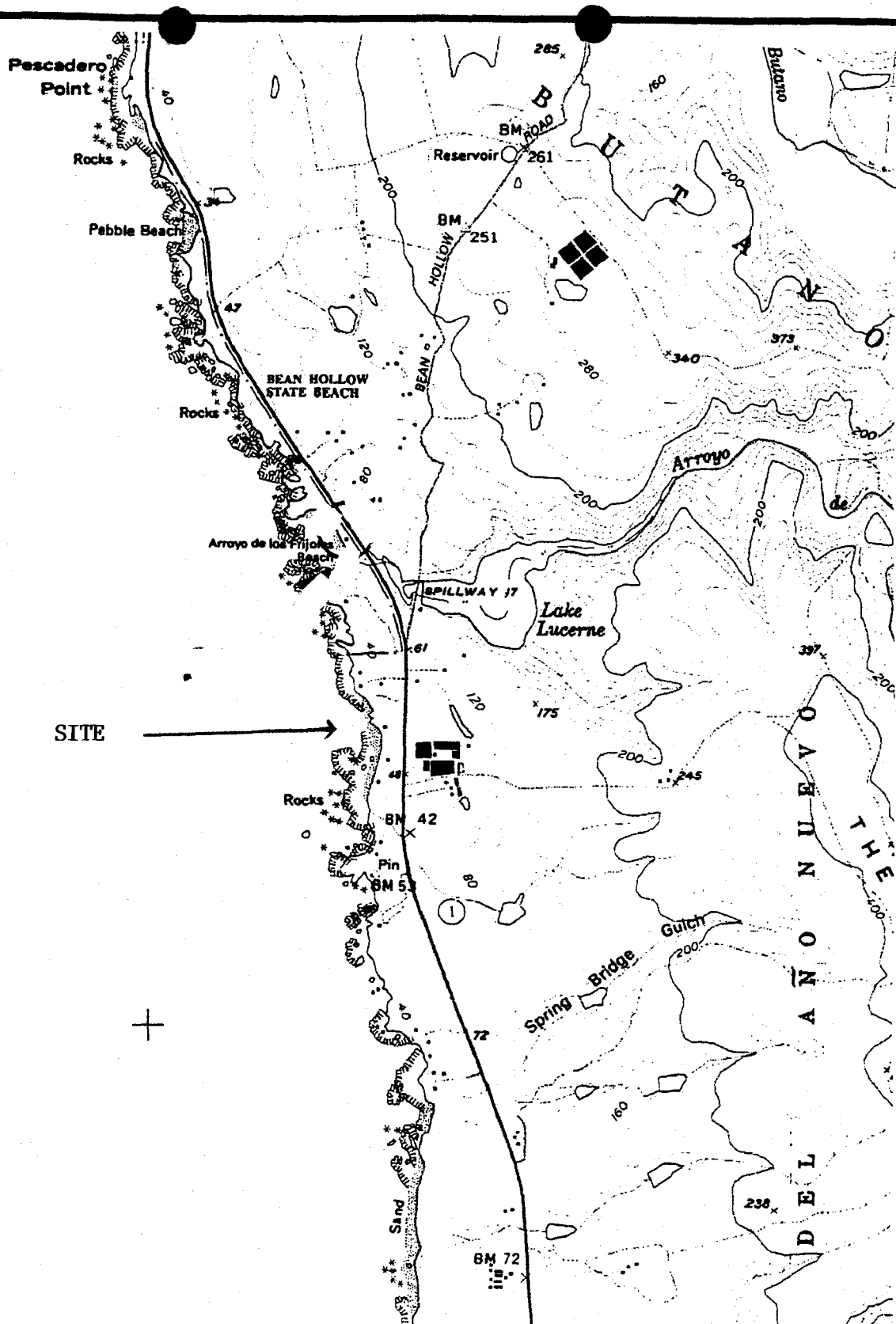
The Commission incorporates its findings on conformity with Coastal Act policies at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed herein, in the findings addressing the consistency of the proposed project with the certified San Mateo County LCP and the public access and recreation policies of the Coastal Act, the proposed project has been conditioned to be found consistent with the certified San Mateo County LCP and the public access and recreation policies of the Coastal Act. Mitigation



measures, which will minimize all adverse environmental impacts, have been required. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

**Exhibits:**

1. Vicinity Map
2. Site Plan
3. Elevations
4. Floor Plan
5. Photo Simulations



TN+MN  
15°

0 1000 FEET 0 1/2 500 m 1000 m MILE  
Printed from TOPOI ©2001 National Geographic Holdings (www.topo.com)

