

CALIFORNIA COASTAL COMMISSION

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**Th17a****Important Hearing Procedure Note:**

This is a substantial issue only hearing. Public testimony will be taken only on the question whether the appeal raises a substantial issue. Generally and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly.

Appeal Filed:	7/12/2012
49 th Day:	Waived
Staff:	N. Dreher - SF
Staff Report:	12/20/2012
Hearing Date:	1/10/2013

APPEAL STAFF REPORT

SUBSTANTIAL ISSUE DETERMINATION

Appeal Number:	A-2-SMC-12-013
Applicant:	Hank and Irene Zbiczak
Appellants:	Linda Montalto Patterson; Susan and Dwight Pate; Lisa and Lee Deal
Local Decision:	Approved by the San Mateo County Zoning Hearing Officer on June 14, 2012 (County application number PLN2010-00154).
Project Location:	Magellan Avenue in the unincorporated Miramar area of San Mateo County (APNs 048-013-050 and 048-013-060).
Project Description:	Construction of a new 5,546 square-foot single-family residence, including an attached 3-car garage, on an existing 12,424 square-foot property.
Staff Recommendation:	No Substantial Issue

SUMMARY OF STAFF RECOMMENDATION

San Mateo County approved a coastal development permit (CDP) to allow construction of a new 5,546 square-foot single-family residence, including an attached three-car garage on an existing 12,424 square-foot undeveloped parcel, located on Magellan avenue in the Miramar area of unincorporated San Mateo County. The Appellants contend that the County's decision is

inconsistent with the San Mateo County Local Coastal Program (LCP) because the approved project: 1) did not identify potential San Francisco Dusky-Footed Woodrat Habitat on the site (SF DFWR); 2) will impair views from Highway 1 and the Mirada Surf Open Space/Trail; 3) does not adequately protect trees from removal as a result of construction, and; 4) does not include appropriate conditions to protect the habitat of wintering/roosting raptors on the site.

After reviewing the local record, Commission staff has concluded that the approved project does not raise a substantial issue with respect to the project’s conformance with the San Mateo County LCP. The approved residence is a principally permitted use that complies with all applicable LCP policies, including design and site setback requirements. Additionally, the County performed the LCP-required review of sensitive resources at the project site. The subject property does not contain identified SF DFWR habitat and therefore no additional permit conditions or project design alterations are warranted. The approved residence is sited in the middle of the parcel, which results in the best screening by existing trees, consistent with applicable setbacks and is located in a footprint least visible from public viewpoints. Additionally, the County-approval includes tree and vegetation plantings along the north and east property boundaries to protect visual resources along Highway 1 and the Mirada Surf open space.

As a result, staff recommends that the Commission determine that the appeal contentions do not raise a substantial LCP conformance issue, and that the Commission decline to take jurisdiction over the CDP for this project. The single motion necessary to implement this recommendation is found on page 3 below.

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EXHIBITS

- Exhibit 1 – Project Location Map
- Exhibit 2 – Approved Project Site Plan
- Exhibit 3 – Approved Project Design
- Exhibit 4 – County’s Final Local Action Notice
- Exhibit 5 – Appeal of San Mateo County’s CDP Decision
- Exhibit 6 – Applicable Implementation Plan Design Standards

I. MOTION AND RESOLUTION

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

***Motion:** I move that the Commission determine that Appeal Number A-2-SMC-12-013 raises **no substantial issue** with respect to the grounds on which the appeal has been filed under Section 30603. I recommend a **yes** vote.*

***Resolution:** The Commission finds that Appeal Number A-2-SMC-12-013 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.*

II. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. PROJECT LOCATION AND DESCRIPTION

The San Mateo County-approved project authorizes a new 5,546 square-foot two-story single family residence, including an attached three-car garage on an existing 12,424 square-foot undeveloped parcel, located on Magellan Avenue (APNs 048-013-050 and -060) in the Miramar area of unincorporated San Mateo County (see **Exhibit 1** for the project location map and **Exhibits 2 and 3** for approved project plans). The subject parcel is zoned R-1/S-94/DR/CD (Single-Family Residential District/S-94 Combining District/Design Review/Coastal Development), and is surrounded by other properties also zoned R-1/S-94/DR/CD. R-1 is the LCP's Single-Family zoning district, and the S-94 Combining District requires a minimum lot size of 10,000 square feet. The San Mateo County LCP outlines policies for R-1 districts regarding the purpose, principal permitted uses, and design standards, and further defines design standard regulations (building site requirements, setbacks, height limit) for S-94 combining districts which correspond to the required lot size. Therefore, the LCP's policies and standards regarding the R-1 district, the S-94 combining district, the Design Review Overlay and the Coastal Development Overlay, apply in this case.

The property is fairly flat with mixed ground vegetation consisting of native California blackberry and non-native poison hemlock. There is a shallow intermittent stream along the northwestern boundary of the site. The project site is bounded on the northwest by County parklands and on the southeast by Magellan Avenue. Highway One is located approximately 325 feet to the east of the project site, and the Pacific Ocean is about 450 feet westward of the site.

B. SAN MATEO COUNTY CDP APPROVAL

On June 14, 2012, the San Mateo County Zoning Hearing Officer approved CDP PLN2010-00154 for the proposed project. The County's notice of final local action was received in the Coastal Commission's North Central Coast District office on July 3, 2012 (**Exhibit 4**). The Coastal Commission's ten-working day appeal period for this action began on July 5, 2012 and concluded at 5pm on July 18, 2012. One valid appeal of the County's CDP decision was received during the appeal period (see below and see **Exhibit 5**).

C. APPEAL PROCEDURES

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This project is appealable because it is located between the sea and the first public road paralleling the sea and within 100 feet of an intermittent stream.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo CDP hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations.¹ Under Section 30604(b), if the Commission conducts a de novo hearing and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project includes components that are located between the nearest public road and the sea and thus this additional finding would need to be made if the Commission were to approve the project following a de novo hearing.

¹ The term "substantial issue" is not defined in the Coastal Act or in its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of a local government's CDP decision by filing a petition for a writ of mandate pursuant to the Code of Civil Procedure, Section 1094.5. In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the County does not raise a substantial issue with regard to the Appellants' contentions.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo CDP determination stage of an appeal.

D. SUMMARY OF APPEAL CONTENTIONS

The Appellants contend that the approved project is inconsistent with the San Mateo County LCP because the County: 1) inappropriately concluded that habitat for SF Dusky-Footed Wood Rat was absent from the project site; 2) relied upon an inadequate story pole configuration to conclude that the mass and scale of the project would have minimal visual impacts; 3) approved the location of the home in an area of the site that will likely result in the removal of a number of significant trees; and 4) did not adequately evaluate the potential for use of the trees on this site as roosting habitat for overwintering raptors, including with respect to requiring appropriate conditions to avoid disturbance of nests. Please see **Exhibit 5** for the full appeal document.

E. SUBSTANTIAL ISSUE DETERMINATION

Sensitive Resources

The LCP contains numerous policies that protect sensitive habitats and special-status species from impacts caused by the siting and location of new development. The Appellants cited the following LCP Policies:

LCP Policy 7.1 (Definition of Sensitive Habitats) states, in part:

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... (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....

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.

LCP Policy 7.3 (Protection of Sensitive Habitats) states, in part:

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.

LCP Policy 7.1 defines sensitive habitats as any area in which plant or animal life or their habitats are either rare or especially valuable. Policy 7.3 prohibits development that would have a

significant adverse impact on sensitive habitat areas and requires development to be sited and designed to prevent impacts that could significantly degrade adjacent habitat resources.

The Appellants claim that the County failed to identify San Francisco Dusky-Footed Woodrat² (SF DFWR) habitat as occurring on the project site (i.e., in the blackberry thickets) and therefore contend that the approved-project will have unanticipated impacts to such alleged habitat. The Appellants state that nests (stick houses) of the SF DFWR are found nearby in the residential areas of El Granada and in riparian areas between Airport Street and the Pillar Point Marsh, also a short distance away, as a basis for their contention that the approved project site may also serve as SF DFWR habitat, and that the County should have conditioned its approval to avoid disturbance to the SF DFWR during its nesting season.

Based on the presence of an intermittent stream³ along the project site's northern property line, the County required and the Applicants' submitted a biological assessment report, dated March 6, 2012 (see pages 60-84 of Exhibit 4). The biological assessment found that no special status species were observed during on-site surveys, and specifically determined that suitable habitat for the SF DFWR habitat was absent from the site, and that because of the site's proximity to development, vehicular traffic, and high pedestrian use areas, the number of mammalian species expected to occur on the site would be very limited. Additionally, the report indicated that SF DFWR habitat commonly consists of woodlands and forests, in addition to riparian communities. Woodland and forest habitats are not found on the site. The County issued a Notice of Intent to Adopt a Negative Declaration on May 9, 2012. In its findings, the County determined that there was no SF DFWR habitat on this site. All of the available evidence in the record supports this determination. For all of the above reasons, this appeal contention regarding the need to protect SF DFWR does not raise a substantial LCP conformance issue.

The Appellants also contend that the Biological Assessment did not adequately evaluate the potential for use of the trees on the site as roosting habitat for overwintering raptors, and that the County's approval should include appropriate conditions to avoid disturbance to roosting raptors. The Biological Assessment determined there is some potential habitat on the property for one special status animal – the White-Tailed Kite, which is a raptor. The Biological Assessment found that this species could use the onsite trees for nesting during the breeding season and perching during the non-breeding season, but that the project site provides only marginal foraging habitat due to the lack of open habitat. Accordingly, the County-approved project incorporated a recommended mitigation measure to require that a qualified biologist perform a pre-construction site survey for the potential presence of raptors of all species. The pre-construction site survey will be done for all onsite trees within a site radius of up to 250 feet, in the event that construction takes place during the nesting season. If nests are found, a disturbance-free buffer shall be established by the project biologist until the young have fledged (see Special Condition 17 on pages 18-19 of Exhibit 4). Therefore, the approved development will not have significant adverse impact on sensitive habitat areas and the County approval sited and designed the residence to prevent impacts that could significantly degrade the White-Tailed

² The SF DFWR is listed by the California Department of Fish and Game as a "California Species of Concern."

³ The County conditioned its approval to require a minimum 30-foot buffer zone from the centerline of this stream to the nearest structure, as required by LCP Policy 7.11 (see Condition 14 on page 18 of Exhibit 4).

Kite sensitive habitats. Lastly, all uses are compatible with the maintenance of biologic productivity of the habitats, due to County-imposed setbacks and mitigation measures. Thus, this appeal contention does not raise a substantial LCP conformance issue.

Visual Resources

The LCP contains numerous policies protecting public views from scenic corridors and public recreational areas. The Appellants cited the following LCP policy:

8.5 Location of Development

a. Require that new development be located on a portion of a parcel where the development (1) is least visible from State and County Scenic Roads, (2) is least likely to significantly impact views from public viewpoints, and (3) is consistent with all other LCP requirements, best preserves the visual and open space qualities of the parcel overall. Where conflicts in complying with this requirement occur, resolve them in a manner which on balance most protects significant coastal resources on the parcel, consistent with Coastal Act Section 30007.5.

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

[....]

8.13 Special Design Guidelines for Coastal Communities

The following special design guidelines supplement the design criteria in the Community Design Manual:

a. Montara-Moss Beach-El Granada

(1) Design structures which fit the topography of the site and do not require extensive cutting, grading, or filling for construction.

(2) Employ the use of natural materials and colors which blend with the vegetative cover of the site.

(3) Use pitched, rather than flat, roofs which are surfaced with nonreflective materials except for the employment of solar energy devices.

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

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

(6) In areas east of Denniston Creek zoned Coastsides Commercial Recreation, the height of development may not exceed 28 feet from the natural or finished grade, whichever is lower.

The Appellants also cite the applicable Implementation Plan Design Standards for the Mid-Coast area of the County. Please see **Exhibit 6**.

LCP Policy 8.5 requires development to be sited where visual resource impacts will be minimized. Specifically, views along state/county scenic corridors (such as Highway 1) and views from public viewpoints (including open space recreational areas) must be protected.⁴ In addition to the LUP Policies, IP Section 6565.20 also applies to the County-approved project and regulates design elements.

The Appellants contend that the County-required story poles⁵ that were erected onsite did not depict the full exterior limits of the house and thus did not adequately demonstrate the bulk, size, and scale of the County-approved residence. Moreover, the Appellants contend that without this information, the County cannot make the findings that the project complies with the LCP's visual resource policies.

The County-approved project constitutes infill in the existing urbanized area of Miramar. The proposed two-story structure meets the zoning district height standards, and includes a design, scale and size compatible with other residences located in the vicinity, including by virtue of the proposed overall lot coverage of 21% (2,640 square feet), where 30% (3,727 square feet) is the maximum allowed. Additionally, the total floor area proposed is 5,546 square feet, where the maximum allowed is 6,200 square feet for parcels greater than 11,698 square feet.

The County-approved project is located 450 feet east of the Pacific Ocean, but the subject property is not visible from the beach. The subject property is approximately 325 feet west of Highway 1 and adjacent to the County-owned Mirada Surf park and open space (to the north). The Mirada Surf area contains a public multi-use trail that runs north to south and comes as close as 60 feet to the County-approved project. Existing Monterey cypress and Monterey pine trees (approximately two dozen trees total) border the sites' northern and eastern property lines and are otherwise peppered throughout the property. The County-approved project will be visible from Highway 1, a state scenic highway. However, the approved project will be seen against the backdrop of existing residential development in the area, which is also visible from Highway 1. Furthermore, the project will be screened to an extent by existing onsite vegetation consisting of mature trees.

Moreover, the residence, while larger than many other residential structures in the area, is located in a footprint least visible from public viewpoints. The County-approved residence is sited in the middle of the parcel, which results in the best screening by existing trees, consistent with applicable setbacks. Other locations would have either been more visible from Highway 1 or from the Mirada Surf recreation area. Additionally, the County imposed exterior design restrictions targeting window size and placement, exterior staircases, and the roof, and required the planting of additional trees along the north and east boundaries of the property. Accordingly, the residence is located on a portion of a parcel where the development is least visible from State Scenic Roads, is least likely to significantly impact views from public viewpoints, and is consistent with all other LCP requirements. Additionally, the required landscaping and tree

⁴ While the Appellants cite Policy 8.13(a), this policy applies to the Montara-Moss Beach-El Granada communities, but does not apply to Miramar. Therefore, Policy 8.13(a) is not applicable to the appeal.

⁵ The certified San Mateo County LCP does not require the erection of story poles.

planting on site ensures the development best preserves the visual and open space qualities of the parcel overall.

To demonstrate the size and scale of the approved development, the County required the Applicant to erect story poles on the property. While the poles may have eventually begun to sag after their original installment, they still evidence the footprint of the development (approximately 3,000 square-foot) and the maximum height of the project (approximately 23 feet). Additionally, in approving the project, the County required the Applicant to plant cypress trees and native plants along the north and east property lines to preserve the natural look of the area in keeping with the site's proximity to the Mirada Surf open space/park (County Condition 3 – see pages 14 and 15 of Exhibit 4). The County also required the construction of a redwood fence along the perimeter of the property. The required plantings and fencing will ensure appropriate screening of the approved development from Highway 1 and the Mirada Surf open space and trail, consistent with LCP Policy 8.5.

Further, while Policy 8.13 does not specifically regulate the community character of development in Miramar (because Miramar is not mentioned by name as one of the communities covered), the County also evaluated whether the approved project was consistent with the community character of the surrounding Miramar community. The County found that the: (a) minimal necessary grading; (b) naturally colored exterior design (including required redwood fence around the property); (c) the dark non-reflective roof materials; (d) the residence's consistency with the applicable zoning district; and (e) the existence of vegetation (in addition to the required tree plantings) ensured no significant visual impact would result from this project. Therefore, even if Policy 8.13 applied to the subject development, the project is in compliance with, and would not raise a substantial issue of conformance with, these standards. The County's evaluation also demonstrates consistency with the applicable design standards set forth in IP Section 6565.20 which does apply to the County-approved project and regulates design elements. Given all of the above, this appeal contention does not raise a substantial LCP conformance issue.

Tree Removal

LCP policies/standards require minimize the removal of trees, particularly significant trees and those that provide screening from public viewpoints and along scenic corridors. IP Section 6565.21 also applies to the County-approved project and regulates tree retention/removal.

8.9 Trees

- 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.

The Appellants contend that the County-approved project, which does not propose tree removal at this time, will nonetheless result in tree removal, which will further expose the residence to public viewpoints/scenic corridors and remove significant trees.

The County's approval does not include any tree removal. In the event that trees need to be removed, County condition 15 (see page 18 of Exhibit 4) requires that a tree removal permit be obtained. If major vegetation or significant trees were to be proposed to be removed in such case, a CDP or amendment to the County's CDP will be necessary, to ensure the protection of coastal resources.

The County-approved project does not include specific tree removal, but it does lay out the procedures for removal should it become necessary in the future. Tree removal might also further expose the residence to public viewpoints from the north and east. The County approval required a tree removal permit for any tree removal on site and the County approval does not authorize tree removal. The Appellants' concerns regarding tree removal on site relate specifically to a cluster of trees shown on project plans as being within a few feet of the proposed residence's footprint. As approved, the County did not think this cluster of trees would be impacted. Additionally, the County required a gap in the driveway in order to avoid impacts to two existing Monterey cypress trees. In the event these and/or other trees must be removed, a separate CDP approval is required (see special condition 15 on page 18 of Exhibit 4). Therefore, the County-approval addresses the potential for future tree removal, requires additional tree plantings and avoids removal of significant trees, consistent with LCP Policy 8.9.

F. CONCLUSION

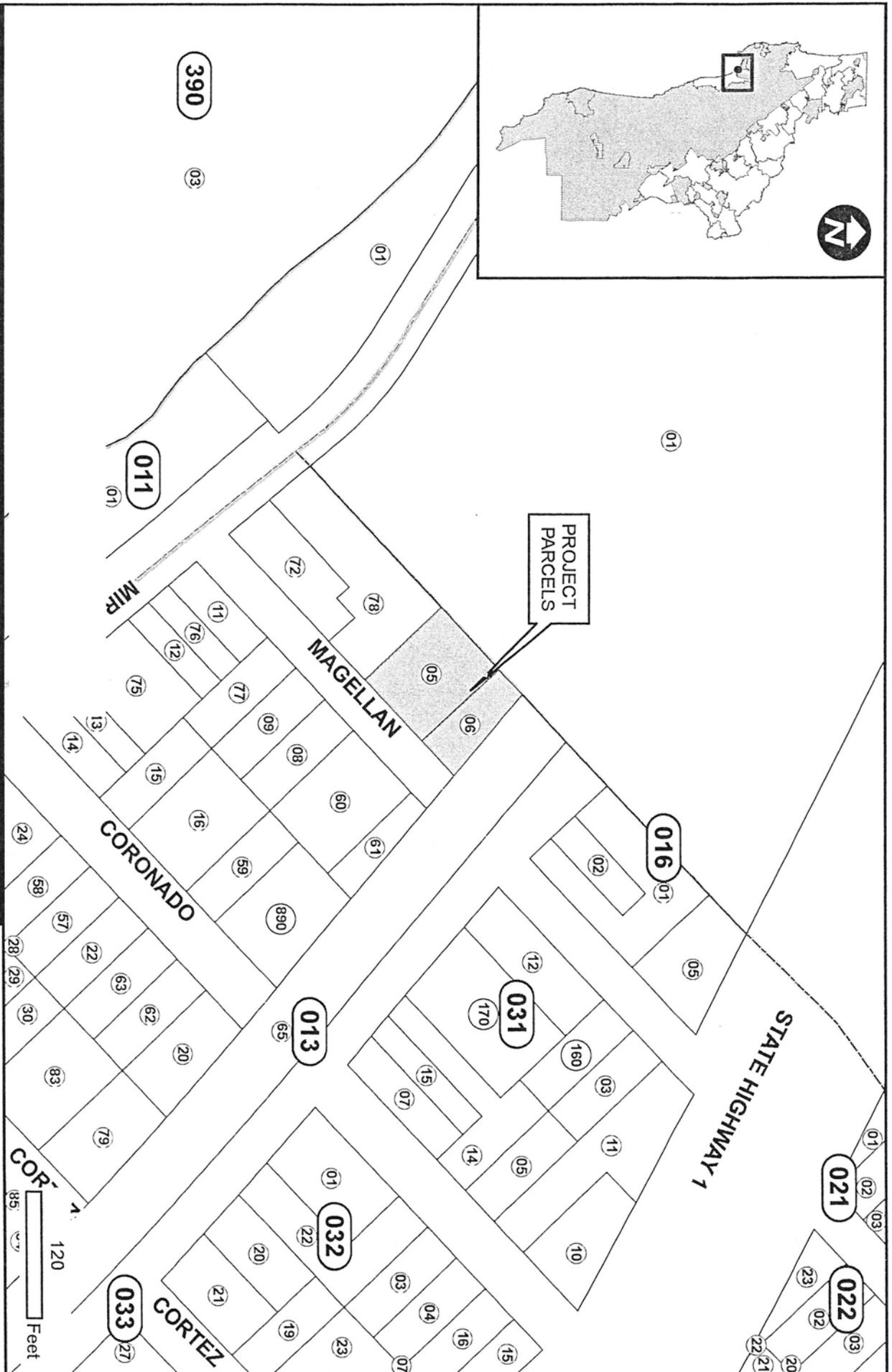
When considering a project that has been appealed to it, the Commission must first determine whether the project raises a substantial issue of LCP conformity, such that the Commission should assert jurisdiction over a de novo CDP for such development. As described above, the Commission has been guided in its decision of whether the issues raised in a given case are "substantial" by the following five factors: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. In this case, these five factors, considered together, support a conclusion that this project does not raise a substantial issue of LCP conformance.