GeoForensics Inc.  
561-D Pilgrim Drive Foster City, CA 94404  
Tel: (650) 349-3369 Fax: (650) 571-1878

Figure 2 - Vicinit

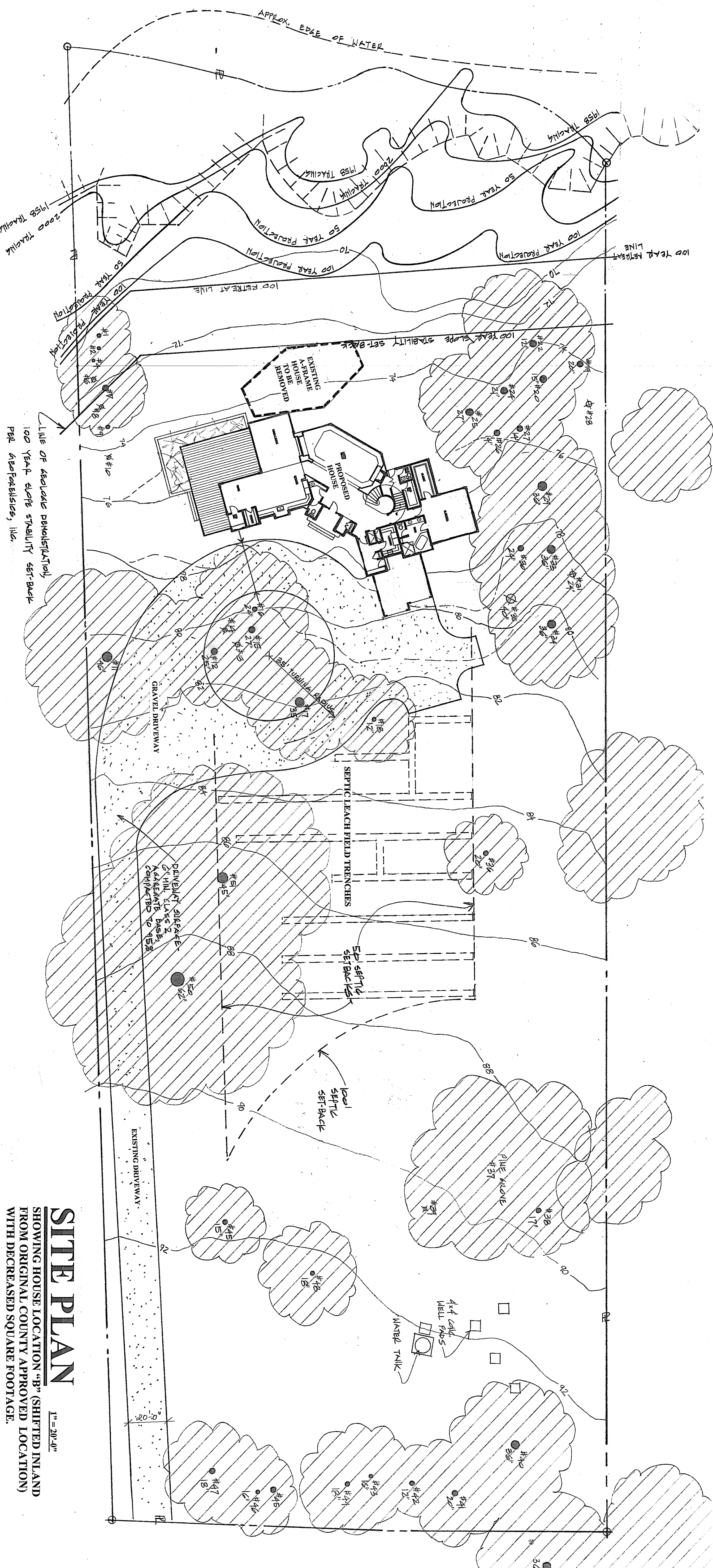
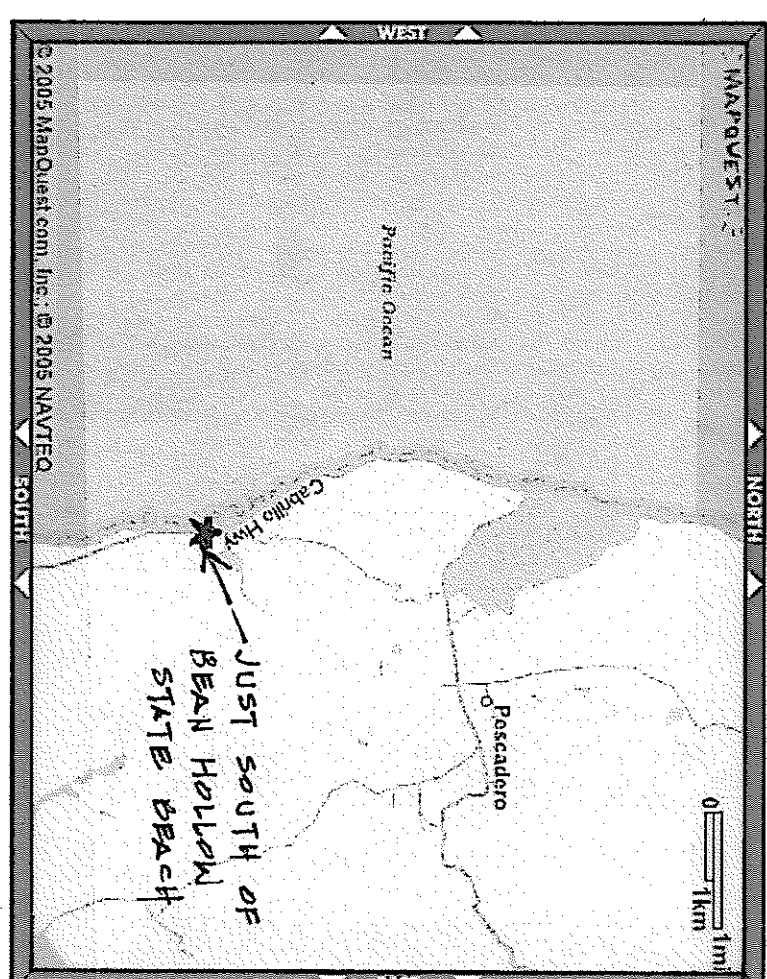
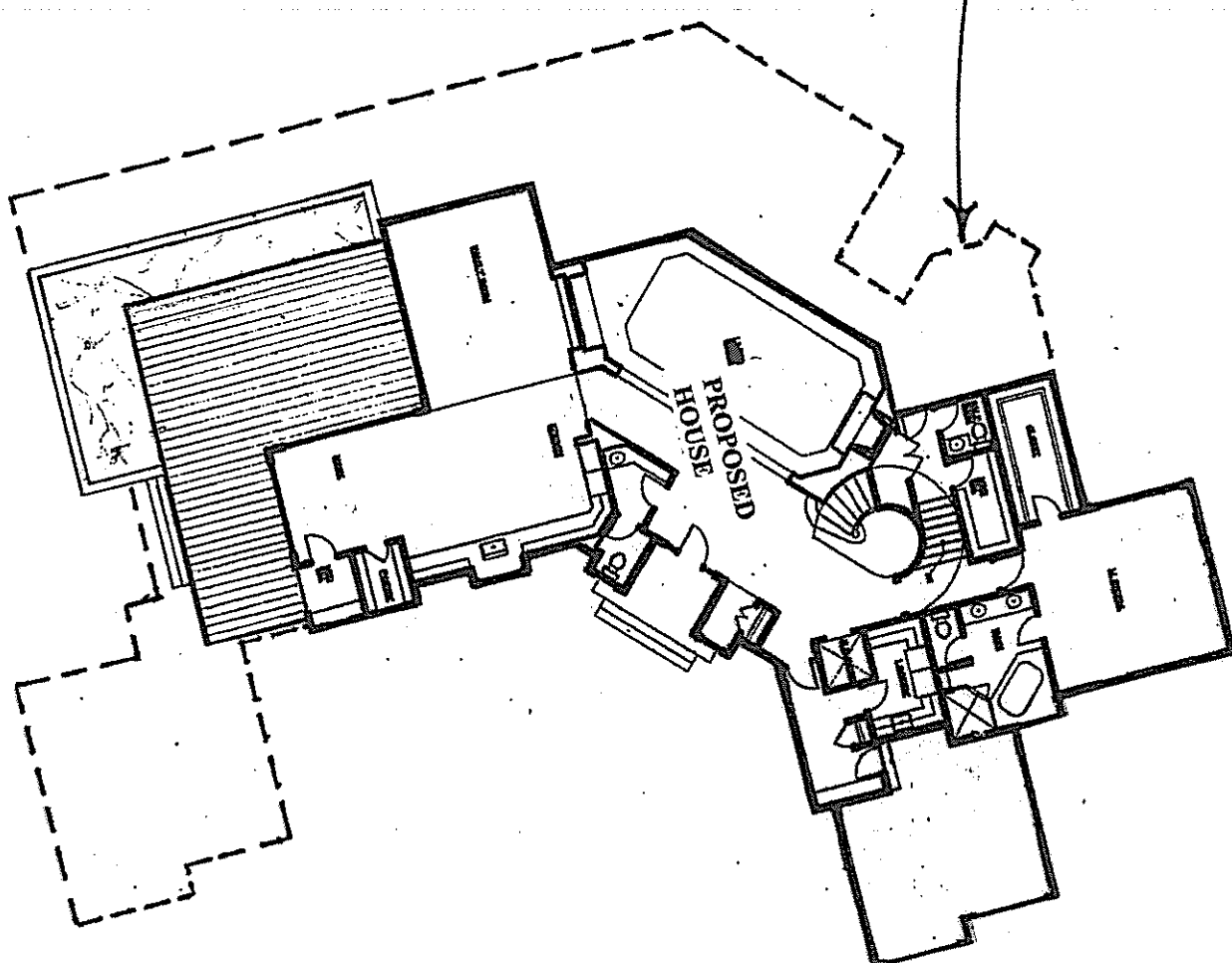
EXHIBIT NO. 1

APPLICATION NO.  
A-2-SMC-07-026

CHRISTOFFERS  
Vicinity Map

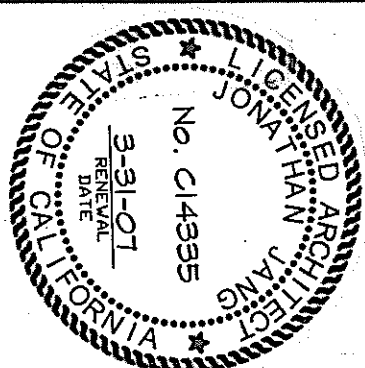
MAIN FLOOR (INCL. BBQ. AREA)	=	3,454 SQ. FT.
UPPER FLOOR	=	1,526 SQ. FT.
TOTAL MAIN HOUSE	=	4,980 SQ. FT.
GARAGES	=	456 SQ. FT.

MAIN FLOOR	=	3,065 SQ. FT.
UPPER FLOOR	=	1,421 SQ. FT.
TOTAL MAIN HOUSE	=	<u>4,486 SQ. FT.</u>
GARAGE	=	<u>435 SQ. FT.</u>



**SHOWING HOUSE LOCATION "B" (SHIFTED INLAND FROM ORIGINAL COUNTY APPROVED LOCATION) WITH DECREASED SQUARE FOOTAGE.**

NEW RESIDENCE FOR:  
**CHRISTOFFERS**  
10721 CABRILLO  
PESCADERO



JONATHAN  
JANG

---

A R C H I T E C T

A-2-S

---

A. I. A.

1049 Whipple Ave.  
Redwood City, CA 94062  
Tel. 650.369.9411

**A-2-SMC-07-026 (Christoffers)**  
**Site Plan**

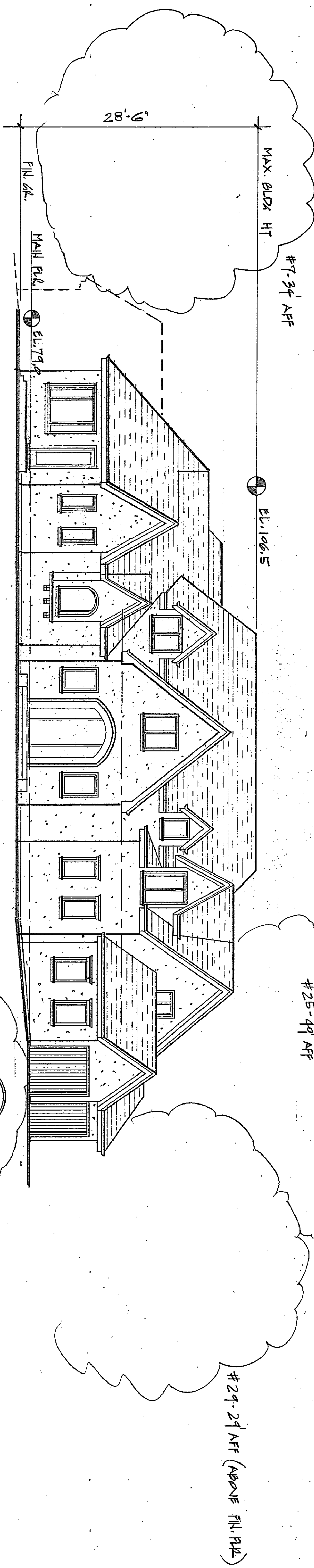
							REVISIONS
							BY
Exhibit No. 2 07-026 (Christoffens) Site Plan							