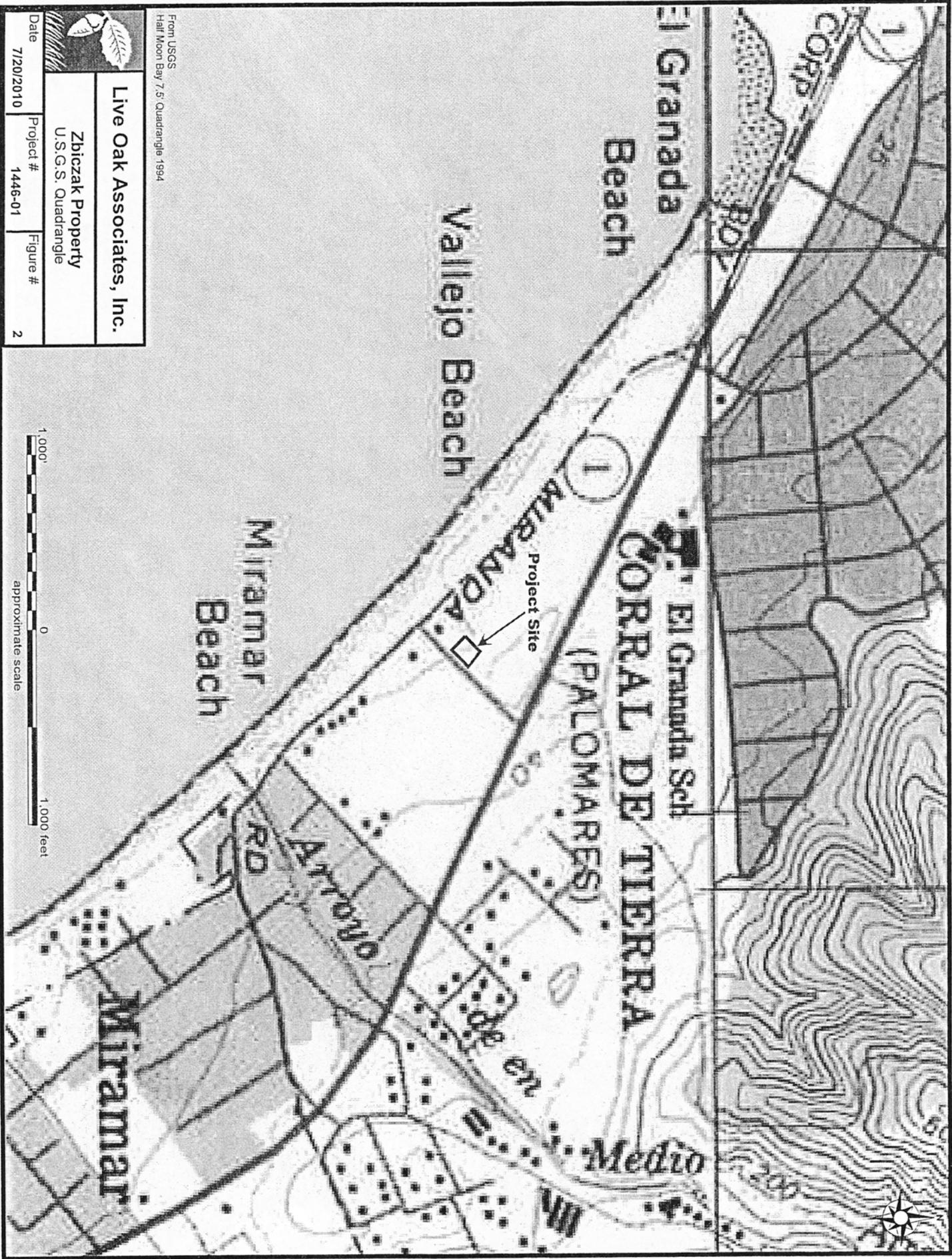
First, the approved residence avoids significant adverse impacts to nearby sensitive resources. County Condition 17 requires a pre-construction survey of all trees on-site, to be conducted by a

qualified biologist for the presence of raptors and also requires disturbance-free buffer measures to prevent significant adverse impacts to nesting raptors. Additionally, a minimum 30-foot buffer is required from the intermittent stream on the site. Thus, there are no significant coastal resources adversely affected by the decision, and coastal resources would actually be enhanced by this approval. Secondly, the approved project is consistent with the purpose of the zoning district, qualifies as a principally permitted use within the zoning district, and complies with the LCP's design and development standards for residential structures, including with respect to height, square footage, setbacks, and site coverage. The project also would improve the natural and visual qualities of the site by retaining all existing trees on the site and increasing the number of native trees and vegetation along the northern and eastern property lines. Thus, the extent and scope of this project weigh in favor of a finding of no substantial issue. Lastly, the decisions made here are site and LCP-specific and therefore do not raise issues of regional or statewide significance. Therefore, given that the evidence supports the County's action and the County's analysis did not result in the approval of a project with significant coastal resource impacts, the Commission finds the appeal does not raise a substantial issue of conformance with the LCP.

Given these considerations, the Commission finds that when all five substantial issue factors are weighed together, the appeal contentions do not raise a substantial LCP conformance issue and thus the Commission declines to take jurisdiction over the CDP for this project.

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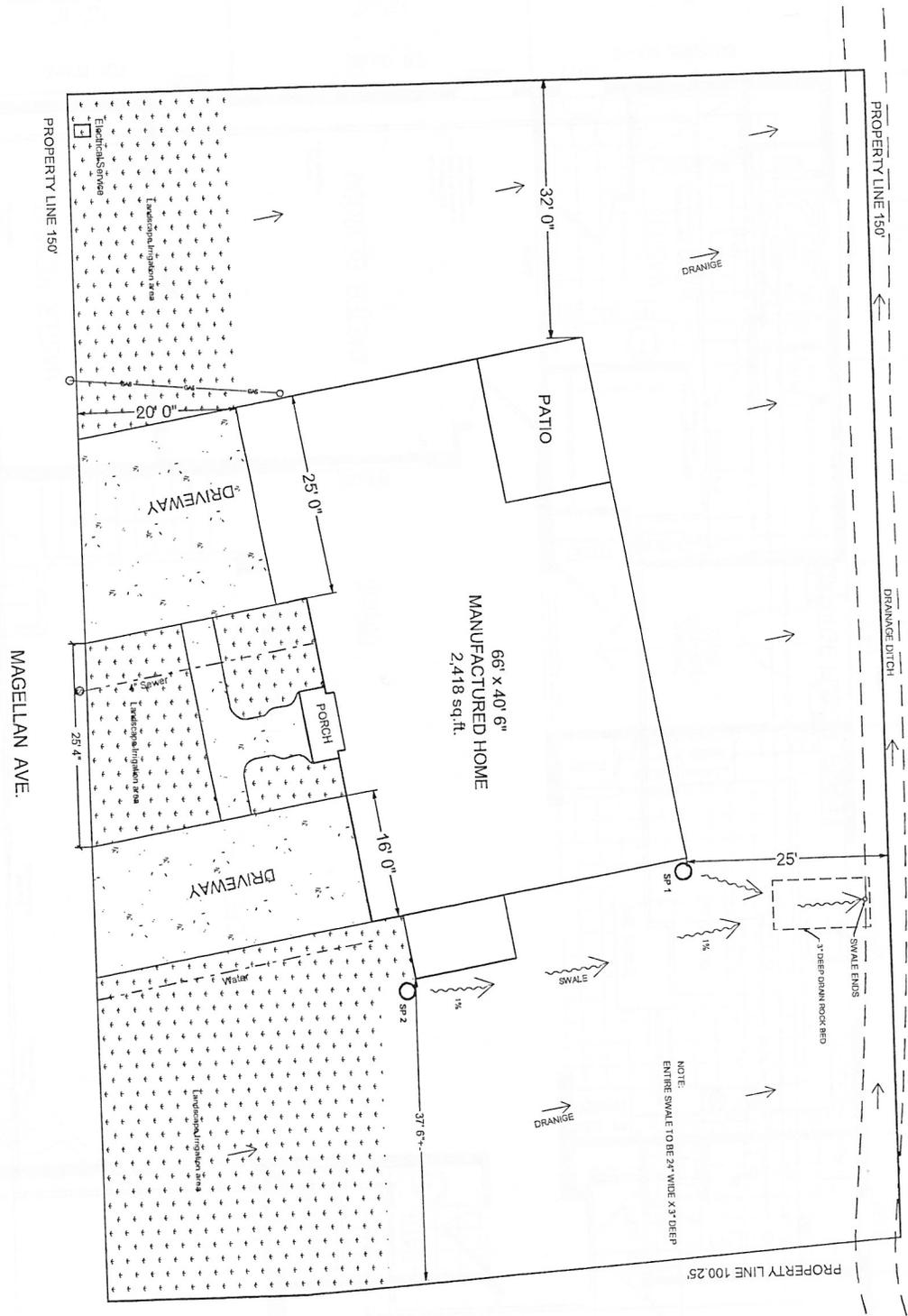
From USGS
Half Moon Bay 7.5' Quadrangle 1994

Live Oak Associates, Inc.

Zbiczak Property
U.S.G.S. Quadrangle

Date	Project #	Figure #
7/20/2010	1446-01	2

Note
 Per FEMA and San Mateo
 Building requirements.

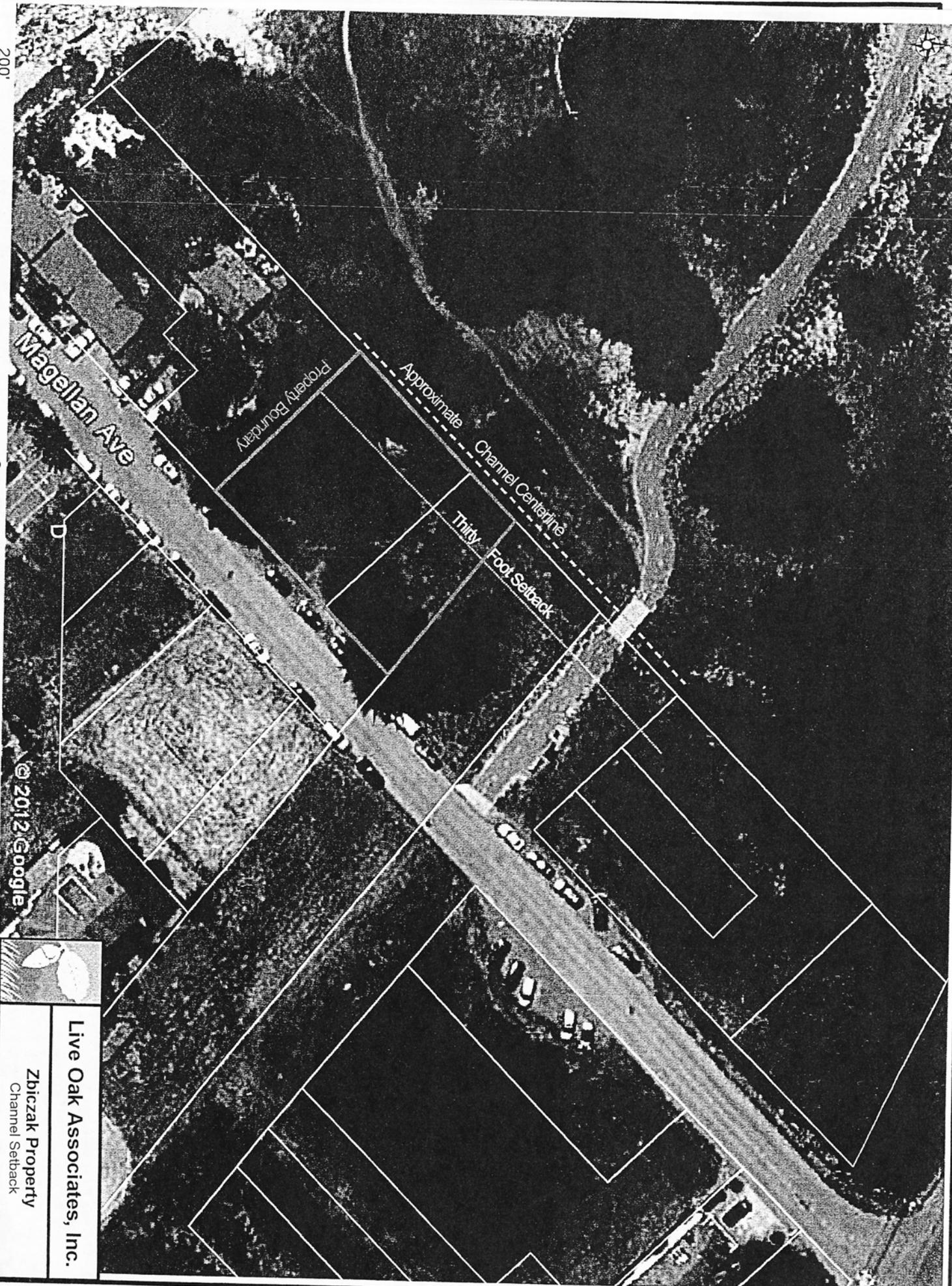


ATTACHMENT B

PLOT PLAN
 SCALE: 1/8" = 1' 0"



FIRE DEPARTMENT NOTES
 1. PROVIDE ILLUMINATED ADDRESSING LOCATED ON
 BUILDING IN SUCH A MANNER AS TO BE VISIBLE AS
 LEGIBLE FROM THE STREET DAY OR NIGHT.



200'

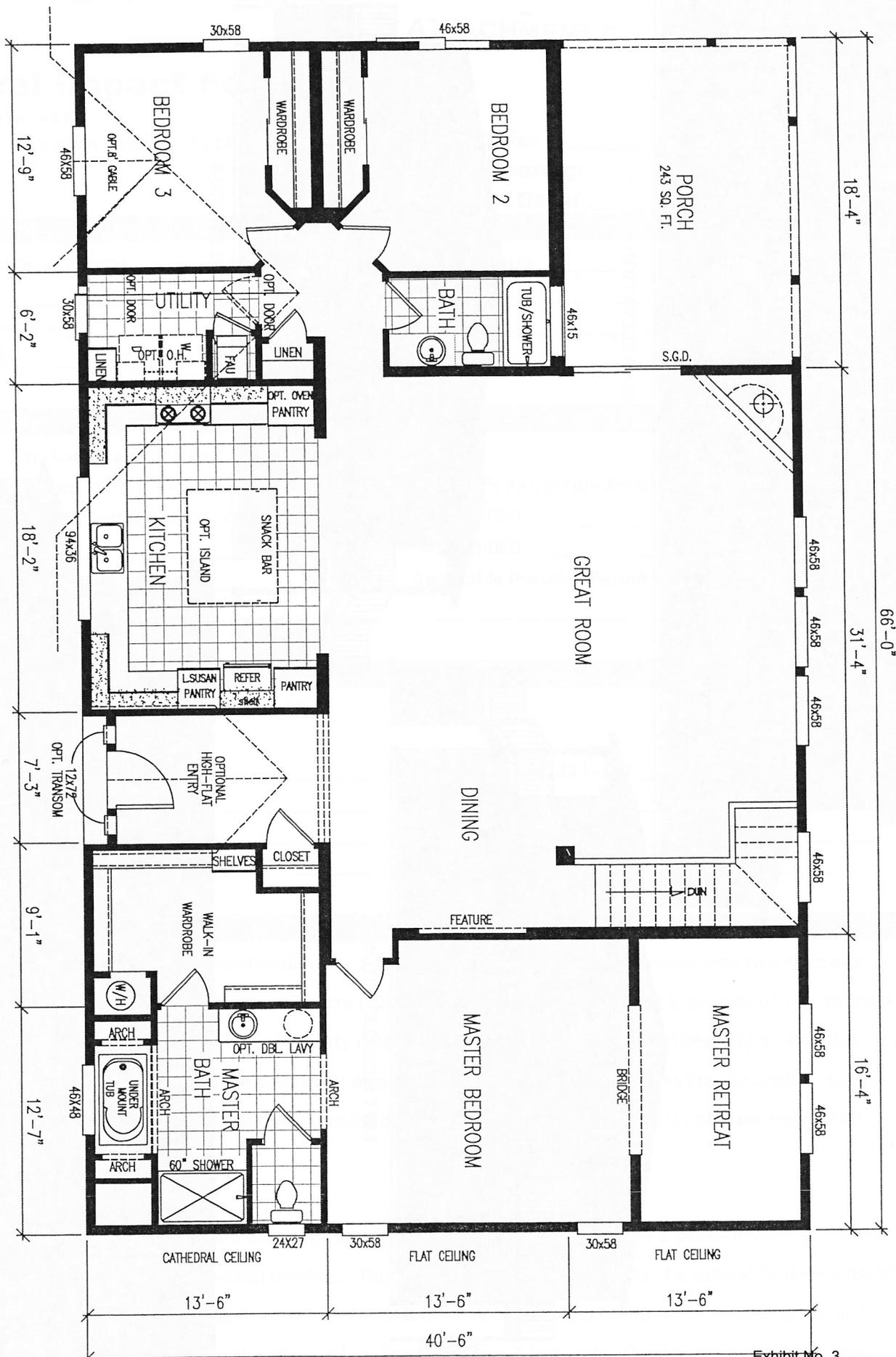
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200 feet

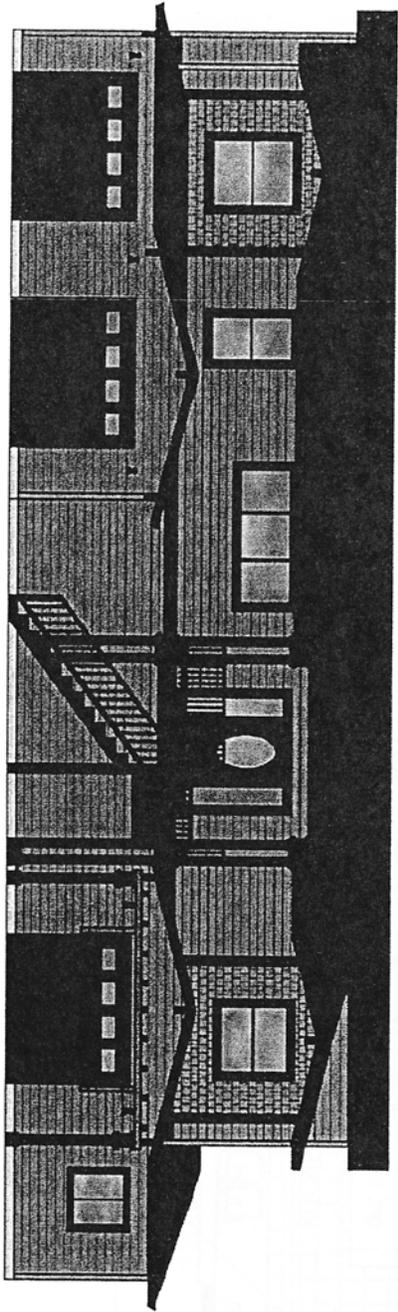
© 2012 Google

Live Oak Associates, Inc.		
Zbiczak Property		
Channel Setback		
Date	Project #	Figure #
3/1/2012	1446-01	3