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SCALE	
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SHEET	

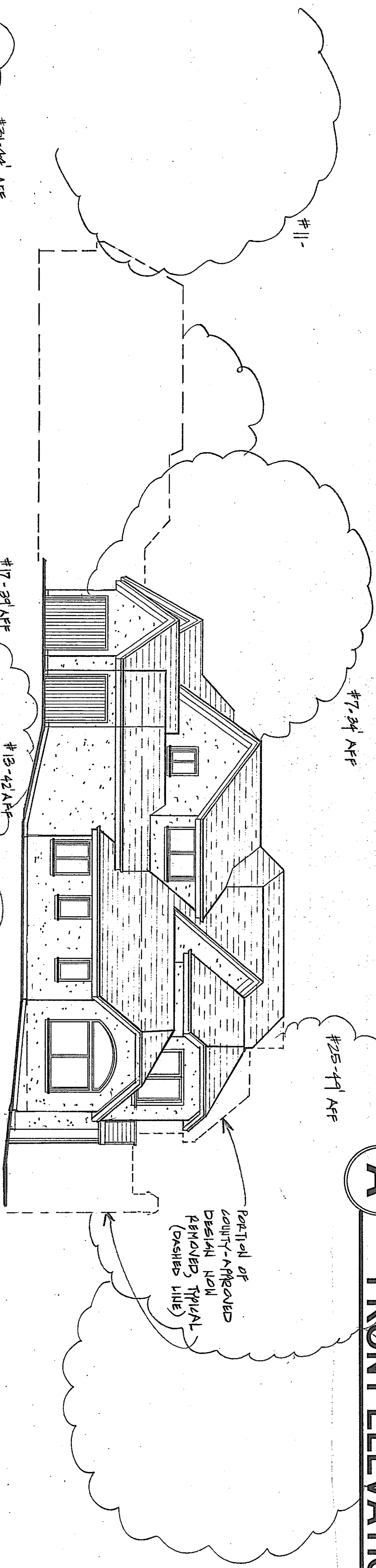
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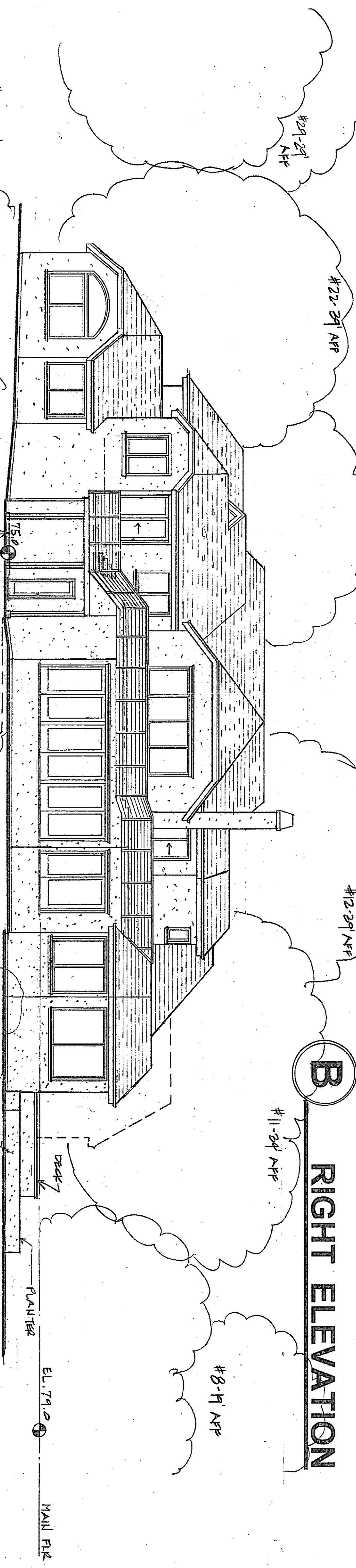




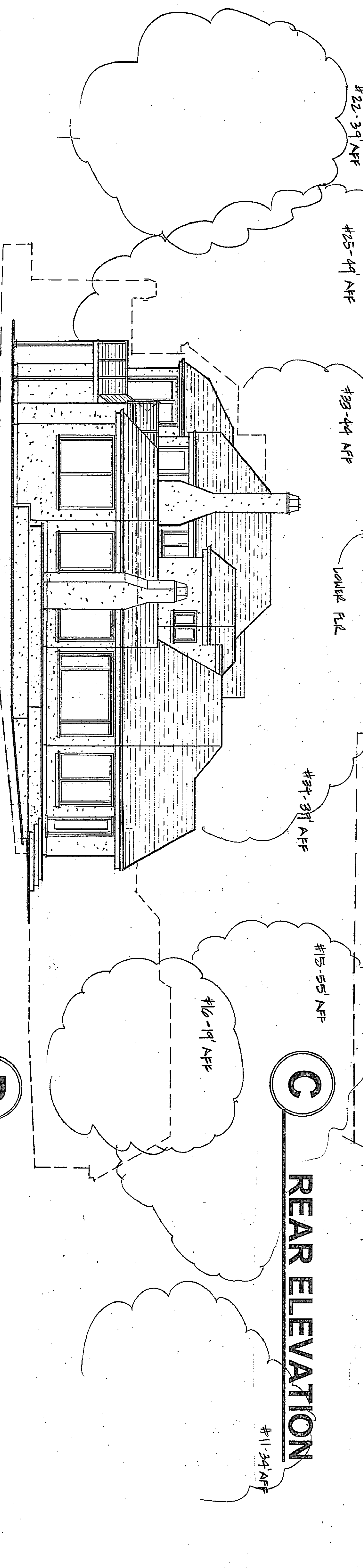
**A**  
**FRONT ELEVATION**



**B**  
**RIGHT ELEVATION**



**C**  
**REAR ELEVATION**



**D**  
**LEFT ELEVATION**

REVISIONS	BY

JONATHAN JANG

ARCHITECT

A. I. A.

1545 Whipple Ave.  
Redwood City, CA 94062  
Tel. 650.355.2611  
Fax. 650.358.2555

NEW RESIDENCE FOR:  
**CHRISTOFFERS**  
10721 CABRILLO  
PESCADERO

DRAWN  
SS

CHECKED  
JJ

DATE  
5-1-09

SCALE  
1/8" = 1'-0"