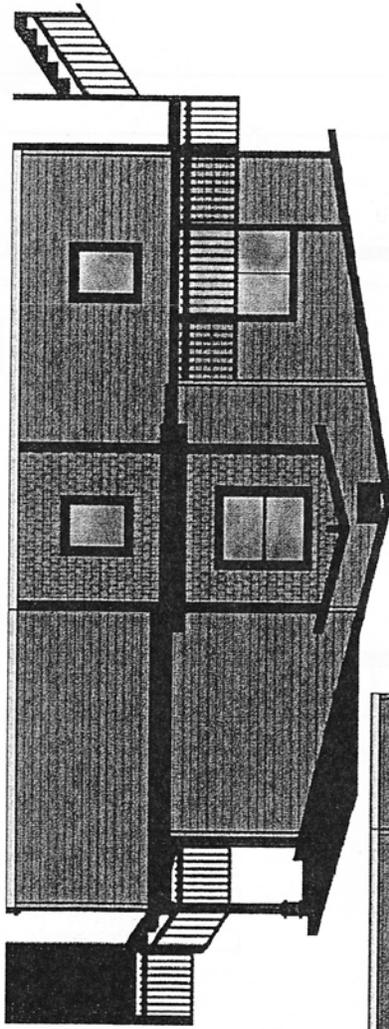
Exhibit No. 2



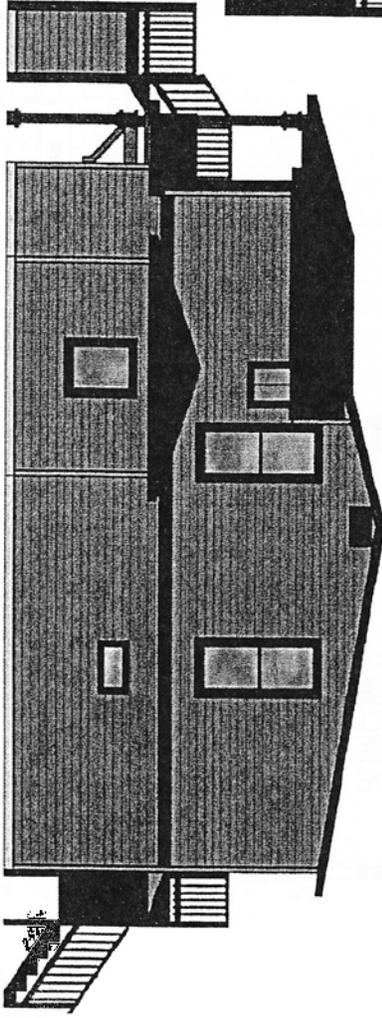
FRONT ELEVATION



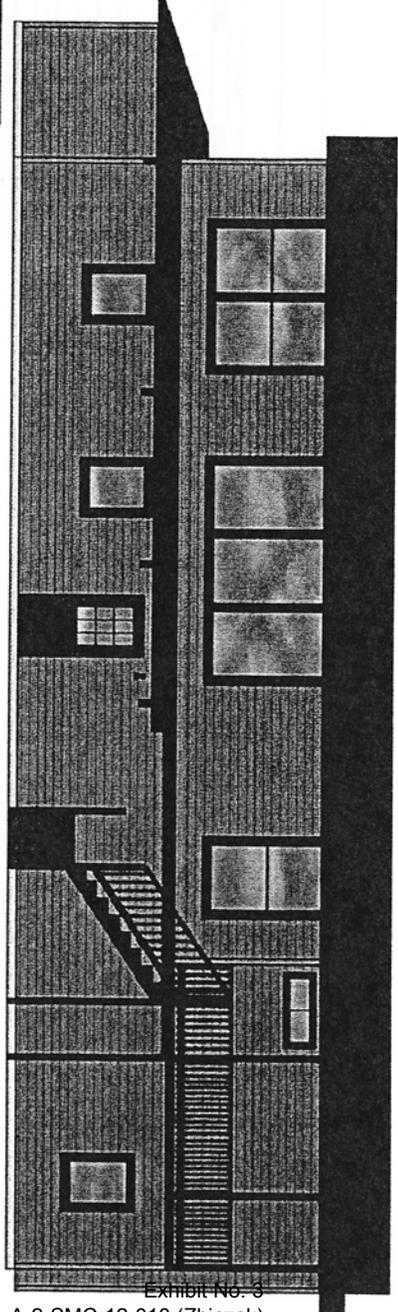
LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION



REAR ELEVATION





County of San Mateo

Planning & Building Department

455 County Center, 2nd Floor
Redwood City, California 94063
650/363-4161 Fax: 650/363-4849

2 SMC-10-117
Appealable

Mail Drop PLN122

plngbldg@co.sanmateo.ca.us

www.co.sanmateo.ca.us/planning

DATE: 7/2/2012

NOTICE OF FINAL LOCAL DECISION

Pursuant to Section 6328.11.1(f) of the San Mateo County Zoning Regulations

CERTIFIED MAIL

California Coastal Commission
Nr. Central Coast District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

RECEIVED

JUL 03 2012

CALIFORNIA
COASTAL COMMISSION

COUNTY FILE NO.: PLN2010-00154

APPLICANT: NEAL HOCKER

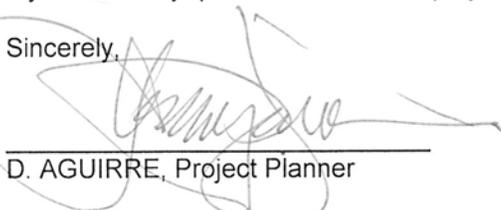
OWNER: HANK & IRENE ZBICZAK

The above listed Coastal Development Permit was conditionally approved by the County of San Mateo on **June 14, 2012**. The County appeal period ended on **June 28, 2012**. Local review is now complete.

This permit **IS** appealable to the California Coastal Commission; please initiate the California Coastal Commission appeal period.

If you have any questions about this project, please contact D. AGUIRRE at (650) 363-4161.

Sincerely,


D. AGUIRRE, Project Planner



County of San Mateo

Planning & Building Department

455 County Center, 2nd Floor
Redwood City, California 94063
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122
plngbldg@smcgov.org
www.co.sanmateo.ca.us/planning

Letter of Decision

PROJECT FILE

June 14, 2012

Neal Hocker
9998 Old Placerville Road
Sacramento, CA 95827

Dear Mr. Hocker

Location: Magellan Avenue, Miramar
APN's: 048-013-050 and 048-013-060
File Number: PLN2010-00154

On June 14, 2012, the Zoning Hearing Officer considered your request for Coastal Development Permit and Design Review, pursuant to Sections 6328.4 and 6565.3 of the San Mateo County Zoning Regulations, and certification of a Negative Declaration pursuant to the California Environmental Quality Act (CEQA), to construct a new 5,546 sq. ft. single-family residence, including an attached three-car garage on an existing 12,424 sq. ft. undeveloped parcel, located on Magellan Avenue in the unincorporated Miramar area of San Mateo County. No trees are proposed for removal. This project is appealable to the California Coastal Commission.

The Zoning Hearing Officer made the findings and approved this project subject to the conditions of approval as attached.

Any interested party aggrieved by the determination of the Zoning Hearing Officer may appeal this decision to the Planning Commission within ten (10) working days from such date of determination. The appeal period for this project will end on **June 28, 2012, at 5:00 p.m.**

If you have any questions concerning this item please contact Project Planner Dennis Aguirre at 650-363-1867 or by e-mail daguirre@smcgov.org.

Very truly yours,

Matthew Seubert
Zoning Hearing Officer
Zhd0614w_6_dr

cc: Assessor's Office
Public Works Department
Lee and Lisa Deal
Susan and Dwight Pate
Coastside Fire Protection District

Building Inspection Section
Hank and Irene Zbiczak
Linda Montalto Patterson
California Coastal Commission
Midcoast Community Council

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: June 14, 2012

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Coastal Development Permit and Design Review, pursuant to Sections 6328.4 and 6565.3 of the San Mateo County Zoning Regulations, and certification of a Negative Declaration, pursuant to the California Environmental Quality Act (CEQA), to construct a new 5,546 sq. ft. single-family residence, including an attached three-car garage on an existing 12,424 sq. ft. undeveloped parcel, located on Magellan Avenue in the unincorporated Miramar area of San Mateo County. No trees are proposed for removal. This project is appealable to the California Coastal Commission.

County File Number: PLN 2010-00154 (Hocker)

PROPOSAL

The applicant is requesting approval to construct a new 5,546 sq. ft. single-family residence, including an attached three-car garage on an existing 12,424 sq. ft. undeveloped parcel.

The proposed project consists of a two-story residence with three bedrooms, two bathrooms, great room, utility room, dining area, kitchen and a rear exterior covered porch on the second/main floor. The bottom floor accommodates the three-car garage.

RECOMMENDATION

That the Zoning Hearing Officer certify the Negative Declaration and approve the Coastal Development Permit and Design Review, County File Number PLN 2010-00154, based on and subject to the required findings and conditions of approval listed in Attachment A.

BACKGROUND

Report Prepared By: Dennis P. Aguirre, Project Planner, Telephone 650/363-1867

Applicant/Owner: Neal Hocker/Hank and Irene Zbiczak

Location: Miramar

APNs: 048-013-050 and 048-013-060; formally merged in 1983

Parcel Size: 12,464 sq. ft.

Parcel Legality: Conditional Certificate of Compliance (Type A) as requested and recorded as part of this proposal

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

General Plan Designation: Medium-Low Density Residential (2.1 to 6.0 dwelling units/acre)

Sphere-of-Influence: City of Half Moon Bay

Existing Land Use: Undeveloped parcel

Water Service: Coastside County Water District

Sewer Service: Granada Sanitary District

Flood Zone: Zone A8 (area of 100-year flooding, base flood elevations and flood hazard factors determined), Community Panel No. 060311 0225 C, map revised August 5, 1986.

Environmental Evaluation: Negative Declaration published with a review period of May 10, 2012 to May 29, 2012.

Setting: The project site is a vacant lot located on Magellan Avenue (cross street Mirada Road) in the unincorporated Miramar area of San Mateo County, within a general area of County parkland and undeveloped parcels. The subject site is fairly flat in topography with mixed ground vegetation consisting of native California blackberry and non-native poison hemlock, including a shallow intermittent stream along the northwestern boundary of the site. County parklands northwestward and Magellan Avenue southeastward bound this subject parcel. Cabrillo Highway is approximately 325 feet to the east, and the Pacific Ocean is about 450 feet westward of the site.

DISCUSSION

A. KEY ISSUES

1. Conformance with the County General Plan

Upon review of the applicable provisions of the General Plan, staff has determined that the project complies with all General Plan Policies, including the following:

Visual Quality Policy 4.14(a) requires development to promote and enhance good design, site relationships, and other aesthetic considerations. The architectural elements and exterior materials and colors proposed for the new structure are complementary with the neighborhood design context. The natural topography of the site remains intact as only minimal grading is proposed.

The project has received a recommendation for approval from the Design Review Committee based on the Committee's conclusion that the project conforms to the design standards that implement this policy as discussed in Section 3.b below.

Urban Design Concept Policy 4.35 (*Urban Area Design Concept*) calls for new development to maintain and, where possible, improve upon the appearance and visual character of development in urban areas, and ensures that new development in urban areas is designed and constructed to contribute to the orderly and harmonious development of the locality. The design of the new structure harmonizes with the other structures in Miramar as exemplified by the use of proposed materials such as Hardi Lap Siding, vinyl dual pane windows, wood trims, gable roof, composite roof shingles and redwood treatment for the stairs and fences, including earth-tone colors as the project's color scheme of choice. The project is compatible with the various architectural styles of the neighborhood, and the design will be improved by implementation of the recommended conditions for project approval indicated in Section 3.b.11 below.

Urban Land Use Policy 8.38 (*Height, Bulk and Setbacks*) regulates the height, bulk and setback requirements in zoning districts in order to: (1) ensure that the size and scale of development is compatible with the parcel size, (2) provide sufficient light and air in and around the structures, (3) ensure that development of permitted densities is feasible, and (4) ensure public health and safety. The proposed two-story structure meets the zoning district height standards, and includes a design, scale and size compatible with other residences located in the vicinity by virtue of the proposed overall lot coverage of 21% (2,640 sq. ft.), where 30% (3,727 sq. ft.) is the maximum allowed. Additionally, the total floor area proposed is 5,546 sq. ft., where the maximum allowed is 6,200 sq. ft. for parcels greater than 11,698 sq. ft. Although at the upper limit allowable, potential mass and bulk of the proposed structure is mitigated based on the adequate articulation of all exterior façades and improved by implementation of the recommended conditions for project approval indicated in Section 3.b.11 below. The design of the new structure is complementary to the existing neighborhood context, as supported by the Coastside Design Review Committee's recommendation of approval (see Section 3.b).

Water Supply Policy 10.1 (*Coordinate Planning*) requires the coordination of water supply planning with land use and wastewater management planning

to assure that the supply and quality of water is commensurate with the level of development planned in the area. The Coastside County Water District has confirmed that a 5/8th-inch (20 gpm) non-priority water service connection is available for this site from the Crystal Springs Project.

Wastewater Policies 11.1 and 11.2 (*Adequate Wastewater Management and Coordinate Planning*) plan for the provision of adequate wastewater management facilities to serve development in order to protect public health and water quality. To assure that the capacity of sewerage facilities is commensurate with the level of development planned for an area, coordination of wastewater management planning with land use and water supply planning is required. The Granada Sanitary District has provided staff with a project review comment letter indicating that sewer hookups are available for this site. The applicant is required to apply for a sewer connection permit in order to connect this project to the District's wastewater facilities.

Flooding Hazard Policy 15.47(b) (*Review Criteria for Locating Development in Areas of Special Flood Hazard*) requires that structures proposed in areas of special flood hazards be safely elevated above the base flood elevation in order to mitigate potential flooding hazards within surrounding structures. The project is located in Flood Zone A8, which requires that new development be elevated to or above the base flood elevation (BFE). The project incorporates structural features, such as breakaway walls, including second story living areas that comply with this policy and the development requirements of the Federal Emergency Management Agency (FEMA).

General Plan Policies regarding Sensitive Habitats (e.g., Policies 1.27 to 1.32) and Scenic Corridors (e.g., Policy 4.46) also apply to this project, but are very similar to applicable Local Coastal Program Policies. The project's compliance with these policies is discussed in Section 2, below.

2. Conformance with the Local Coastal Program

A Coastal Development Permit is required pursuant to Section 6328.4 of the County Zoning Regulations for development in the Coastal Development (CD) District. Staff has determined that the project is in compliance with applicable Local Coastal Program (LCP) Policies, elaborated as follows:

a. Locating and Planning New Development Component

Policy 1.18 (*Location of New Development*) directs new development to existing urban areas in order to discourage urban sprawl and maximize the efficiency of public facilities, services and utilities. Also, new development should be concentrated in urban areas by requiring the "infilling" of existing residential subdivisions. Policy 1.19 (*Definition of Infill*) defines infill as the development of vacant land in urban areas that is subdivided and zoned for development at densities greater than

one dwelling unit per 5 acres, and/or served by sewer and water. The project complies with these policies since the subject property is within the existing Shore Acres Residential Subdivision (recorded in 1905) in the urban area of Miramar, where public facilities, services and utilities are available.

b. Sensitive Habitats Component

Policy 7.1 (*Definition of Sensitive Habitats*) defines sensitive habitats as any area in which plant or animal life or their habitats are either rare or especially valuable to include, in part, intermittent streams or riparian corridors. Based on the presence of an intermittent stream along the site's rear property line, the applicant submitted a biological impact assessment prepared by Live Oak Associates, dated March 6, 2012 (see Attachment E). Although the report includes a determination that a riparian habitat is not located on-site, mitigation measures for the project have been included that address potential impacts to the surrounding sensitive areas (see Attachment D).

Policy 7.11 (*Establishment of Buffer Zones*) requires a buffer zone at least 30 feet outward from the limit of riparian vegetation for intermittent streams. Since the report declares that no riparian vegetation exists on-site, the minimum buffer of 30 feet shall be established and measured from the midpoint of this intermittent stream (see Mitigation Measure 1, Attachment D). The CDRC has recommended, to the extent feasible, as project approval, that the house be oriented closer to the rear, reoriented at an increased counter-clockwise angle (see Section 3.b.11(m)). The applicant shall be required to comply with this condition as long as the minimum buffer zone of 30 feet is met.

Policy 7.34 (*Rare and Endangered Species – Permit Conditions*) requires submittal of a biological report that assesses the presence or potential presence of rare and endangered species in areas that are in/near sensitive habitats, including riparian corridors. The Live Oaks Associates report states that no special status species were observed on-site during site surveys, but there is some potential for occurrence on the property of one special status animal, the white-tailed kite. The report therefore recommends a mitigation measure to ensure that there are no impacts during project development (see Mitigation Measure 4, Attachment D).

c. Visual Resources Component

Visual Resources Policy 8.12(a) (*General Regulations*) applies the Design Review Zoning District to urbanized areas of the Coastal Zone, which includes Miramar. The project is, therefore, subject to Section 6565.20 of the Zoning Regulations. As discussed in Section 3.b of

this report, the Coastside Design Review Committee (CDRC) considered this project at the regularly scheduled CDRC meeting on February 20, 2011, and determined it is in compliance with applicable Design Review Standards, and recommended approval. See further discussion in Section 3.b.

Visual Resources Policy 8.5 (*Location of Development*) requires that new development be located on a portion of a parcel where the development: (1) is least visible from State and County Scenic Roads, (2) is least likely to significantly impact views from public viewpoints, and (3) is consistent with all other LCP requirements, best preserves the visual and open space qualities of the parcel overall. Staff has determined that the proposed home complies with this policy. Direct views to the Pacific Ocean from Cabrillo Highway along the stretch between Medio and Magellan Avenues are still available, since a large number of parcels along this part of Cabrillo Highway westward are still undeveloped. The proposed home will be visible from Cabrillo Highway, as are a majority of homes along this scenic route, but will be screened by the existing on-site vegetation consisting of mature trees. The new structure will also be visible from the public parklands located northward of the parcel, but again will be buffered by these trees. As seen in the attached photos of the story poles erected on-site, the maximum height of the proposed structure appears lower than the existing trees on-site (see Attachment E). Also, as previously discussed, the potential mass and bulk of the proposed structure is mitigated based on the adequate articulation of all exterior façades particularly once the recommended conditions for project approval indicated in Section 3.b.11 below are implemented.

Visual Resources Policy 8.13 (*Special Design Guidelines for Coastal Communities*) establishes design guidelines for Montara, Moss Beach, El Granada and Miramar. The proposed home complies with these guidelines as follows:

- (1) The structure fits the topography of the site and does not require extensive cutting, grading or filling, since the site is fairly flat in topography. Only minimal grading is proposed for the project.
- (2) The proposed home uses materials with a natural appearance such as Hardi Lap Siding and redwood, including earth-tone colors that will blend with the vegetative cover of the site and surrounding area.
- (3) The proposed home uses gable roofs for the project, including non-reflective, dark composite roof shingles as the primary roof material of choice.

- (4) The proposed home is designed to be in scale with other homes in the area, since it is below the maximum size allowed for the zoning district (5,546 sq. ft. where 6,200 sq. ft. is the maximum allowed for parcels larger than 11,698 sq. ft.). Also, the potential mass and bulk of the proposed structure is mitigated based on the adequate articulation of all exterior facades.
- (5) As previously discussed, the proposed residence will not significantly impact shoreline views as seen from Cabrillo Highway based on the existing vegetation that acts as a visual buffer from the surrounding vista points.

d. Hazards Component

Hazards Policy 9.9(b) (*Regulation of Development in Floodplains*) requires that development located within flood hazard areas shall employ the standards, limitations and controls contained in Chapter 35.5 of the San Mateo County Ordinance Code, Sections 8131, 8132, and 8133 of Chapter 2 and Section 8309 of Chapter 4, Division VII (Building Regulations), and applicable Subdivision Regulations. The project complies with this policy as previously stated in Section A.1 of this report (see Policy 15.47(b)).

e. Shoreline Access Component

Shoreline Access Policy 10.1 (*Permit Conditions for Shoreline Access*) requires some shoreline access provision as a condition of granting development permits for any public or private development between the sea and the nearest road. The subject site is located between the Pacific Ocean westward and Cabrillo Highway eastward and is therefore subject to this policy; Cabrillo Highway is the first through road to the east of the subject parcel.