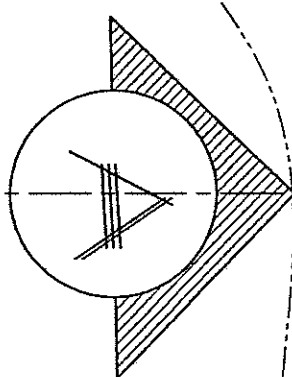
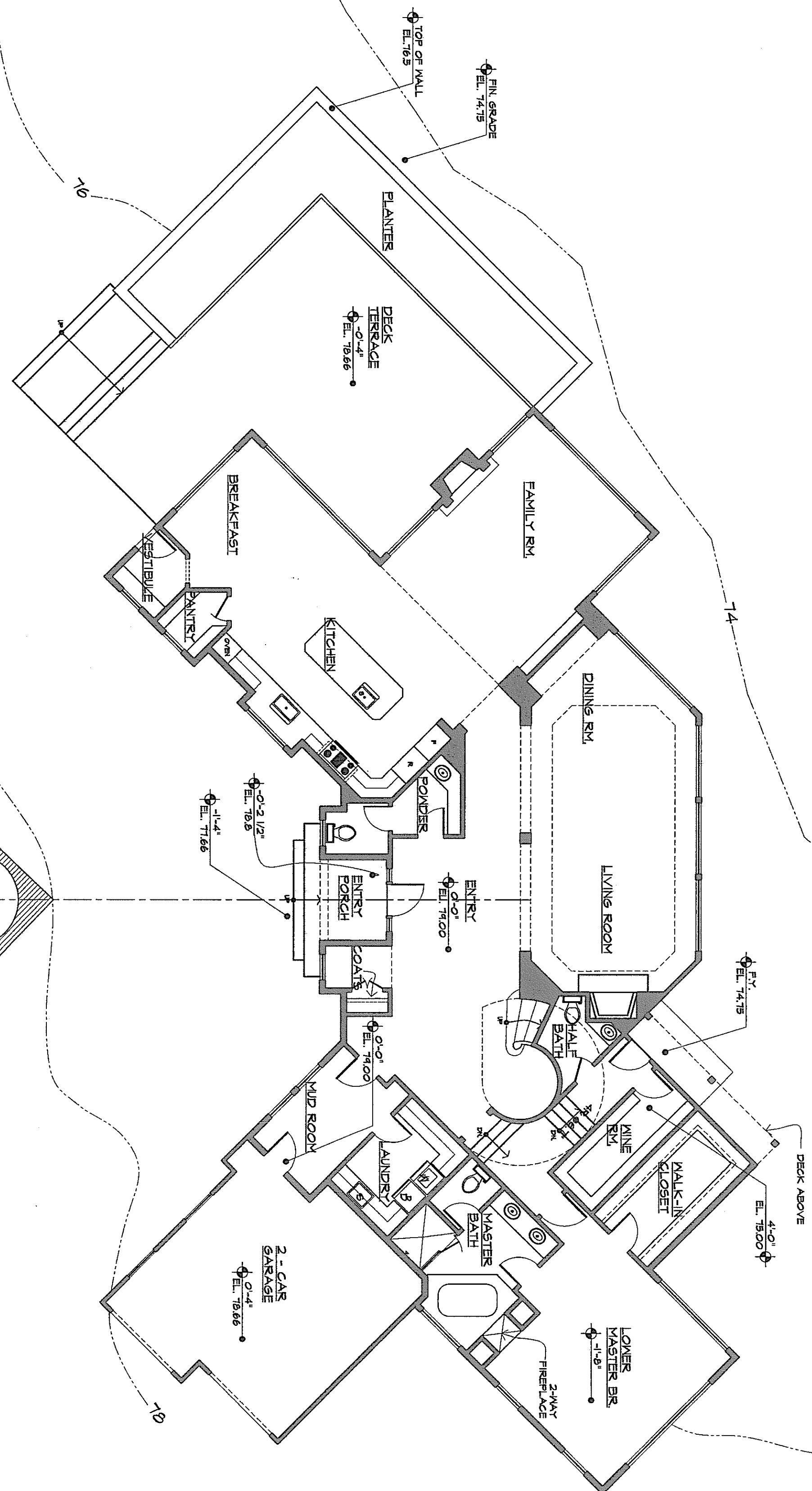
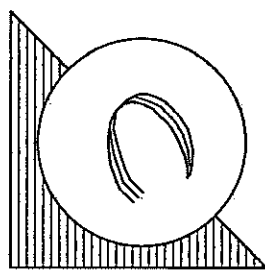
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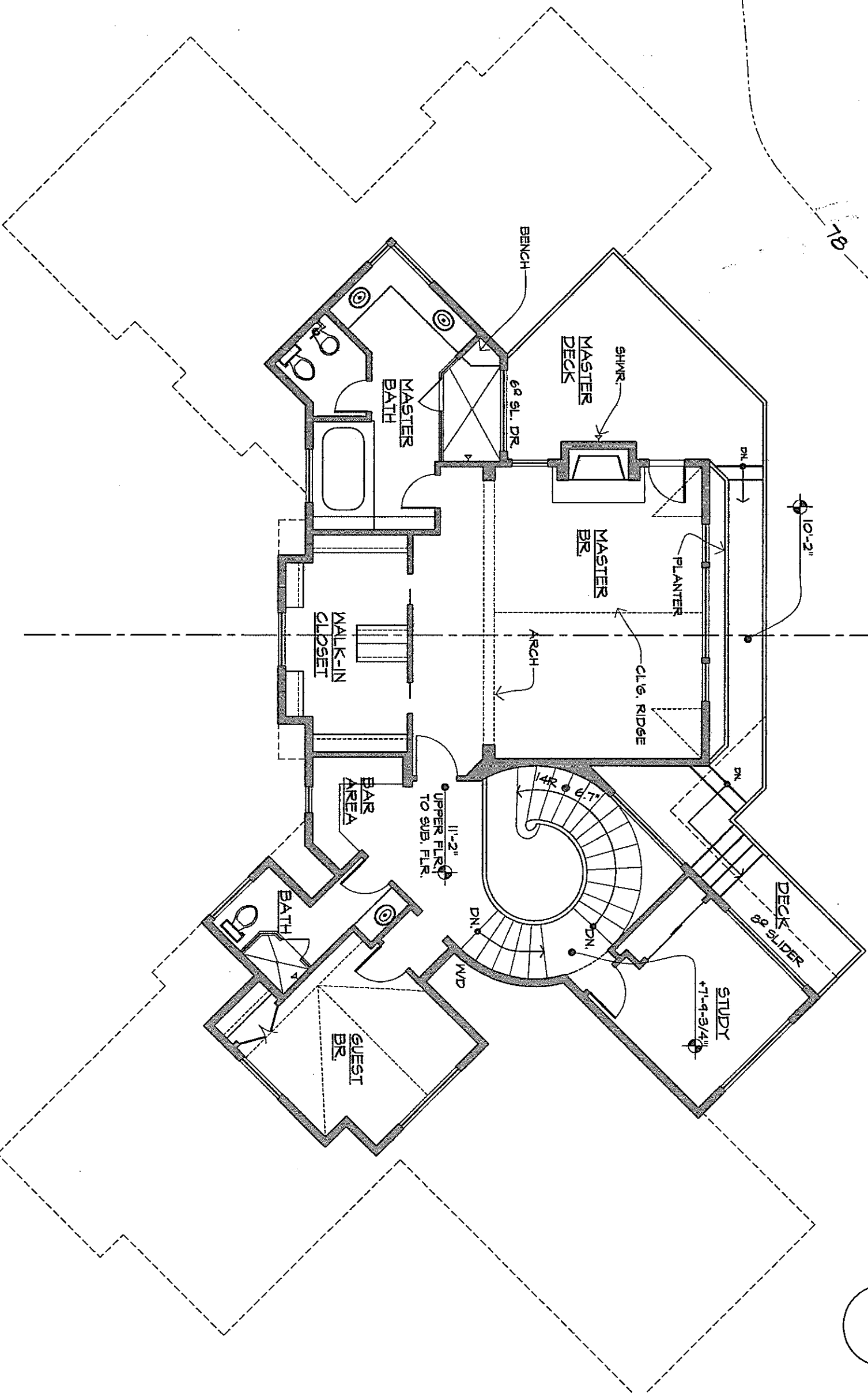


MAIN FLOOR PLAN

1/8" = 1'-0"

ORIGINAL COUNTY APPROVED SQUARE FOOTAGE CALCULATIONS	
MAIN FLOOR (INCL. BBQ. AREA)	= 3,454 SQ. FT.
UPPER FLOOR	= 1,526 SQ. FT.
TOTAL MAIN HOUSE	= 4,980 SQ. FT.
GARAGES	= 456 SQ. FT.

NEW PROPOSED REDUCED SQUARE FOOTAGE CALCULATIONS	
MAIN FLOOR	= 3,065 SQ. FT.
UPPER FLOOR	= 1,421 SQ. FT.
TOTAL MAIN HOUSE	= 4,486 SQ. FT.
GARAGE	= 456 SQ. FT.



UPPER FLOOR PLAN

1/8" = 1'-0"

REVISIONS	BY

Exhibit No. 4  
A-2-SMC-07-026 (Christoffers)  
Floor Plans

JONATHAN JANG	
ARCHITECT	
A. I. A.	1800 Whipple Ave. Redwood City, CA 94062 Tel. 650.788.9411 Fax. 650.593.2562

NEW RESIDENCE FOR:  
**CHRISTOFFERS**  
10721 CABRILLO  
PESCADERO

DRAWN A.C.	CHECKED J.J.
DATE 05-05-08	SCALE 1/8" = 1'-0"
JOB NO.	SHEET

A2.1

02 SHEET





**HOUSE LOCATION "B"**

SITE PLAN - 10721 CABRILLO HWY., PESCADERO, CA  
N.T.S.

# HOUSE LOCATION "B", VIEW SPOT #1

Unobscured elevation view of proposed house



Outline of proposed house (black line) Outline of (e) A-Frame (red line)



## HOUSE LOCATION "B", VIEW SPOT #2

Unobscured elevation view of proposed house



Outline of proposed house (black line) Outline of (e) A-Frame (red line)



## HOUSE LOCATION "B", VIEW SPOT #3

Unobscured elevation view of proposed house



Outline of proposed house (black line)

Unobscured elevation view of proposed house



Outline of proposed house (black line)



## HOUSE LOCATION "B", VIEW SPOT # 5

Unobscured elevation view of proposed house



Outline of proposed house (black line)

# HOUSE LOCATION "B", VIEW SPOT # 6

Unobscured elevation view of proposed house



Outline of proposed house (black line)

# HOUSE LOCATION "B", VIEW SPOT # 7

Unobscured elevation view of proposed house



Outline of proposed house (black line)