Shoreline Access Policy 10.12(a) (*Residential Areas*) requires that vertical access be provided at the ends of streets perpendicular to the shoreline. The project complies with this policy based on the existing vertical access provided by Magellan Avenue, the shoreline area westward, where unobstructed scenic vistas to the Pacific Ocean are available.

The existence of this access point also complies with the requirement pursuant to Section 30212 of the California Coastal Act Public Resources Code.

3. Conformance with Zoning Regulations

a. Conformance with S-94 District Development Standards

The proposal complies with the property's R-1/S-94/DR/CD zoning designation, as indicated in the following table:

	S-94 Development Standards	Proposed
Maximum Floor Area for Parcels >11,698 sq. ft.	6,200 sq. ft.	5,546 sq. ft.
Maximum Building Site Coverage	3,727 sq. ft. (30%)	2,640 sq. ft. (21%)
Minimum Front Setback	20 ft.	20 ft.
Minimum Rear Setback	20 ft.	25 ft.
Minimum Right Side Setback	10 ft.	24 ft.
Minimum Left Side Setback	10 ft.	26 ft.
Maximum Building Height	28 ft.	22 ft. – 10 in. ft.
Minimum Parking Spaces	2	2
Daylight Plane/Façade Articulation	20 ft./45 degrees on setback lines of two opposite façades OR finding by CDRC	Complies with Articulation, as conditioned

b. Conformance with Design Review District Standards

The Coastside Design Review Committee (CDRC) considered the project at a regularly scheduled CDRC meeting on February 20, 2011, and adopted the findings and recommended conditions for project approval.

It should be noted that the CDRC used the Design Standards in effect at the time the application was submitted on May 18, 2010, in their review, and made their findings for approval of the project on that basis. However, the CDRC also used as guidelines, "The Standards for Design of One-Family and Two-Family Residential Development in the Midcoast" (Design Standards) as a means to formulate and supplement their findings. The "Standards for Design" which were guidelines only have subsequently been amended and adopted, effective September 15, 2010. The CDRC findings are, therefore, cross-referenced to the applicable section of the new Design Standards to indicate consistency with both sets of standards, further elaborated as follows:

- (1) The proposed two-story structure is designed and situated to retain and blend with the natural vegetation and landforms of the site and ensure adequate space for light and air to itself and adjacent properties based on the recommendation to move the structure closer northeastward reoriented at an increased counter-clockwise angle, as conditioned (Section 6565.20(C)1).
- (2) Only minimal grading is proposed for the project (Section 6565.20(C)1b).
- (3) No streams and other natural drainage systems are located on the project site (Section 6565.20(C)1c). Required setbacks from the adjacent stream are maintained.
- (4) Although the site is located in Flood Zone A8 designated as an area of 100-year flood with base flood elevations and flood hazard factors determined, the proposed structure is compliant with the required building standards for this flood zone (Section 6565.20(C)1c).
- (5) No trees are proposed for removal (Section 6565.20(C)1a).
- (6) The project site is located adjacent to open areas where existing on-site vegetation maintains the smooth transition between this development and the adjacent open areas achieved via the planting of cypress trees and native plants along the north and east property lines, including retention of proposed and existing planting along the west property line to preserve the natural look of the area, in keeping with the site's close proximity to a public park (Section 6565.20(C)1e).
- (7) No trees are proposed for removal (Section 6565.20(C)2b).
- (8) The project site is not located on a ridgeline (Section 6565.20(C)1d).
- (9) The project site is not located on a cliff or bluff (Section 6565.20(C)1d).
- (10) The project site is not located on a shoreline (Section 6565.20(C)1d).
- (11) The proposed materials such as Hardi Lap Siding, vinyl dual pane windows, wood trims, gable roof, composite roof shingles and redwood treatment for the stairs and fences, including earth-tone colors as the project's color scheme of choice, make the project compatible with various architectural styles of the

neighborhood, improved by implementation of the following conditions, as recommended:

- (a) Match the middle garage door detail with the right garage door's detail to include the post and trellis elements.
- (b) Enclose the spaces below all exterior stairs.
- (c) The color scheme for all proposed shingles shall be a shade midway between the trim and body color.
- (d) Install a belly band along the entire right side elevation façade area.
- (e) In connection with the rear exterior stairs, replace originally proposed rear first flight railing design with an enclosure, to include banister capping.
- (f) Match the gable and vertical trims and wall shingle treatments enclosing the central portion of the left elevation with the central portion of the right side elevation, enclosing the first and second floor windows, exclusive of the first floor garage pop-out façade area.
- (g) Match rear second story covered porch area with the front entry design to include matching columns.
- (h) Remove the front right corner hip roof to match the left front corner gable roof design.
- (i) Reduce the second floor master bedroom window height sizes along the right side elevation to standard dimensions.
- (j) As an added rear entryway feature, include a first floor shed roof supported by three posts that covers and proportionally spans the central door and window along this rear elevation.
- (k) Remove the first story left side roof overhang located at the rear elevation.
- (l) Remove the central three-panel window element located on the second floor rear elevation and replace with a single window and roof design to match the middle second story left side elevation treatment.

- (m) Move the structure closer to the rear, reoriented at an increased counter-clockwise angle.
 - (n) Plant cypress trees and native plants along the north and east property lines, including retention of proposed and existing planting along the west property line to preserve the natural look of the area, in keeping with the site's close proximity to a public park.
 - (o) Install natural redwood fences.
 - (p) Include a driveway layout based on the retention of the two cypress trees and the reorientation of the structure as specified in Condition Nos. 3.m and 3.n (Sections 6565.20(D)2, 3 and 4, and 6565.20(F)1, 2 and 3).
- (12) The proposed single-family residence harmonizes with the existing neighborhood design context because of its similar scale to surrounding homes in the area (Section 6565.20(D)1b).
 - (13) Installation of utility lines underground is required for this project (Section 6565.20(G)).
 - (14) Installation of pervious materials is required for this project (Section 6565.20(F)2).

B. ENVIRONMENTAL REVIEW

Due to the project's proximity to the intermittent creek, a Negative Declaration has been prepared for the project, pursuant to the California Environmental Quality Act (CEQA). The Negative Declaration (Attachment E) was published on May 10, 2012, with a review period ending on May 29, 2012. As of the writing of this report, no comments have been received. Mitigation measures to protect the creek and other measures to reduce impacts to a less than significant level have been included in the recommended conditions of approval, Attachment A.

C. REVIEW BY THE MIDCOAST COMMUNITY COUNCIL

The Midcoast Community Council did not forward a response to staff's referral for this project.

D. REVIEW BY THE CALIFORNIA COASTAL COMMISSION

The California Coastal Commission did not forward a response to staff's referral for this project.

E. OTHER REVIEWING AGENCIES

Building Inspection Section
Department of Public Works
Department of Parks
Coastside Fire Protection District
Coastside County Water District
Granada Sanitary District

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Project Plans
- D. Negative Declaration, including Biological Report
- E. Site Photos

DPA:fc – DPAW0335_WFU.DOCX

County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2010-00154

Hearing Date: June 14, 2012

Prepared By: Dennis P. Aguirre
Project Planner

For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDINGS

Regarding the Environmental Review, Find:

1. That the Mitigated Negative Declaration is complete, correct and adequate, and prepared in accordance with the California Environmental Quality Act and applicable State and County Guidelines.
2. That, on the basis of the Initial Study and comments hereto, there is no evidence that the project, subject to the mitigation measures contained in the Mitigated Negative Declaration, will have a significant effect on the environment.
3. That the Mitigated Negative Declaration reflects the independent judgment of San Mateo County.
4. That the mitigation measures identified in the Mitigated Negative Declaration, agree to by the applicant, placed as conditions on the project, and identified as part of this public hearing, have been incorporated into the Mitigation and Reporting Plan in conformance with California Public Resources Code Section 21081.6.

Regarding the Coastal Development Permit, Find:

5. That the project, as described in the application and accompanying materials required by Zoning Regulations Section 6328.4 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program (LCP) for the reasons specified in Section 2 of the staff report for this item dated June 14, 2012.
6. That the project conforms to specific findings required by policies of the San Mateo County LCP since it complies with the Locating and Planning New Development and Visual Resources Policies as previously referenced in Section 2 of the staff report for this item dated June 14, 2012.

Regarding the Design Review, Find:

7. That, with the conditions recommended by the Coastside Design Review Committee at its meeting of February 20, 2011, the project is in compliance with the Design Review Standards for the Coastside as previously elaborated in Section 3.b of the staff report for this item dated June 14, 2012.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. The project shall be constructed in compliance with the plans approved by the Zoning Hearing Officer on June 14, 2012. Any changes or revisions to the approved plans shall be submitted to the Design Review Officer for review and approval prior to implementation. Minor adjustments to the project may be approved by the Community Development Director if they are consistent with the intent of and are in substantial conformance with this approval. Alternatively, the Community Development Director may refer consideration of the revisions to the Zoning Hearing Officer, with applicable fees to be paid (also Mitigation Measure 13).
2. The applicant shall include this approval letter on the top pages of the building plans. This would provide the Planning approval date and its contents on the on-site plans.
3. The applicant shall submit the following items and/or indicate the following on plans submitted for a building permit, as stipulated by the Coastside Design Review Committee:
 - a. Matching of the middle garage door detail with the right garage door's detail to include the post and trellis elements.
 - b. Enclosure of the spaces below all exterior stairs.
 - c. Submittal of the color scheme for all proposed shingles comprising of a shade midway between the trim and body color.
 - d. Installation of a belly band along the entire right side elevation façade area.
 - e. In connection with the rear exterior stairs, replacement of the originally proposed rear first flight railing design with an enclosure, to include banister capping.
 - f. Matching of the gable and vertical trims and wall shingle treatments, enclosing the central portion of the left elevation with the central portion of the right side elevation, enclosing the first and second floor windows, exclusive of the first floor garage pop-out façade area.

- g. Matching the rear second story covered porch area with the front entry design to include matching columns.
 - h. Removal of the front right corner hip roof to match the left front corner gable roof design.
 - i. Reduction of the second floor master bedroom window height sizes along the right side elevation to standard dimensions.
 - j. As an added rear entryway feature, inclusion of a first floor shed roof supported by three posts that covers and proportionally spans the central door and window along this rear elevation.
 - k. Removal of the first story left side roof overhang located at the rear elevation.
 - l. Removal of the central three-panel window element located on the second floor rear elevation and replace with a single window and roof design to match the middle second story left side elevation treatment.
 - m. Placement of the structure closer to the rear and reoriented at an increased counter-clockwise angle, while maintaining a minimum creek setback of 30 feet per Condition No. 14.
 - n. Planting of cypress trees and native plants along the north and east property lines, including retention of proposed and existing planting along the west property line to preserve the natural look of the area, in keeping with the site's close proximity to a public park.
 - o. Installation of natural colored redwood fences.
 - p. Inclusion of a driveway layout based on the retention of the two cypress trees and the reorientation of the structure as specified in Condition Nos. 3.m and 3.n.
4. The applicant shall provide "finished floor elevation verification" to certify that the structure is actually constructed at the height shown on the submitted plans. The applicant shall have a licensed land surveyor or engineer establish a baseline elevation datum point in the vicinity of the construction site.
- a. The applicant shall maintain the datum point so that it will not be disturbed by the proposed construction activities until final approval of the building permit.
 - b. This datum point and its elevation shall be shown on the submitted site plan. This datum point shall be used during construction to verify the elevation of

the finished floors relative to the existing natural or to the grade of the site (finished grade).

- c. Prior to Planning approval of the building permit application, the applicant shall also have the licensed land surveyor or engineer indicate on the construction plans: (1) the natural grade elevations at the significant corners (at least four) of the footprint of the proposed structure on the submitted site plan, and (2) the elevations of proposed finished grades.
 - d. In addition, (1) the natural grade elevations at the significant corners of the proposed structure, (2) the finished floor elevations, (3) the topmost elevation of the roof and (4) garage slab elevation must be shown on the plan, elevations, and cross-section (if one is provided).
 - e. Once the building is under construction, prior to the below floor framing inspection or the pouring of the concrete slab (as the case may be) for the lowest floor(s), the applicant shall provide to the Building Inspection Section a letter from the licensed land surveyor or engineer certifying that the lowest floor height--as constructed--is equal to the elevation specified for that floor in the approved plans. Similarly, certifications on the garage slab and the topmost elevation of the roof are required.
 - f. If the actual floor height, garage slab, or roof height--as constructed--is different than the elevation specified in the plans, then the applicant shall cease all construction and no additional inspections shall be approved until a revised set of plans is submitted to and subsequently approved by both the Building Official and Community Development Director.
5. The applicant shall include an erosion and sediment control plan on the plans submitted for the building permit. This plan shall identify the type and location of erosion control devices to be installed upon the commencement of construction in order to maintain the stability of the site and prevent erosion and sedimentation off-site (see also Mitigation Measure 3).
 6. Prior to the beginning of any construction or grading activities, the applicant shall implement the approved erosion and sediment control plan. Erosion control measure deficiencies, as they occur, shall be immediately corrected. The goal is to prevent sediment and other pollutants from leaving the project site and to protect all exposed earth surfaces from erosive forces. Said plan shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:
 - a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15. Stabilizing shall include both proactive measures, such as the placement of hay bales or coir netting, and passive measures, such as revegetating disturbed areas with plants propagated from seed collected in the immediate area.

- b. Storing, handling, and disposing of construction materials and wastes properly, so as to prevent their contact with stormwater.
 - c. Controlling and preventing the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.
 - d. Using sediment controls or filtration to remove sediment when dewatering the site and obtaining all necessary permits.
 - e. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
 - f. Delineating with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.
 - g. Protecting adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
 - h. Performing clearing and earth-moving activities only during dry weather.
 - i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.
 - j. Limiting construction access routes and stabilizing designated access points.
 - k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
 - l. The contractor shall train and provide instructions to all employees and subcontractors regarding the construction best management practices.
 - m. The approved erosion and sediment control plan shall be implemented prior to the beginning of construction.
7. All new power and telephone utility lines from the street or nearest existing utility pole to the main dwelling and/or any other structure on the property shall be placed underground.
8. The applicant shall apply for a building permit and shall adhere to all requirements from the Building Inspection Section, the Department of Public Works and the respective Fire Authority.

9. No site disturbance shall occur, including any grading or tree removal, until a building permit has been issued, and then only those trees approved for removal shall be removed.
10. To reduce the impact of construction activities on neighboring properties, comply with the following:
 - a. All debris shall be contained on-site; a dumpster or trash bin shall be provided on-site during construction to prevent debris from blowing onto adjacent properties. The applicant shall monitor the site to ensure that trash is picked up and appropriately disposed of daily.
 - b. The applicant shall remove all construction equipment from the site upon completion of the use and/or need of each piece of equipment which shall include but not be limited to tractors, back hoes, cement mixers, etc.
 - c. The applicant shall ensure that no construction-related vehicles shall impede through traffic along the right-of-way on Magellan Avenue. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on Magellan Avenue. There shall be no storage of construction vehicles in the public right-of-way.
11. The exterior color samples submitted to the Committee are approved. Color verification shall occur in the field after the applicant has applied the approved materials and colors but before a final inspection has been scheduled.
12. Installation of the approved landscape plan is required prior to final inspection. The plan shall be prepared in conformance with Condition Nos. 3.n, o, and p, 19 and 20.
13. Prior to issuance of a building permit, pay all outstanding planning permit processing fees.
14. **Mitigation Measure 1:** Establish a minimum 30-foot buffer zone from the centerline of the stream to the nearest structure in compliance with San Mateo County Local Coastal Program (LCP) Policy 7.11, which requires a 30-foot buffer zone from the midpoint of an intermittent stream absent riparian vegetation.
15. **Mitigation Measure 2:** Require a tree removal permit from the County in the event that removal of trees are required as part of the development scope.
16. **Mitigation Measure 3:** Implement best management practices (BMPs) for erosion and sediment control during all phases of building to include pre- and post-construction activities.
17. **Mitigation Measure 4:** Require a pre-construction site survey of all on-site trees, within a site radius of up to 250 feet, to be conducted by a qualified biologist for

the potential presence of raptors, in the event that the building construction activity occurs during the breeding season (February 1 to August 31). Upon successful identification of active nests and to ensure that no species are seriously affected, a disturbance-free buffer shall be established by the project biologist until the young have grown to be independent of their parents, subject to confirmation by the qualified biologist.

18. **Mitigation Measure 5:** The applicant shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy and NPDES requirements for review and approval by the Department of Public Works.
19. **Mitigation Measure 6:** Noise levels produced by construction shall not exceed the 80-dBA level at any one moment. Construction activity shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction operations shall be prohibited on Sunday and any national holiday.
20. Performance standards for fertilization, pesticide and herbicide use, and irrigation shall be reviewed and approved by the applicant's biological consultant. **Prior to the issuance of the Certificate of Occupancy for the residence, this review shall be submitted to the Community Development Director for review and approval and the property owner(s) shall record a deed restriction which:** (1) prohibits the removal or alteration of riparian vegetation within the riparian corridor and associated buffer zone, (2) prohibits utilization of any pesticide, herbicide, or fertilizer, except types specifically accepted by the biological consultant within the riparian corridor and associated buffer zone, (3) requires the removal of invasive exotic plant species from within the buffer zone, (4) requires the replanting with native riparian and coastal scrub plant species in the buffer zone, and (5) prohibits the construction of accessory structures within the riparian corridor and associated buffer zone, over the life of the project.
21. The applicant shall comply with LCP performance standards for areas within a riparian corridor or riparian corridor buffer zone (Policies 7.10 and 7.13), including, but not limited to, the following:
 - a. Use only adapted native or non-invasive exotic plant species when replanting.
 - b. Minimize adverse effects of wastewater discharges and entrainment.
 - c. Prevent depletion of groundwater supplies and substantial interference with surface and subsurface water flows.
 - d. Encourage wastewater reclamation.
 - e. Maintain natural vegetation buffer areas that protect riparian habitats.

- f. Conform to natural topography to minimize erosion potential.
 - g. Make provisions (i.e., catch basins) to keep runoff and sedimentation from exceeding pre-development levels.
 - h. Prevent discharge of toxic substances, such as fertilizers and pesticides, into the riparian corridor.
22. The applicant shall submit to Planning an environmental filing fee of \$2,151.50, as required under Fish and Game Code Section 711.4(d), to be paid to the San Mateo County Clerk for the filling of the Notice of Determination **within four (4) working days of the final approval date of this permit.**
 23. Any future construction shall maintain a minimum 30-foot setback from the centerline of the intermittent stream, as indicated on the site plan/survey, unless as outlined in the LCP and permitted through an approved Coastal Development Permit. Uses within the riparian corridor and associated buffer zone shall be limited to those listed in LCP Policies 7.9 (Permitted Uses in Riparian Corridors) and 7.12 (Permitted Uses in Buffer Zones).
 24. All vehicles, machinery, and construction equipment shall be kept out of the riparian corridor and associated buffer zone, except for the activity necessary to demolish and remove the existing shed and greenhouse. Prior to the issuance of a building permit, the applicant shall install a 6-foot chain link fence along the 30-foot setback from riparian corridor on the site. This barrier shall remain in place until all heavy machinery has been removed from the site and the building permit has been completed.
 25. During any grading or excavation associated with the project, if any cultural materials are unearthed, work in that area shall be halted until all such materials can be examined by a qualified archaeologist and appropriate recommendations made.
 26. If human remains are discovered, all work must stop in the immediate vicinity of the find, and the County Coroner must be notified, according to Section 7050.5 of the California Health and Safety Code. If the remains are Native American, the coroner will notify the Native American Heritage Commission, which in turn will inform a most likely descendent. The descendent will then recommend to the landowner appropriate disposition of the remains and any grave goods.

Building Inspection Section

27. At the time of application for a building permit, the following will be required:
 - a. Prior to pouring any concrete for foundations, written verification from a licensed surveyor must be submitted which will confirm that the required setbacks as shown on the approved plans have been maintained.

- b. If a water main extension, upgrade or hydrant is required, this work must be completed prior to the issuance of the building permit or the applicant must submit a copy of an agreement and contract with the water purveyor which will confirm that the work will be completed prior to finalization of the building permit.
- c. A site drainage plan will be required. This plan must demonstrate how roof drainage site runoff will be directed to an approved disposal area.
- d. Sediment and erosion control measures must be installed prior to beginning any site work and maintained throughout the term of the permit. Failure to install or maintain these measures will result in stoppage of construction until the corrections have been made and fees paid for staff enforcement time.
- e. All drawings must be drawn to scale and clearly define the whole project and its scope in its entirety.
- f. Please call out the right codes on the code summary: The design and/or drawings shall be done according to the 2007 Editions of the California Building Standards Code, 2007 California Plumbing Code, 2007 California Mechanical Code, and the 2007 California Electrical Code.
- g. Submit plans showing all FEMA and San Mateo requirements (Building Standards) on the plans as required for projects located in Flood Zone A8.

Department of Public Works

- 28. Prior to the issuance of the building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance No. 3277.
- 29. No proposed construction work within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued.
- 30. The applicant shall submit a driveway "plan and profile," to the Department of Public Works, showing the driveway access to the parcel (garage slab) complying with County standards for driveway slopes (not to exceed 20%) and to County standards for driveways (at the property line) being the same elevation as the center of the access roadway. When appropriate, this plan and profile shall be prepared from elevations and alignment shown on the roadway improvement plans. The driveway plan shall also include and show specific provisions and details for both the existing and the proposed drainage patterns and drainage facilities.

31. The applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed project and submit it to the Department of Public Works for review and approval. The drainage analysis shall consist of a written narrative and a plan. The flow of the stormwater onto, over, and off the property shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage. Post-development flows and velocities shall not exceed those that existed in the pre-developed state. Recommended measures shall be designed and submitted to the Department of Public Works for review and approval.

Department of Parks

32. The applicant shall stake out the subject parcel's property with boundary markers for accurate property delineation between County Parklands and the subject parcel.
33. The 30-foot stream buffer shall be staked for on-site location.

Coastside Fire Protection District

34. An approved automatic fire sprinkler system meeting the requirements of NFPA-13D is required to be installed in your project. Plans shall include attached garages and detached garages at or above 1,000 sq. ft. Plans shall be designed by a licensed sprinkler system designer and submitted to the San Mateo County Building Inspection Section for review and approval by the San Mateo County Fire Department. Building plans will not be reviewed until the required sprinkler plans are received by the County Building Inspection Section.
35. Occupancy separations will be required as per the current Uniform Building Code, Section 503.
36. Smoke detectors are required to be installed in accordance with the California Building Code. This includes the requirement for hardwired, interconnected detectors equipped with battery backup and placement in each sleeping room in addition to the corridors and on each level of the residence.
37. All roof assemblies shall have a minimum CLASS-B fire resistive rating and be installed in accordance with the manufacturer's specifications and current Uniform Building Code.
38. All buildings that have a street address shall have the number of that address on the building, mailbox, or other type of sign at the driveway entrance in such a manner that the number is easily and clearly visible from either direction of travel from the street. An address sign shall be placed at each break of the road where deemed applicable by the San Mateo County Fire Department. Numerals shall be

contrasting in color to their background and shall be no less than 4 inches in height, and have a minimum 1/2-inch stroke.

39. Maintain around and adjacent to such buildings or structures a fuelbreak/firebreak made by removing and clearing away flammable vegetation for a distance of not less than 30 feet and up to 100 feet around the perimeter of all structures, or to the property line, if the property line is less than 30 feet from any structure.
 - a. Any chimney or woodstove outlet shall have installed onto the opening thereof an approved (galvanized) spark arrester of a mesh with an opening no larger than 1/2 inch in size, or an approved spark arresting device.
 - b. Maintain around and adjacent to such buildings or structures a fuelbreak/firebreak made by removing and clearing away flammable vegetation for a distance of not less than 30 feet and up to 100 feet around the perimeter of all structures or to the property line, if the property line is less than 30 feet from any structure. This is not a requirement nor an authorization for the removal of live trees. Remove that flammable portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe, or within 5 feet of any portion of any building or structures.
 - c. Remove that dead or dying portion of any tree which extends over the roofline of any structure.

Granada Sanitary District

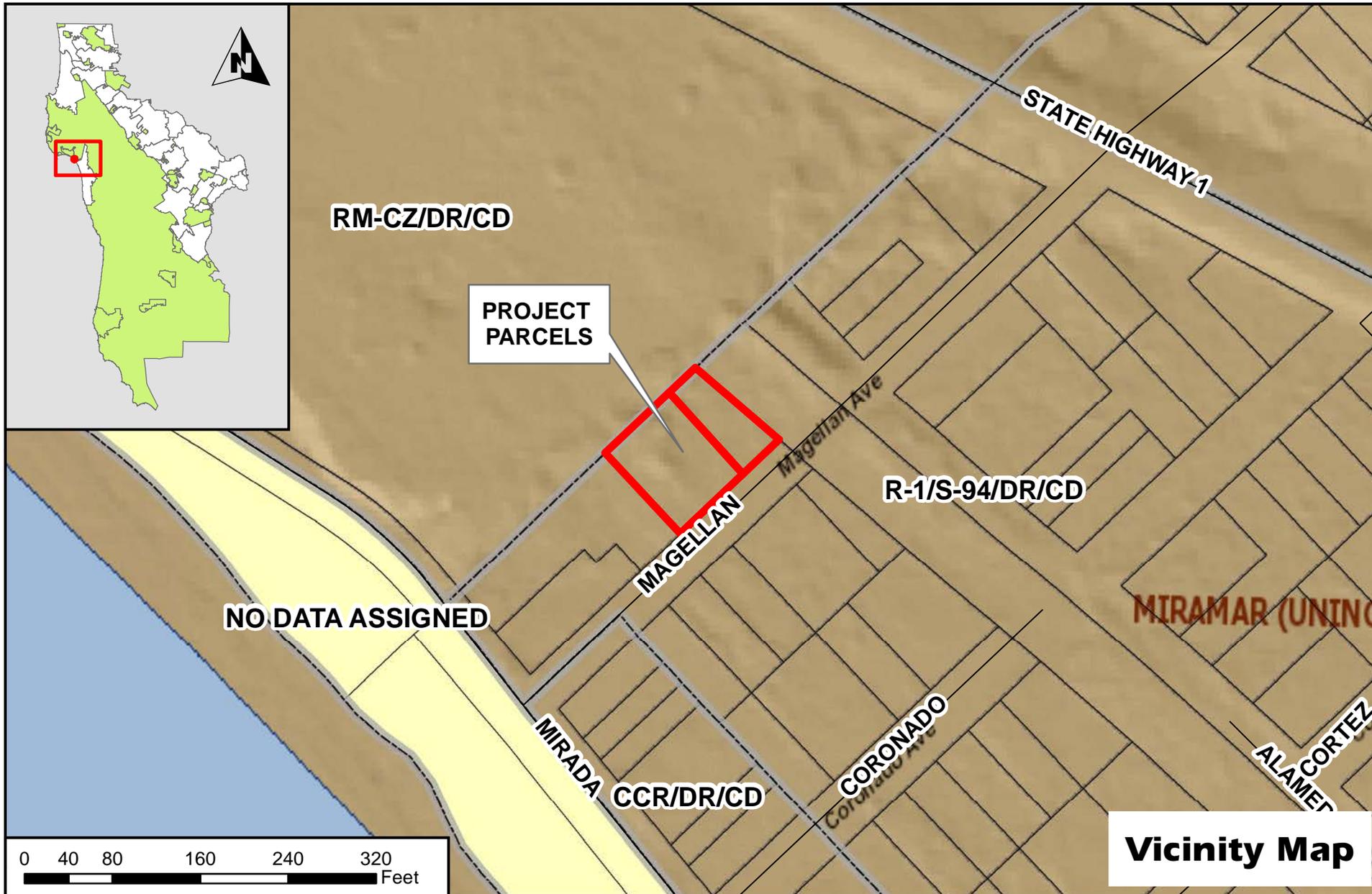
40. Prior to the issuance of a building permit, the applicant shall obtain a sewer permit.

Coastside County Water District

41. Prior to issuance of a building permit, the applicant shall submit verification of a water service connection.

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San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: HOCKER

Attachment: B

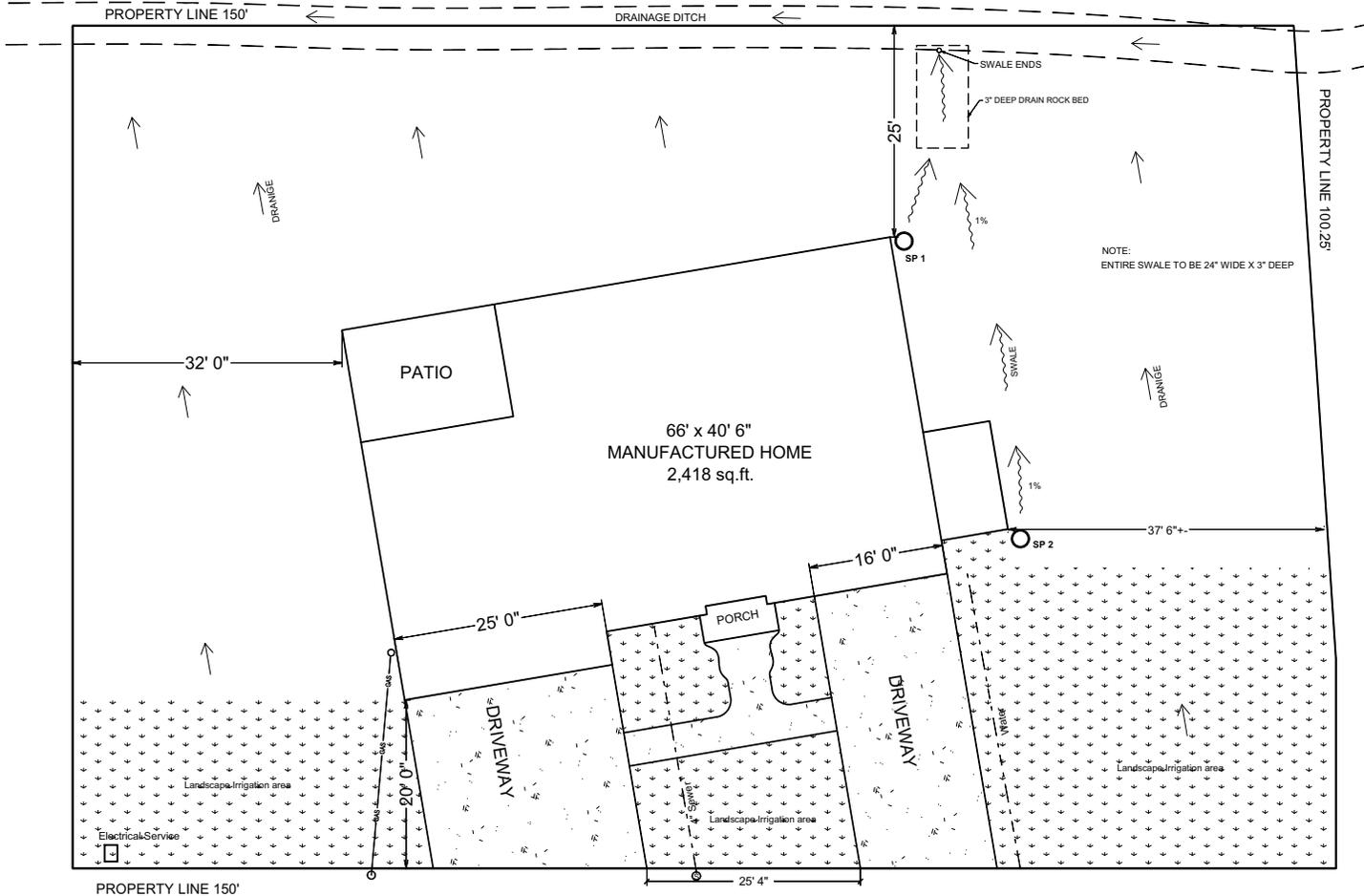
File Numbers: PLN2010-00154

Hank and Irene Zbiczak
 136 Santa Rosa Avenue
 San Francisco, CA 94112

M I N
 DESIGNING
 TEL.(916)366-9731
 3654 Goldsboro Ct.
 Sacramento CA 95827

CURRENT CODE
 2007 CBC
 CEC
 CPC
 CMC

Note
 Per FEMA and San Mateo
 Building requirements.



FIRE DEPARTMENT NOTES
 1. PROVIDE ILLUMINATED ADDRESSING LOCATED ON THE
 BUILDING IN SUCH A MANNER AS TO BE VISIBLE AND
 LEGIBLE FROM THE STREET DAY OR NIGHT.

PLOT PLAN

SCALE: 1/8" = 1' 0"



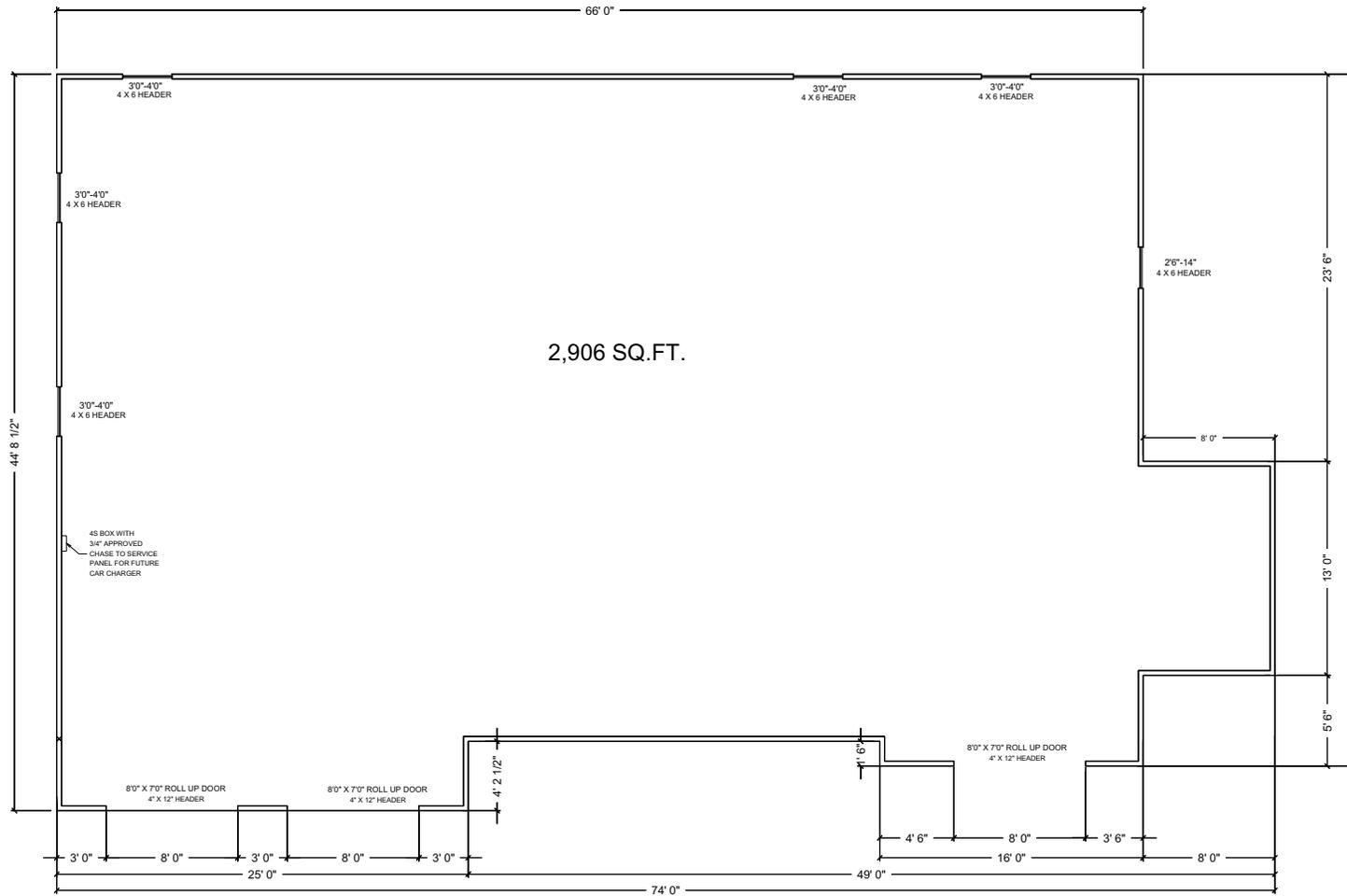
MAGELLAN AVE

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: HOCKER

Attachment: C

File Numbers: PLN2010-00154



GARAGE FLOOR PLAN

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: HOCKER

Attachment: C

File Numbers: PLN2010-00154



REAR ELEVATION



LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION



FRONT ELEVATION

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: HOCKER

Attachment: C

File Numbers: PLN2010-00154

COUNTY OF SAN MATEO, PLANNING AND BUILDING DEPARTMENT

**NOTICE OF INTENT TO ADOPT
NEGATIVE DECLARATION**

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et seq.), that the following project: New Zbiczak Single-Family Residence, when adopted and implemented, will not have a significant impact on the environment.

FILE NO.: PLN 2010-00154

OWNER/APPLICANT: Hank and Irene Zbiczak/Neal Hocker

ASSESSOR'S PARCEL NOS.: 048-013-050 and -060

PROJECT LOCATION: Magellan Avenue, Miramar

PROJECT DESCRIPTION: The applicant is requesting approval to construct a new 5,546 sq. ft. single-family residence, including an attached three-car garage on an existing 12,424 sq. ft. parcel, as part of a Coastal Development Permit and Coastsides Design Review. The site is located on Magellan Avenue in the unincorporated Miramar area of San Mateo County, within the R-1/S-94/DR/CD Zoning District. No trees are proposed for removal. This project is appealable to the California Coastal Commission.

SITE DESCRIPTION: The project site is a vacant lot located on Magellan Avenue (cross street Mirada Road) in the unincorporated Miramar area of San Mateo County, within a general area of County parkland and undeveloped parcels. The subject site is fairly flat in topography with mixed ground vegetation consisting of native California blackberry and non-native poison hemlock, including a shallow intermittent stream along the northwestern boundary of the site. County parklands northwestward and Magellan Avenue southeastward bound this subject parcel. Cabrillo Highway is approximately 325 feet to the east, and the Pacific Ocean is about 450 feet westward of the site.

FINDINGS AND BASIS FOR A NEGATIVE DECLARATION

The Current Planning Section has reviewed the initial study for the project and, based upon substantial evidence in the record, finds that:

1. The project will not adversely affect water or air quality or increase noise levels substantially.
2. The project will not have adverse impacts on the flora or fauna of the area.
3. The project will not degrade the aesthetic quality of the area.
4. The project will not have adverse impacts on traffic or land use.



5. In addition, the project will not:
 - a. Create impacts which have the potential to degrade the quality of the environment.
 - b. Create impacts which achieve short-term to the disadvantage of long-term environmental goals.
 - c. Create impacts for a project which are individually limited, but cumulatively considerable.
 - d. Create environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

The County of San Mateo has, therefore, determined that the environmental impact of the project is insignificant.

MITIGATION MEASURES included in the project to avoid potentially significant effects:

Mitigation Measure 1: Establish a minimum 30-foot buffer zone from the centerline of the stream to the nearest structure in compliance with San Mateo County Local Coastal Program (LCP) Policy 7.11, which requires a 30-foot buffer zone from the midpoint of an intermittent stream absent riparian vegetation.

Mitigation Measure 2: Require a tree removal permit from the County in the event that removal of trees are required as part of the development scope.

Mitigation Measure 3: Implement best management practices (BMPs) for erosion and sediment control during all phases of building to include pre- and post-construction activities.

Mitigation Measure 4: Require a pre-construction site survey of all on-site trees, within a site radius of up to 250 feet, to be conducted by a qualified biologist for the potential presence of raptors, in the event that the building construction activity occurs during the breeding season (February 1 to August 31). Upon successful identification of active nests and to ensure that no species are seriously affected, a disturbance-free buffer shall be established until the young have grown to be independent of their parents, subject to confirmation by the qualified biologist.

Mitigation Measure 5: The applicant shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy and NPDES requirements for review and approval by the Department of Public Works.

Mitigation Measure 6: Noise levels produced by construction shall not exceed the 80-dBA level at any one moment. Construction activity shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction operations shall be prohibited on Sunday and any national holiday.

RESPONSIBLE AGENCY CONSULTATION

None.

INITIAL STUDY

The San Mateo County Current Planning Section has reviewed the Environmental Evaluation of this project and has found that the probable environmental impacts are insignificant. A copy of the initial study is attached.

REVIEW PERIOD: May 10, 2012 to May 29, 2012

All comments regarding the correctness, completeness, or adequacy of this Negative Declaration must be received by the County Planning and Building Department, 455 County Center, Second Floor, Redwood City, no later than **5:00 p.m., May 29, 2012.**

CONTACT PERSON

Dennis P. Aguirre
Project Planner, 650/363-1867

Dennis P. Aguirre, Project Planner

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(1/11/07)

County of San Mateo
Planning and Building Department

INITIAL STUDY
ENVIRONMENTAL EVALUATION CHECKLIST
(To Be Completed By Current Planning Section)

Zoning Hearing Officer Meeting	
PLN 2010-00154	(
Case	
8	
Attachment	

I. BACKGROUND

Project Title: New Zbiczak Single-Family Residence

File No.: PLN 2010-00154

Project Location: Magellan Avenue, Miramar

Assessor's Parcel Nos.: 048-013-050 and -060

Applicant/Owner: Neal Hocker/Hank and Irene Zbiczak

Date Environmental Information Form Submitted: March 6, 2012

PROJECT DESCRIPTION

The applicant is requesting approval to construct a new 5,546 sq. ft. single-family residence, including an attached three-car garage on an existing 12,424 sq. ft. parcel, as part of a Coastal Development Permit and Coastsides Design Review. The site is located on Magellan Avenue in the unincorporated Miramar area of San Mateo County, within the R-1/S-94/DR/CD Zoning District. No trees are proposed for removal. This project is appealable to the California Coastal Commission.

II. ENVIRONMENTAL ANALYSIS

Any controversial answers or answers needing clarification are explained on an attached sheet. For source, refer to pages 13 and 14.

	IMPACT					SOURCE
	NO	YES				
		Not Significant	Significant Unless Mitigated	Significant	Cumulative	
1. LAND SUITABILITY AND GEOLOGY Will (or could) this project:						
a. Involve a unique landform or biological area, such as beaches, sand dunes, marshes, tidelands, or San Francisco Bay? See Answers to Questions.			X			B,F,O
b. Involve construction on slope of 15% or greater? Minimal slope on-site.	X					E,I
c. Be located in an area of soil instability (subsidence, landslide or severe erosion)? Not located in or adjacent to such an area.	X					Bc,D
d. Be located on, or adjacent to a known earthquake fault? Not located in or adjacent to such an area.	X					Bc,D
e. Involve Class I or Class II Agriculture Soils and Class III Soils rated good or very good for artichokes or Brussels sprouts? Project site is designated for residential use.	X					M
f. Cause erosion or siltation? Recommended conditions of permit approval included.		X				M,I
g. Result in damage to soil capability or loss of agricultural land? Project site is designated for residential use.	X					A,M

	IMPACT					SOURCE
	NO	YES				
		Not Significant	Significant Unless Mitigated	Significant	Cumulative	
h. Be located within a flood hazard area? Recommended conditions of permit approval included.		X				G
i. Be located in an area where a high water table may adversely affect land use? The project is not located in such an area.	X					D
j. Affect a natural drainage channel or streambed, or watercourse? See Answers to Questions.			X			E
2. <u>VEGETATION AND WILDLIFE</u> Will (or could) this project:						
a. Affect federal or state listed rare or endangered species of plant life in the project area? See Answers to Questions.			X			F
b. Involve cutting of heritage or significant trees as defined in the County Heritage Tree and Significant Tree Ordinance? See Answers to Questions.			X			I,A
c. Be adjacent to or include a habitat food source, water source, nesting place or breeding place for a federal or state listed rare or endangered wildlife species? See Answers to Questions.			X			F
d. Significantly affect fish, wildlife, reptiles, or plant life? See Answers to Questions.			X			I

	IMPACT					SOURCE
	NO	YES				
		Not Significant	Significant Unless Mitigated	Significant	Cumulative	
e. Be located inside or within 200 feet of a marine or wildlife reserve? The project is not located in or within 200 feet of such an area.	X					E,F,O
f. Infringe on any sensitive habitats? See Answers to Questions.			X			F
g. Involve clearing land that is 5,000 sq. ft. or greater (1,000 sq. ft. within a County Scenic Corridor), that has slopes greater than 20% or that is in a sensitive habitat or buffer zone? None proposed.	X					I,F,Bb
3. <u>PHYSICAL RESOURCES</u> Will (or could) this project:						
a. Result in the removal of a natural resource for commercial purposes (including rock, sand, gravel, oil, trees, minerals or topsoil)? None proposed.	X					I
b. Involve grading in excess of 150 cubic yards? Only minimal grading is proposed.	X					I
c. Involve lands currently protected under the Williamson Act (agricultural preserve) or an Open Space Easement? The site is not under agricultural contract or easement.	X					I
d. Affect any existing or potential agricultural uses? There are no agricultural uses on or adjacent to the project site.	X					A,K,M

	IMPACT					SOURCE
	NO	YES				
		Not Significant	Significant Unless Mitigated	Significant	Cumulative	
4. AIR QUALITY, WATER QUALITY, SONIC						
Will (or could) this project:						
a. Generate pollutants (hydrocarbon, thermal odor, dust or smoke particulates, radiation, etc.) that will violate existing standards of air quality on-site or in the surrounding area? See Answers to Questions.		X				I,N,R
b. Involve the burning of any material, including brush, trees and construction materials? None proposed.	X					I
c. Be expected to result in the generation of noise levels in excess of those currently existing in the area, after construction? None proposed.	X					Ba,I
d. Involve the application, use or disposal of potentially hazardous materials, including pesticides, herbicides, other toxic substances, or radioactive material? None proposed.	X					I
e. Be subject to noise levels in excess of levels determined appropriate according to the County Noise Ordinance or other standard? The project is not subject to excess noise levels.		X				A,Ba,Bc
f. Generate noise levels in excess of levels determined appropriate according to the County Noise Ordinance standard? Recommended conditions of permit approval included.			X			I
g. Generate polluted or increased surface water runoff or affect groundwater resources? Recommended conditions of permit approval included.			X			I

	IMPACT					SOURCE
	NO	YES				
		Not Significant	Significant Unless Mitigated	Significant	Cumulative	
h. Require installation of a septic tank/leachfield sewage disposal system or require hookup to an existing collection system which is at or over capacity? None proposed.	X					S
5. <u>TRANSPORTATION</u> Will (or could) this project:						
a. Affect access to commercial establishments, schools, parks, etc.? None proposed.		X				A,I
b. Cause noticeable increase in pedestrian traffic or a change in pedestrian patterns? None proposed.	X					A,I
c. Result in noticeable changes in vehicular traffic patterns or volumes (including bicycles)? None proposed.	X					I
d. Involve the use of off-road vehicles of any kind (such as trail bikes)? None proposed.	X					I
e. Result in or increase traffic hazards? None proposed.		X				S
f. Provide for alternative transportation amenities such as bike racks? None proposed.	X					I

	IMPACT					SOURCE
	NO	YES				
		Not Significant	Significant Unless Mitigated	Significant	Cumulative	
g. Generate traffic which will adversely affect the traffic carrying capacity of any roadway? None proposed.	X					S
6. <u>LAND USE AND GENERAL PLANS</u> Will (or could) this project:						
a. Result in the congregating of more than 50 people on a regular basis? None proposed.	X					I
b. Result in the introduction of activities not currently found within the community? None proposed.	X					I
c. Employ equipment which could interfere with existing communication and/or defense systems? None proposed.	X					I
d. Result in any changes in land use, either on or off the project site? None proposed.	X					I
e. Serve to encourage off-site development of presently undeveloped areas or increase development intensity of already developed areas (examples include the introduction of new or expanded public utilities, new industry, commercial facilities or recreation activities)? See Answers to Questions.		X				I,Q,S

	IMPACT					SOURCE
	NO	YES				
		Not Significant	Significant Unless Mitigated	Significant	Cumulative	
f. Adversely affect the capacity of any public facilities (streets, highways, freeways, public transit, schools, parks, police, fire, hospitals), public utilities (electrical, water and gas supply lines, sewage and storm drain discharge lines, sanitary landfills) or public works serving the site? No impact.	X					I,S
g. Generate any demands that will cause a public facility or utility to reach or exceed its capacity? No impact.	X					I,S
h. Be adjacent to or within 500 feet of an existing or planned public facility? See Answers to Questions.		X				A
i. Create significant amounts of solid waste or litter? No impact.	X					I
j. Substantially increase fossil fuel consumption (electricity, oil, natural gas, coal, etc.)? No impact.	X					I
k. Require an amendment to or exception from adopted general plans, specific plans, or community policies or goals? None proposed.	X					B
l. Involve a change of zoning? None proposed.	X					C
m. Require the relocation of people or businesses? None proposed.	X					I

	IMPACT					SOURCE
	NO	YES				
		Not Significant	Significant Unless Mitigated	Significant	Cumulative	
n. Reduce the supply of low-income housing? None proposed.	X					I
o. Result in possible interference with an emergency response plan or emergency evacuation plan? None proposed.	X					S
p. Result in creation of or exposure to a potential health hazard? No impact.	X					S
7. AESTHETIC, CULTURAL AND HISTORIC Will (or could) this project:						
a. Be adjacent to a designated Scenic Highway or within a State or County Scenic Corridor? Recommended conditions of permit approval included.		X				A,Bb
b. Obstruct scenic views from existing residential areas, public lands, public water body, or roads? Recommended conditions of permit approval included.		X				A,I
c. Involve the construction of buildings or structures in excess of three stories or 36 feet in height? None proposed.	X					I
d. Directly or indirectly affect historical or archaeological resources on or near the site? No impact.	X					H
e. Visually intrude into an area having natural scenic qualities? Recommended conditions of permit approval included.		X				A,I

III. **RESPONSIBLE AGENCIES.** Check what agency has permit authority or other approval for the project.

AGENCY	YES	NO	TYPE OF APPROVAL
U.S. Army Corps of Engineers (CE)		X	
State Water Resources Control Board		X	
Regional Water Quality Control Board		X	
State Department of Public Health		X	
San Francisco Bay Conservation and Development Commission (BCDC)		X	
U.S. Environmental Protection Agency (EPA)		X	
County Airport Land Use Commission (ALUC)		X	
CalTrans		X	
Bay Area Air Quality Management District		X	
U.S. Fish and Wildlife Service		X	
Coastal Commission		X	
City		X	
Sewer/Water District:		X	
Other:		X	

IV. MITIGATION MEASURES

Yes

No

Mitigation measures have been proposed in project application.

X

Other mitigation measures are needed.

X

The following measures are included in the project plans or proposals pursuant to Section 15070(b)(1) of the State CEQA Guidelines:

Mitigation Measure 1: Establish a minimum 30-foot buffer zone from the centerline of the stream to the nearest structure in compliance with San Mateo County Local Coastal Program (LCP) Policy 7.11, which requires a 30-foot buffer zone from the midpoint of an intermittent stream absent riparian vegetation.

Mitigation Measure 2: Require a tree removal permit from the County in the event that removal of trees are required as part of the development scope.

Mitigation Measure 3: Implement best management practices (BMPs) for erosion and sediment control during all phases of building to include pre- and post-construction activities.

Mitigation Measure 4: Require a pre-construction site survey of all on-site trees, within a site radius of up to 250 feet, to be conducted by a qualified biologist for the potential presence of raptors, in the event that the building construction activity occurs during the breeding season (February 1 to August 31). Upon successful identification of active nests and to ensure that no species are seriously affected, a disturbance-free buffer shall be established until the young have grown to be independent of their parents, subject to confirmation by the qualified biologist.

Mitigation Measure 5: The applicant shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy and NPDES requirements for review and approval by the Department of Public Works.

Mitigation Measure 6: Noise levels produced by construction shall not exceed the 80-dBA level at any one moment. Construction activity shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction operations shall be prohibited on Sunday and any national holiday.

V. MANDATORY FINDINGS OF SIGNIFICANCE

	Yes	No
1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal, or eliminate important examples of the major periods of California history or prehistory?		X
2. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?		X
3. Does the project have possible environmental effects which are individually limited, but cumulatively considerable?		X
4. Would the project cause substantial adverse effects on human beings, either directly or indirectly?		X

On the basis of this initial evaluation:

_____ I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared by the Current Planning Section.

 X I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because of the mitigation measures in the discussion have been included as part of the proposed project. A NEGATIVE DECLARATION will be prepared.

_____ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

_____ Dennis P. Aguirre

_____ Project Planner
(Title)

_____ Date

VI. SOURCE LIST

- A. Field Inspection
- B. County General Plan 1986
 - a. General Plan Chapters 1-16
 - b. Local Coastal Program (LCP) (Area Plan)
 - c. Skyline Area General Plan Amendment
 - d. Montara-Moss Beach-El Granada Community Plan
 - e. Emerald Lake Hills Community Plan
- C. County Ordinance Code
- D. Geotechnical Maps
 - 1. USGS Basic Data Contributions
 - a. #43 Landslide Susceptibility
 - b. #44 Active Faults
 - c. #45 High Water Table
 - 2. Geotechnical Hazards Synthesis Maps
- E. USGS Quadrangle Maps, San Mateo County 1970 Series (See F. and H.)
- F. San Mateo County Rare and Endangered Species Maps, or Sensitive Habitats Maps
- G. Flood Insurance Rate Map – National Flood Insurance Program
- H. County Archaeologic Resource Inventory (Prepared by S. Dietz, A.C.R.S.) Procedures for Protection of Historic and Cultural Properties – 36 CFR 800 (See R.)
- I. Project Plans or EIF
- J. Airport Land Use Committee Plans, San Mateo County Airports Plan
- K. Aerial Photography or Real Estate Atlas – REDI
 - 1. Aerial Photographs, 1941, 1953, 1956, 1960, 1963, 1970
 - 2. Aerial Photographs, 1981
 - 3. Coast Aerial Photos/Slides, San Francisco County Line to Año Nuevo Point, 1971
 - 4. Historic Photos, 1928-1937

- L. Williamson Act Maps
- M. Soil Survey, San Mateo Area, U.S. Department of Agriculture, May 1961
- N. Air Pollution Isopleth Maps – Bay Area Air Pollution Control District
- O. California Natural Areas Coordinating Council Maps (See F. and H.)
- P. Forest Resources Study (1971)
- Q. Experience with Other Projects of this Size and Nature
- R. Environmental Regulations and Standards:
 - Federal
 - Review Procedures for CDBG Programs 24 CFR Part 58
 - NEPA 24 CFR 1500-1508
 - Protection of Historic and Cultural Properties 36 CFR Part 800
 - National Register of Historic Places
 - Floodplain Management Executive Order 11988
 - Protection of Wetlands Executive Order 11990
 - Endangered and Threatened Species
 - Noise Abatement and Control 24 CFR Part 51B
 - Explosive and Flammable Operations 24 CFR 51C
 - Toxic Chemicals/Radioactive Materials HUD 79-33
 - Airport Clear Zones and APZ 24 CFR 51D
 - State
 - Ambient Air Quality Standards Article 4, Section 1092
 - Noise Insulation Standards
- S. Consultation with Departments and Agencies:
 - a. County Health Department
 - b. City Fire Department
 - c. California Department of Forestry
 - d. Department of Public Works
 - e. Disaster Preparedness Office
 - f. Other

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COUNTY OF SAN MATEO
Planning and Building Department

Initial Study Pursuant to CEQA
Project Narrative and Answers to Questions for the Negative Declaration
File Number PLN 2010-00154
New Zbiczak Single-Family Residence

PROJECT DESCRIPTION

The applicant is requesting approval to construct a new 5,546 sq. ft. single-family residence, including an attached three-car garage on an existing 12,424 sq. ft. parcel, as part of a Coastal Development Permit and Coastsides Design Review. The site is located on Magellan Avenue in the unincorporated Miramar area of San Mateo County, within the R-1/S-94/DR/CD Zoning District. No trees are proposed for removal. This project is appealable to the California Coastal Commission.

SITE DESCRIPTION

The project site is a vacant lot located on Magellan Avenue (cross street Mirada Road) in the unincorporated Miramar area of San Mateo County, within a general area of County parkland and undeveloped parcels. The subject site is fairly flat in topography with mixed ground vegetation consisting of native California blackberry and non-native poison hemlock, including a shallow intermittent stream along the northwestern boundary of the site. County parklands northwestward and Magellan Avenue southeastward bound this subject parcel. Cabrillo Highway is approximately 325 feet to the east, and the Pacific Ocean is about 450 feet westward of the site.

ANSWERS TO QUESTIONS

1. LAND SUITABILITY AND GEOLOGY

Will (or could) this project:

- a. Involve a unique landform or biological area, such as beaches, sand dunes, marshes, tidelands, or San Francisco Bay?**

Yes, Significant Unless Mitigated. Despite the absence of sensitive communities on-site, the shallow stream located along the northwestern boundary of the subject site would be considered a sensitive habitat. The existing on-site vegetation is mixed, consisting of native California blackberry and non-native poison hemlock, including Monterey cypress and Monterey pine trees around the site's periphery. A biological report prepared by Live Oak Associates, Inc., was submitted to staff that includes mitigation measures to address four potential significant impacts that could result from the project: (1) impacts to the intermittent stream, (2) future removal of trees, (3) indirect impacts from runoff or erosion, and (4) impacts on special status bird and common raptor species.

ANSWERS TO QUESTIONS

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Based on this report, special status plants or animal species are known to occur only within the site's vicinity, with the white-tailed kite expected to potentially occur on-site. The potential impacts involve disturbance of animal and plant species within the site's vicinity, in the event of occurrence, including drainage, erosion and runoff during project construction.

The following mitigation measures are, therefore, recommended to ensure that potential future impacts are mitigated to a less than significant level:

Mitigation Measure 1: Establish a minimum 30-foot buffer zone from the centerline of the stream to the nearest structure in compliance with San Mateo County Local Coastal Program (LCP) Policy 7.11, which requires a 30-foot buffer zone from the midpoint of an intermittent stream absent riparian vegetation.

Mitigation Measure 2: Require a tree removal permit from the County in the event that removal of trees are required as part of the development scope.

Mitigation Measure 3: Implement best management practices (BMPs) for erosion and sediment control during all phases of building to include pre- and post-construction activities.

Mitigation Measure 4: Require a pre-construction site survey of all on-site trees, within a site radius of up to 250 feet, to be conducted by a qualified biologist for the potential presence of raptors, in the event that the building construction activity occurs during the breeding season (February 1 to August 31). Upon successful identification of active nests and to ensure that no species are seriously affected, a disturbance-free buffer shall be established until the young have grown to be independent of their parents, subject to confirmation by the qualified biologist.

b. Involve construction on slope of 15% or greater?

No Impact. The subject site's average slope of less than 15% involves minimal grading to allow for the existing topography to remain fairly intact.

c. Be located in an area of soil instability (subsidence, landslide or severe erosion)?

No Impact. The parcel has been designated as an area with Landslide Susceptibility I based on information gathered from the U.S. Geological Survey. Such areas have the lowest susceptibility to soil instability and a decreased potential for occurrences of a landslide.

d. Be located on, or adjacent to a known earthquake fault?

ANSWERS TO QUESTIONS

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No Impact. The project site is not located on or adjacent to a known earthquake fault. The Geotechnical Section will review the proposal when an application for the required building permit is submitted to verify that there are no geotechnical issues.

- e. **Involve Class I or Class II Agriculture Soils and Class III Soils rated good or very good for artichokes or Brussels sprouts?**

No Impact. The project site is located on land that has been identified as having Class III soils; however, the parcel has been designated for residential use and is not intended for agricultural use or production.

- f. **Cause erosion or siltation?**

Yes, Not Significant. While minimal grading is proposed for the project, erosion and siltation are likely to occur during construction activities on the property. The following conditions for project approval are recommended, in addition to Mitigation Measure 3 included in Question 1.a. above to minimize any potential issues:

Condition 1: Prior to the beginning of any construction or grading activities, the applicant shall implement the approved erosion and sediment control plan. Erosion control measure deficiencies, as they occur, shall be immediately corrected. The goal is to prevent sediment and other pollutants from leaving the project site and to protect all exposed earth surfaces from erosive forces. Said plan shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:

- a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15. Stabilizing shall include both proactive measures, such as the placement of hay bales or coir netting, and passive measures, such as revegetating disturbed areas with plants propagated from seed collected in the immediate area.
- b. Storing, handling, and disposing of construction materials and wastes properly, so as to prevent their contact with stormwater.
- c. Controlling and preventing the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.
- d. Using sediment controls or filtration to remove sediment when dewatering the site and obtaining all necessary permits.
- e. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.

ANSWERS TO QUESTIONS

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- f. Delineating with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.
- g. Protecting adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
- h. Performing clearing and earth-moving activities only during dry weather.
- i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.
- j. Limiting construction access routes and stabilizing designated access points.
- k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
- l. The contractor shall train and provide instructions to all employees and subcontractors regarding the construction best management practices.
- m. The approved erosion and sediment control plan shall be implemented prior to the beginning of construction.

Condition 2: The applicant shall implement erosion control measures prior to the beginning of grading or construction operations. Such activities shall not commence until the associated building permit for the project has been issued.

Condition 3: The project shall include water runoff prevention measures for the operation and maintenance of the project for the review and approval by the Community Development Director. The project shall identify best management practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the discharge of pollutants with stormwater runoff and other water runoff produced from the project.

g. Result in damage to soil capability or loss of agricultural land?

No Impact. Reference response to Question 1.e. above.

h. Be located within a flood hazard area?

Yes, Not Significant. The parcel is located in Flood Zone A8, designated as a 100-year flood area, where base flood elevations and flood hazard factors have been determined. The proposed structure is compliant with all applicable building setbacks for this flood zone.

ANSWERS TO QUESTIONS

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- i. **Be located in an area where a high water table may adversely affect land use?**

No Impact. There is no indication of the presence of a high water table in this area.

- j. **Affect a natural drainage channel or streambed, or watercourse?**

Yes, Significant Unless Mitigated. To prevent potential runoff into the intermittent creek, the following condition for project approval is recommended, in addition to the mitigation measures discussed in Questions 1.a. and 1.f. above.

Mitigation Measure 5: The applicant shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy and NPDES requirements for review and approval by the Department of Public Works.

2. VEGETATION AND WILDLIFE

Will (or could) this project:

- a. **Affect federal or state listed rare or endangered species of plant life in the project area?**

Yes, Significant Unless Mitigated. Reference staff's response to Question 1.a. above.

- b. **Involve cutting of heritage or significant trees as defined in the County Heritage Tree and Significant Tree Ordinance?**

Yes, Significant Unless Mitigated. Reference staff's response to Question 1.a. above.

- c. **Be adjacent to or include a habitat food source, water source, nesting place or breeding place for a federal or state listed rare or endangered wildlife species?**

Yes, Significant Unless Mitigated. Reference staff's response to Question 1.a. above.

- d. **Significantly affect fish, wildlife, reptiles, or plant life?**

Yes, Significant Unless Mitigated. As previously discussed in Question 1, there is potential on-site occurrence for the white-tailed kite. The mitigation measures included in the discussion for Question 1.a. above are therefore recommended.

ANSWERS TO QUESTIONS

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- e. **Be located inside or within 200 feet of a marine or wildlife reserve?**

No Impact. The proposed project is not located within 200 feet of a marine or wildlife reserve.

- f. **Infringe on any sensitive habitats?**

Yes, Significant Unless Mitigated. Reference staff's response to Question 1.a. above.

- g. **Involve clearing land that is 5,000 sq. ft. or greater (1,000 sq. ft. within a County Scenic Corridor), that has slopes greater than 20% or that is in a sensitive habitat or buffer zone?**

No Impact. The land clearing proposed for the project is less than 5,000 sq. ft.

3. PHYSICAL RESOURCES

Will (or could) this project:

- a. **Result in the removal of a natural resource for commercial purposes (including rock, sand, gravel, oil, trees, minerals or topsoil)?**

No Impact. Based on review of the County General Plan, there are no mapped natural resources on the subject property that would be used for commercial purposes.

- b. **Involve grading in excess of 150 cubic yards?**

No Impact. The proposed grading for the project is less than 150 cubic yards and is therefore considered minimal.

- c. **Involve lands currently protected under the Williamson Act (agricultural preserve) or an Open Space Easement?**

No Impact. The project property is currently not under the Williamson Act or an Open Space Easement.

- d. **Affect any existing or potential agricultural uses?**

No Impact. The project is not located on an agricultural site.

ANSWERS TO QUESTIONS

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4. AIR QUALITY, WATER QUALITY, SONIC

Will (or could) this project:

- a. Generate pollutants (hydrocarbon, thermal odor, dust or smoke particulates, radiation, etc.) that will violate existing standards of air quality on-site or in the surrounding area?**

Yes, Not Significant. The construction of a new residence, attached garage, and driveway may result in temporary generation of pollutants related to construction. However, the project would not result in the generation of a significant level of pollutants. Section 2-1-113 (*Exemption, Sources and Operations*) of the General Requirements of the Bay Area Air Quality Management District exempts sources of air pollution associated with construction of a single-family dwelling used solely for residential purposes, as well as road construction. The project does not involve the demolition of any structures or portion of structures. No additional mitigation measures are necessary.

- b. Involve the burning of any material, including brush, trees and construction materials?**

No Impact. The project does not involve the burning of any material.

- c. Be expected to result in the generation of noise levels in excess of those currently existing in the area, after construction?**

No Impact. The project will not generate noise levels in excess of those currently existing in the area. The surrounding area is residential, and the addition of one single-family residence in this area would not increase noise levels.

- d. Involve the application, use or disposal of potentially hazardous materials, including pesticides, herbicides, other toxic substances, or radioactive material?**

No Impact. The project does not involve the application, use or disposal of potentially hazardous materials as the proposed project involves a new single-family residence.

- e. Be subject to noise levels in excess of levels determined appropriate according to the County Noise Ordinance or other standard?**

Yes, Not Significant. The subject property is located within a mapped Noise Impact Area. This area is defined as experiencing a Community Noise Exposure Level (CNEL) of 60 or more. Noise levels may occasionally increase due to traffic along Cabrillo Highway. However, noise generated from traffic along this

ANSWERS TO QUESTIONS

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main corridor should be brief in nature and not significantly impact the project. Furthermore, the new residence will be located approximately 300 feet from Cabrillo Highway. Therefore, any increase in noise levels along the highway would only slightly affect the project area, if at all.

- f. **Generate noise levels in excess of levels determined appropriate according to the County Noise Ordinance standard?**

Yes, Significant Unless Mitigated. While this project will not generate noise levels in excess of appropriate levels once implemented, during construction activities, increased noise levels may occur. However, noise sources associated with demolition, construction or grading of any real property are exempt from the County Noise Ordinance provided these activities occur during designated timeframes. The following mitigation measure is therefore recommended:

Mitigation Measure 6: Noise levels produced by construction shall not exceed the 80-dBA level at any one moment. Construction activity shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction operations shall be prohibited on Sunday and any national holiday.

- g. **Generate polluted or increased surface water runoff or affect groundwater resources?**

Yes, Significant Unless Mitigated. Reference staff's response to Question 1.f. above.

- h. **Require installation of a septic tank/leachfield sewage disposal system or require hookup to an existing collection system which is at or over capacity?**

No Impact. The project is located within the Granada Sanitary District service area. During the building permit phase of the project, the applicant will be required to secure a sewer permit from the District, and verify that a permit has been approved prior to issuance of the building permit.

5. **TRANSPORTATION**

Will (or could) this project:

- a. **Affect access to commercial establishments, schools, parks, etc.?**

Yes, Not Significant. The site is located in a residential zone and will not affect access to the adjacent parkland.

ANSWERS TO QUESTIONS

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- b. Cause noticeable increase in pedestrian traffic or a change in pedestrian patterns?**

No Impact. The proposed single-family residence will not increase the pedestrian traffic nor change the pedestrian patterns of the area.

- c. Result in noticeable changes in vehicular traffic patterns or volumes (including bicycles)?**

No Impact. The new residence would not result in noticeable changes in either vehicular traffic or volumes.

- d. Involve the use of off-road vehicles of any kind (such as trail bikes)?**

No Impact. The project does not involve the use of off-road vehicles.

- e. Result in or increase traffic hazards?**

Yes, Not Significant. During construction of the proposed project, an increase in traffic hazards in the area may occur. However, this will be temporary, and once implemented, the project itself would not result in or increase traffic hazards.

- f. Provide for alternative transportation amenities such as bike racks?**

No Impact. Alternative transportation amenities are not required as part of this project.

- g. Generate traffic which will adversely affect the traffic carrying capacity of any roadway?**

No Impact. The traffic volume for this residential district will remain intact.

6. LAND USE AND GENERAL PLANS

Will (or could) this project:

- a. Result in the congregating of more than 50 people on a regular basis?**

No Impact. The proposed project would not result in the congregation of more than 50 people on a regular basis.

- b. Result in the introduction of activities not currently found within the community?**

ANSWERS TO QUESTIONS

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No Impact. The proposed project would not result in the introduction of new activities in this residential area.

- c. **Employ equipment which could interfere with existing communication and/or defense systems?**

No Impact. The proposed project would not employ equipment that could interfere with existing communication and/or defense systems.

- d. **Result in any changes in land use, either on or off the project site?**

No Impact. The project will introduce a single-family residence on an undeveloped parcel in an area zoned for residential development.

- e. **Serve to encourage off-site development of presently undeveloped areas or increase development intensity of already developed areas (examples include the introduction of new or expanded public utilities, new industry, commercial facilities or recreation activities)?**

Yes, Not Significant. The addition of a new residence on a vacant parcel designated for residential use will not encourage additional off-site development. While implementation of the proposed project would result in a new residential unit in the area, the location of the property in a residentially zoned district allows for such an increase. Further development of the property, other than accessory structures appurtenant to the main dwelling, is restricted. Therefore, any increase to the development intensity of the area is minimal.

- f. **Adversely affect the capacity of any public facilities (streets, highways, freeways, public transit, schools, parks, police, fire, hospitals), public utilities (electrical, water and gas supply lines, sewage and storm drain discharge lines, sanitary landfills) or public works serving the site?**

No Impact. The proposed project would not adversely affect the capacity of any public utilities. Any use of public facilities and other public utilities would be minimal and similar to that of a standard single-family dwelling and associated residents.

Preliminary indications are that sewer and water service can be provided by Granada Sanitary and CCWD, respectively.

- g. **Generate any demands that will cause a public facility or utility to reach or exceed its capacity?**

No Impact. The proposed project will not cause a public facility or utility to reach or exceed its capacity.

ANSWERS TO QUESTIONS

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h. Be adjacent to or within 500 feet of an existing or planned public facility?

Yes, Not Significant. Refer to staff's response to Question 5.a. above.

i. Create significant amounts of solid waste or litter?

No Impact. The proposed project may result in slight amounts of solid waste or litter as a result of new residents in the area. However, the amount would be typical to that of any single-family residence and would not be considered significant.

j. Substantially increase fossil fuel consumption (electricity, oil, natural gas, coal, etc.)?

No Impact. The proposed project would not substantially increase fossil fuel consumption, as the amount of any consumption would be typical to that of any single-family residence.

k. Require an amendment to or exception from adopted general plans, specific plans, or community policies or goals?

No Impact. The project does not require an amendment to or exception from adopted general plans, specific plans, or community policies or goals.

l. Involve a change of zoning?

No Impact. The proposed project does not require a change in zoning.

m. Require the relocation of people or businesses?

No Impact. The proposal would not require the relocation of people or businesses.

n. Reduce the supply of low-income housing?

No Impact. The proposed project does not include or replace any low-income housing.

o. Result in possible interference with an emergency response plan or emergency evacuation plan?

No Impact. The proposed project would not interfere with any emergency response or evacuation plans.

p. Result in creation of or exposure to a potential health hazard?

ANSWERS TO QUESTIONS

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No Impact. The proposed project does not involve any activities that would result in the creation of or exposure to a potential health hazard.

7. AESTHETIC, CULTURAL AND HISTORIC

Will (or could) this project:

a. Be adjacent to a designated Scenic Highway or within a State or County Scenic Corridor?

Yes, Not Significant. The proposed project site is located within the designated Cabrillo Highway County Scenic Corridor. This area has been designated as a scenic corridor due to its surrounding natural scenic views and qualities. The Coastsides Design Review Committee (Committee) considered the project at its November 10, 2011 meeting, and recommended approval. Based on the project's compliance with the Coastsides Design Review Standards, and subject to the conditions for project approval in order to minimize any potential issues, the Committee recommended as follows:

Condition 4: The project shall be constructed in compliance with the plans approved by the Coastsides Design Review Committee on November 10, 2011. Any changes or revisions to the approved plans shall be submitted to the Coastsides Design Review Officer for review and approval prior to implementation. Minor adjustments to the project may be approved by the Coastsides Design Review Officer if they are consistent with the intent of and are in substantial conformance with this approval. Alternatively, the Coastsides Design Review Officer may refer consideration of the revisions to the Coastsides Design Review Committee, with applicable fees to be paid.

Condition 5: The applicant shall submit the following items and/or indicate the following on plans submitted for a building permit, as stipulated by the Coastsides Design Review Committee.

- a. Matching of the middle garage door detail with the right garage door's detail to include the post and trellis elements.
- b. Enclosure of the spaces below all exterior stairs.
- c. Submittal of the color scheme for all proposed shingles comprising of a shade midway between the trim and body color.
- d. Installation of a bellyband along the entire right side elevation façade area.
- e. In connection with the rear exterior stairs, replacement of the originally proposed rear first flight railing design with an enclosure, to include banister capping.

ANSWERS TO QUESTIONS

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- f. Matching of the gable and vertical trims and wall shingle treatments, enclosing the central portion of the left elevation with the central portion of the right side elevation, enclosing the first and second floor windows, exclusive of the first floor garage pop-out façade area.
 - g. Matching the rear second story covered porch area with the front entry design to include matching columns.
 - h. Removal of the front right corner hip roof to match the left front corner gable roof design.
 - i. Reduction of the second floor master bedroom window height sizes along right side elevation to standard dimensions.
 - j. As an added rear entryway feature, inclusion of a first floor shed roof supported by three posts that covers and proportionally spans the central door and window along this rear elevation.
 - k. Removal of the first story left side roof overhang located at the rear elevation.
 - l. Removal of the central three-panel window element located on the second floor rear elevation and replace with a single window and roof design to match the middle second story left side elevation treatment.
 - m. Placement of the structure closer northeastward reoriented at an increased counter-clockwise angle.
 - n. Planting of cypress trees and native plants along the north and east property lines, including retention of proposed and existing planting along the west property line to preserve the natural look of the area, in keeping with the site's close proximity to a public park.
 - o. Installation of natural colored redwood fences.
 - p. Inclusion of a driveway layout based on the retention of the two cypress trees initially proposed for removal and the reorientation of the structure as specified in Condition Nos. 4.m and 4.n.
- b. Obstruct scenic views from existing residential areas, public lands, public water body, or roads?**

Yes, Not Significant. In addition to the discussion in Question 7.a. above, views of the ocean are still substantially available along Magellan Avenue westward, which is the primary public road impacted by this development. Reduction of views along this public road will inevitably be unavoidable as a result of future

ANSWERS TO QUESTIONS

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development on parcels in this neighborhood area. County public parkland southward of this site serves as an alternative vista area.

- c. Involve the construction of buildings or structures in excess of three stories or 36 feet in height?**

No Impact. The proposed single-family residence does not exceed 36 feet in height.

- d. Directly or indirectly affect historical or archaeological resources on or near the site?**

No Impact. There are no known historical or archaeological resources on or near the site.

- e. Visually intrude into an area having natural scenic qualities?**

Yes, Not Significant. Refer to staff's response to Question 7.a. above.

ATTACHMENTS

- A. Vicinity Map
- B. Project Plans
- C. Live Oak Associates, Inc., Biological Impact Report – March 2012

DPA:fc – DPAW0263_WFH.DOC

Zoning Hearing Officer Meeting

PLN 201 ~~8-00%~~ (

Case

8

Attachment

Approval Date: _____

Biological Impact Form

(for compliance with Local Coastal Program Policy 7.5)

Owner/Applicant

Name: Hank and Irene Zbiczak
Mailing Address:
136 Santa Rosa Avenue
San Francisco, CA Zip: 94112

Phone, W: n/a
H: n/a
Fax: n/a

Project Location

Include U.S.G.S – Tier, Range, and Section:
The 0.29-acre (12,424 sq. ft.) site is located on Magellan Avenue in section 13 of township 5 south, range 6 west.

Assessor's Parcel Number(s):
048-013-050
048-013-060
Applicable Planning Permit numbers: n/a

Principal Investigators

(Note: Attach a qualification summary to the report.)

Name: Davinna Ohlson, Nathan Hale, Neal Kramer, Mark Jennings
Mailing Address: Live Oak Associates, Inc.
6840 Via del Oro, Suite 220
San Jose, CA Zip: 95123

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Report Summary

The proposed project consists of the construction of a 2,418 sq. ft. manufactured home, along with two driveways and a porch extending to Magellan Avenue, on a 0.29-acre (12,424 sq. ft.) property. The home is proposed to be set back 25 ft. from the northwest property line. The property is bounded to the northwest and northeast by parklands, to the southeast by Magellan Avenue, and to the southwest by a residence. Surrounding land uses include open space, undeveloped lands, and light residential and commercial development. The Pacific Ocean is approximately 300 ft. southwest of the site.

The project site is currently undeveloped with approximately half of the site consisting of a dense thicket of native California blackberry and non-native poison hemlock. The remainder of the site consists of a ruderal field dominated by non-native grassland species. Approximately two dozen Monterey cypress and Monterey pine trees occur on the site. While no aquatic resources are on the site itself, an approximately 2-foot-wide, shallow stream channel runs parallel to and just beyond the site's northwest boundary. This channel conveys runoff from inland areas to the Pacific

Ocean. Additionally, a small artificial pond is located approximately 220 ft. northwest of the project site. The pond lacks emergent vegetation and is seasonally wet, depending on the amount of precipitation it receives.

Project impacts to local biological resources are considered to be minimal due to the existing conditions of the site and the small size of proposed ground disturbance. No sensitive communities or habitats are present on the site, although the intermittent stream occurring just beyond the site's northwest boundary would be considered a sensitive habitat. Additionally, a number of trees on the site would be considered significant trees by the County. Special status plant species are expected to be absent from the site due to unsuitable habitat conditions. White-tailed kites could nest in the onsite trees.

Four potential impacts have been identified that could result from the proposed project. First, the intermittent stream occurring just beyond the site's northwest boundary would be considered a sensitive habitat. Placement of the home should be set back from the channel beyond the site's northwest boundary in compliance with the County's LCP. Second, if any onsite trees were to be removed or otherwise impacted as a result of the proposed work, the County of San Mateo may require the applicant to obtain a County permit and comply with its terms, including the likely planting of replacement trees. Third, site disturbance could result in indirect impacts to surrounding resources, such as runoff or erosion into adjacent parklands or the Pacific Ocean. Therefore, the applicant should comply with a County grading permit, including implementation of best management practices (BMPs). Finally, a pre-construction survey of the site would be required if project onset were to occur during the nesting season (February 1 through August 31) for special status bird species and common raptor species. If nesting pairs were identified, an appropriate disturbance-free buffer should be established until such time when the young had fledged. This would ensure that no individuals are harmed, injured, or killed or an active nest is not abandoned as a result of the proposed construction.

California red-legged frogs and San Francisco garter snakes are highly unlikely to occur on the site due to the distance between the site and known occurrences of these species (i.e., the closest sightings are more than one mile from the site), the unsuitability of habitat for breeding and dispersal both on and adjacent to the site (e.g., lack of aquatic resources onsite; shallow, intermittent channel adjacent to the site; and a nearby pond that holds water seasonally), and the barriers to movement between the site and known populations of these species posed by development and major roadways, including Highway 1.

1. PROJECT AND PROPERTY DESCRIPTION

The proposed project consists of the construction of a 2,418 sq. ft. manufactured home, along with two driveways and a porch extending to Magellan Avenue, on a 0.29-acre (12,424 sq. ft.) property. The home is proposed to be set back 25 ft. from the northwest property line.

The 0.29-acre property (also known as the “site”) is currently undeveloped and is bounded to the northwest and northeast by parklands, to the southeast by Magellan Avenue, and to the southwest by a residence. Surrounding land uses include open space, undeveloped lands, and light residential and commercial development. The Pacific Ocean is approximately 300 ft. southwest of the site (Figure 1).

The site is relatively flat at approximately 23 ft. National Geodetic Vertical Datum (Figure 2). A narrow, shallow channel runs parallel to and just beyond the site’s northwest boundary. No aquatic resources are present on the site itself. Soil types on the site itself have not been mapped. However, soils immediately northwest of the site have been mapped, and it is reasonable to conclude that soils on the site are of the same series and unit or exhibit very similar characteristics. Soils on lands adjacent to the site have been mapped as “Denison loam, nearly level.” This soil type is not considered hydric, although hydric inclusions could occur. Lands further north of the site occur on “Denison clay loam, nearly level, imperfectly drained” soils. These soils are considered hydric. Hydric soils are soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. Under sufficiently wet conditions, they support the growth and regeneration of hydrophytic vegetation.

2. METHODOLOGY

Live Oak Associates (LOA) ecologists Davinna Ohlson and Nathan Hale conducted a field survey of the site on June 7, 2010. LOA botanist Neal Kramer conducted an additional survey of the site on June 14, 2010. Prior to these site visits, relevant sources of information were reviewed. Sources included 1) USGS topographic maps, 2) satellite imagery of the site and surrounding areas, 3) technical literature related to the biotic resources of the area, 4) species data compiled by the California Native Plant Society (CNPS 2010), California Natural Diversity Database (CDFG 2010), and U.S. Fish and Wildlife Service (USFWS 2010), and 5) the Local Coastal Program policies (San Mateo County 1998).

The June 2010 surveys consisted of walking the site and, to the maximum extent practicable, immediately surrounding lands, and recording existing conditions of the site and the potential for sensitive biotic resources to occur onsite. Information gathered in the field was used to characterize the botanical and wildlife resources occurring on the site and in the region. Detailed surveys for sensitive biological resources were not conducted for this study. The level of effort put forth was sufficient to assess the significance of biological constraints associated with the parcel and to assess the need for more detailed studies that could be warranted if sensitive biotic resources were identified in this initial survey.

Mr. Kramer conducted an additional site visit on February 10, 2012, to map the centerline of the stream channel along the site's northwest boundary. Additional review of the site was completed in February 2012 in consultation with LOA associate herpetologist Dr. Mark Jennings.

3. RESULTS

EXISTING CONDITIONS

The project site is currently undeveloped with approximately half of the site consisting of a dense thicket of native California blackberry (*Rubus ursinus*) and non-native poison hemlock (*Conium maculatum*). The poison hemlock had been cut at the time of the June 2010 survey. The remainder of the site consists of a ruderal field dominated by non-native grassland species, including wild oats (*Avena fatua*), Italian ryegrass (*Lolium multiflorum*), and Mediterranean barley (*Hordeum marinum* ssp. *gussoneanum*). Non-native forbs occurring on the site include wild radish (*Raphanus sativus*), common vetch (*Vicia sativa*), greater periwinkle (*Vinca major*), sweet fennel (*Foeniculum vulgare*), and garden nasturtium (*Tropaeolum majus*). Native species found on the site include bee plant (*Scrophularia californica*), California coffeeberry (*Rhamnus californica* ssp. *californica*), and coyote brush (*Baccharis pilularis*). Approximately two dozen Monterey cypress (*Cupressus macrocarpa*) and Monterey pine (*Pinus radiata*) trees occur on the site; these trees are primarily located along the fence line of the southwest perimeter and along Magellan Avenue.

While no aquatic resources are on the site itself, an approximately 2-foot-wide, shallow stream channel runs parallel to and just beyond the site's northwest boundary. This channel conveys runoff from inland areas to the Pacific Ocean. The reach of the channel bed along the site boundary did not appear to convey water at the time of the field survey and was largely devoid of vegetation. Vegetation occurring along the channel banks included Monterey cypress, California blackberry, pink flowering currant (*Ribes sanguineum* var. *glutinosum*), thick leaf box (*Pittosporum crassifolium*), western lady fern (*Athyrium filix-femina* var. *cyclosum*), California willowherb (*Epilobium ciliatum*), and green dock (*Rumex conglomeratus*). Additionally, a small artificial pond is located approximately 220 ft. northwest of the project site. The pond lacks emergent vegetation and is seasonally wet, depending on the amount of precipitation it receives.

The blackberry thicket, thick leaf litter, and brush piles onsite provide a moist microclimate suitable for amphibians such as the Pacific treefrog (*Hyla regilla*) and western toad (*Bufo boreas*) as well as cover for reptiles such as the western fence lizard (*Sceloporus occidentalis*), southern alligator lizard (*Elgaria multicarinatus*), gopher snake (*Pituophis melanoleucus*), and common kingsnake (*Lampropeltis getulus*).

Bird species observed on the site include Anna's hummingbird (*Calypte anna*), black phoebe (*Sayornis nigricans*), bushtit (*Psaltriparus minimus*), American robin (*Turdus migratorius*), California towhee (*Pipilo crissalis*), song sparrow (*Melospiza melodia*), purple finch (*Carpodacus purpureus*), and American goldfinch (*Carduelis tristis*). Raptors that may utilize the cypress and pine trees on the site include the red-tailed hawk (*Buteo jamaicensis*) and American kestrel (*Falco sparverius*).

Because of the site's proximity to development, vehicular traffic, and high pedestrian use areas, the number of mammalian species expected to occur on the site would be limited. Small mammals such as the raccoon (*Procyon lotor*) may move along the channel. House cats (*Felis catus*) and domestic dogs (*Canis familiaris*) are likely to move onto the site from time to time.

SENSITIVE COMMUNITIES AND HABITATS

The County of San Mateo regulates impacts to sensitive habitats via the Local Coastal Program, which was approved by the California Coastal Commission. Sensitive habitats are defined in the County's Local Coastal Program policies (1998) as 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. Coastal wetland habitat is also regulated under the Local Coastal Program, which consists of areas meeting the U.S. Army Corps of Engineers' (USACE) hydrology criterion with either hydric soils or dominating hydrophytic vegetation. Sensitive habitats associated with wetlands and streams may also be regulated by the USACE, CDFG, and RWQCB.

The County's LCP establishes buffer zones in riparian areas and states that "where no riparian vegetation exists along both sides of riparian corridors, extend buffer zones 50 feet from the predictable high water point for perennial streams and 30 feet from the midpoint of intermittent streams."

The County of San Mateo also has regulations protecting large trees that may occur within these communities or habitats. According to County Ordinance Section 12.000, a "significant tree" is any live woody plant rising above the ground with a single stem or trunk of a circumference of thirty-eight inches (about 12 inches in diameter) at a point 4.5 feet above the ground, and having the inherent capacity of naturally producing one main axis continuing to grow more vigorously than the lateral axes. Heritage trees, protected under Section 11.000 of the County's ordinance code, include those specific trees or groves of trees designated by the County as "heritage," and those listed native trees

designated in the ordinance with diameters equal to or greater than the sizes listed. A permit is required for the removal of a significant or heritage tree. Such permits are issued on the condition that replacement trees will be planted to compensate for the loss of each tree.

No sensitive communities or habitats are present on the site, although the intermittent stream occurring just beyond the site's northwest boundary would be considered a sensitive habitat. Additionally, a number of trees on the site would be considered significant trees by the County. Therefore, a permit may be required from the County if these trees are to be removed as a result of the proposed project.

SPECIAL STATUS SPECIES

Several species of plants and animals within the state of California have low populations and/or limited distributions. Such species may be considered rare and are vulnerable to extirpation as the state's human population grows and the habitats these species occupy are converted to agricultural and urban uses. State and federal laws have provided the County of San Mateo, California Department of Fish and Game (CDFG) and the U.S. Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting the diversity of plant and animal species native to the state. A sizable number of native plants and animals have been formally designated as threatened or endangered under state and federal endangered species legislation. Others have been designated as candidates for such listing. Still others have been designated as "species of special concern" by the CDFG. The California Native Plant Society (CNPS) has developed its own set of lists of native plants considered rare, threatened, or endangered (CNPS 2001). Collectively, these plants and animals are referred to as "special status species."

A number of special status plants and animals occur in the site's vicinity. A search of published accounts for all relevant special status plant and animal species was conducted for the Half Moon Bay USGS 7.5" quadrangle in which the project site occurs and for the five surrounding quadrangles (Montara Mountain, San Mateo, Woodside, La Honda, and San Gregorio) using the California Natural Diversity Data Base Rarefind (CDFG 2010). Only these six quadrangles were searched instead of nine because the Pacific Ocean begins less than 0.1 mile southwest of the parcel. All plant species listed as occurring in these quadrangles on CNPS Lists 1A, 1B, 2, 3, or 4 were also reviewed.

Special Status Plants

Special status plant species include those listed as endangered, threatened, rare, or as species of concern by the U. S. Fish and Wildlife Service, the California Department of Fish and Game, and the California Native Plant Society. The CNPS listing is sanctioned by the CDFG and serves essentially as their list of candidate plant species. Additional definitions are given in CEQA, Section 15380(d).

Based on a review of extant special status plant species from the Half Moon Bay area, 41 sensitive plant species are known to occur within the vicinity of the parcel (CDFG 2010, CNPS 2010). Serpentine soils are absent from the site; as such, those species that are uniquely adapted to serpentine conditions, including the San Mateo thorn-mint (*Acanthomintha duttonii*), fountain thistle (*Cirsium fontinale* var. *fontinale*), Hillsborough chocolate lily (*Fritillaria biflora* var. *ineziana*), Marin western flax (*Hesperolinon congestum*), Crystal Springs lessingia (*Lessingia arachnoidea*), and woodland woollythreads (*Monolopia graciliens*) are considered absent from the site. Other plant species occur in habitats not present in the study area (e.g., chaparral, brackish and freshwater marshes, etc.) and, therefore, are also considered absent from the site. These species include the Anderson's manzanita (*Arctostaphylos andersonii*), Montara Manzanita (*Arctostaphylos montaraensis*), King's Mountain manzanita (*Arctostaphylos regismontana*), Point Reyes bird's-beak (*Cordylanthus maritimus* ssp. *palustris*), San Mateo woolly sunflower (*Eriophyllum latilobum*), Indian Valley bush-mallow (*Malacothamnus aboriginum*), and arcuate bush-mallow (*Malacothamnus arcuatus*).

A summary of the formal status, habitat affinities, and potential for occurrence on the site itself for the remaining locally occurring special status plant species is discussed in Table 1.

Table 1: Special status plant species known to occur in the vicinity of the site.

Species	Status	Habitat Affinities	Potential for Occurrence
Franciscan onion (<i>Allium peninsulare</i> var. <i>franciscanum</i>)	CNPS 1B	Cismontane woodland, valley and foothill grassland on clay and volcanic soils and often on serpentinite.	Absent. Suitable habitat is not present on the site.
Bent-flowered fiddleneck (<i>Amsinckia lunaris</i>)	CNPS 1B	Coastal bluff scrub, cismontane woodland, grasslands.	Absent. Suitable habitat is not present on the site.
Coastal marsh milk-vetch (<i>Astragalus pycnostachyus</i> var. <i>pycnostachyus</i>)	CNPS 1B	Mesic sites in coastal dunes or within fresh and salt water marshes/swamps.	Absent. Suitable habitat is not present on the site.
Round-leaved filaree (<i>California macrophylla</i>)	CNPS 1B	Cismontane woodland and valley and foothill grassland on clay soils.	Absent. Suitable habitat is not present on the site. The nearest documented occurrence of this species is from 1896 and more than fifteen miles from the site.
Pappose tarplant (<i>Centromadia parryi</i> ssp. <i>parryi</i>)	CNPS 1B	Coastal prairie, meadows and seeps, coastal salt marshes/swamps, and grasslands.	Unlikely. Marginal habitat is present on the site. This species has not been documented within five miles of the site.
San Francisco Bay spineflower (<i>Chorizanthe cuspidata</i> var. <i>cuspidata</i>)	CNPS 1B	Coastal bluff scrub, coastal dunes and prairies. Sandy soils.	Absent. Suitable habitat is not present on the site.

Table 1: Special status plant species known to occur in the vicinity of the site.

Species	Status	Habitat Affinities	Potential for Occurrence
Franciscan thistle (<i>Cirsium andrewsii</i>)	CNPS 1B	Broadleaved upland forest, coastal bluff scrub, coastal prairie, and coastal scrub. Mesic soils and sometimes serpentinite.	Absent. Suitable habitat is not present on the site.
San Francisco collinsia (<i>Collinsia multicolor</i>)	CNPS 1B	Closed cone coniferous forest and coastal scrub, sometimes on serpentine soils.	Absent. Suitable habitat is not present on the site.
Western leatherwood (<i>Dirca occidentalis</i>)	CNPS 1B	Broadleaved forest, chaparral, woodland, coniferous forest, riparian woodland.	Absent. Suitable habitat is not present on the site. This species is not known to occur along the coast.
Fragrant fritillary (<i>Fritillaria liliacea</i>)	CNPS 1B	Coastal scrub, grasslands, often on serpentine and clay.	Absent. Suitable habitat is not present on the site. This species is not known to occur along the coast.
San Francisco gumplant (<i>Grindelia hirsutula</i> var. <i>maritima</i>)	CNPS 1B	Coastal scrub, coastal bluff scrub, grassland. Sandy or serpentine soils on ocean bluffs.	Absent. Suitable habitat is not present on the site.
Short-leaved evax (<i>Hesperevax sparsiflora</i> var. <i>brevifolia</i>)	CNPS 1B	Coastal bluff scrub on sandy soils and coastal dunes.	Absent. Suitable habitat is not present on the site.
Kellogg's horkelia (<i>Horkelia cuneata</i> ssp. <i>sericea</i>)	CNPS 1B	Chaparral and sandy or gravelly openings within coastal scrub.	Absent. Suitable habitat is not present on the site.
Point Reyes horkelia (<i>Horkelia marinensis</i>)	CNPS 1B	Sandy coastal dunes, coastal scrub, coastal prairie.	Absent. Suitable habitat is not present on the site.
Perennial goldfields (<i>Lasthenia californica</i> ssp. <i>macrantha</i>)	CNPS 1B	Coastal bluff scrub, coastal dunes, and coastal scrub.	Absent. Suitable habitat is not present on the site.
Coast yellow linanthus (<i>Leptosiphon croceus</i>)	CNPS 1B	Coastal bluff scrub, coastal prairie near ocean	Absent. Suitable habitat is not present on the site.
Rose linanthus (<i>Leptosiphon rosaceus</i>)	CNPS 1B	Coastal bluff scrub adjacent to coast	Absent. Suitable habitat is not present on the site.
Woolly headed lessingia (<i>Lessingia hololeuca</i>)	CNPS 3	Broadleaved upland forest, coastal scrub, coniferous forest, grassland, serpentine soils	Absent. Suitable habitat is not present on the site.
Davidson's bush-mallow (<i>Malacothamnus davidsonii</i>)	CNPS 1B	Chaparral, cismontane woodland, coastal scrub, and riparian woodland.	Absent. Suitable habitat is not present on the site. This species has not been documented in the region since 1901.

Table 1: Special status plant species known to occur in the vicinity of the site.

Species	Status	Habitat Affinities	Potential for Occurrence
Hall's bush-mallow (<i>Malacothamnus hallii</i>)	CNPS 1B	Chaparral and coastal scrub.	Absent. Suitable habitat is not present on the site. This species has not been documented in the region since 1902.
Marsh microseris (<i>Microseris paludosa</i>)	CNPS 1B	Closed-cone coniferous forest, cismontane woodland, coastal scrub, and valley and foothill grassland.	Absent. Suitable habitat is not present on the parcel. The nearest documented occurrences of this species are more than fifteen miles from the site.
Dudley's lousewort (<i>Pedicularis dudleyi</i>)	CNPS 1B	Maritime chaparral, cismontane woodland, north coast coniferous forest, and valley and foothill grassland.	Absent. Suitable habitat is not present on the site. The nearest documented occurrences of this species are more than twenty miles from the site.
White-rayed pentachaeta (<i>Pentachaeta bellidiflora</i>)	FE, CE, CNPS 1B	Open dry rocky slopes and grassy areas, usually on serpentine soils.	Absent. Suitable habitat is not present on the site. This species has not been documented along the coast.
Choris' popcorn-flower (<i>Plagiobothrys chorisianus</i> var. <i>chorisianus</i>)	CNPS 1B	Chaparral, coastal prairie, and coastal scrub on mesic soils.	Absent. The site does not exhibit mesic soils that would support this species.
Oregon polemonium (<i>Polemonium carneum</i>)	CNPS 2	Coastal prairie, coastal scrub, and lower montane coniferous forest.	Absent. Suitable habitat is not present on the site. This species has not been documented in the region since 1916.
Hickman's cinquefoil (<i>Potentilla hickmanii</i>)	FE, CE, CNPS 1B	Freshwater marshes and swamps, vernal mesic meadows and seeps, and coastal bluff scrub.	Absent. Suitable habitat is not present on the site.
San Francisco champion (<i>Silene verecunda</i> ssp. <i>verecunda</i>)	CNPS 1B	Coastal bluff scrub, chaparral, coastal scrub, and valley and foothill grasslands on sandy soils.	Absent. Sandy soils are not present on the site. The nearest documented occurrence of this species is more than three miles from the site.
Saline clover (<i>Trifolium depauperatum</i> var. <i>hydrophilum</i>)	CNPS 1B	Marshes and swamps, valley and foothill grasslands on mesic or alkaline soils, and vernal pools.	Absent. Suitable habitat is not present on the site. This species has not been documented in the region since 1886.
San Francisco owl's clover (<i>Triphysaria floribunda</i>)	CNPS 1B	Coastal prairie, usually serpentine soils.	Absent. Suitable habitat is not present on the site.
Federal Status FE Federally Endangered FT Federally Threatened		State Status CE California Endangered CT California Threatened	
CNPS 1B Rare, threatened, or endangered in California and elsewhere 2 Rare, threatened, or endangered in California but more common elsewhere 3 Plants about which more information is needed			

Sources: CDFG 2010, CNPS 2010

Of the 41 special status plant species known to occur in the site’s vicinity, none are expected to occur on the site itself due to the lack of suitable habitat.

Special Status Animals

Special status animal species include those listed as endangered, threatened, rare, or as candidates for listing by the USFWS and/or CDFG. Other species regarded as having special status include special animals as listed by the CDFG. Additional animal species receive protection under the Bald Eagle Protection Act and the Migratory Bird Treaty Act (16 U.S.C. 703-711). The Fish and Game Code of California provides protection for “fully protected birds” (Section 3511), “fully protected mammals” (Section 5515), “fully protected reptiles and amphibians” (Section 5050), and “fully protected fish” (Section 5515). Additional definitions are given in the California Environmental Quality Act Section 15380.

Based on a review of extant special status animal species from the Half Moon Bay area (CDFG 2010) and an understanding of the geographic range and habitat affinities of special status animal species, 24 species are known to occur within the Half Moon Bay region. A summary of the formal status, habitat affinities, and potential for occurrence on the site itself for locally occurring special status animal species is discussed in Table 2.

Table 2: Special status animal species known to occur in the vicinity of the site.			
Species	Status	Habitat Affinities	Potential for Occurrence
Invertebrates			
Monarch butterfly (<i>Danaus plexippus</i>)	None	Roosts in wind-protected tree groves.	Unlikely. Individuals may pass over the site, but this species is not expected to roost in the onsite trees.
Mission blue butterfly (<i>Plebejus icarioides missionensis</i>)	FE	Grasslands with lupine host plants.	Absent. Suitable habitat, including host plants, is not present on the site.
San Bruno elfin butterfly (<i>Callophrys mossii bayensis</i>)	FE	Grasslands with <i>Sedum</i> host plants on north-facing slopes.	Absent. Suitable habitat is not present on the site. The necessary host plant is absent.
Bay checkerspot butterfly (<i>Euphydryas editha bayensis</i>)	FT	Native grasslands on outcrops of serpentine soils. Primary host plant is <i>Plantago erecta</i> .	Absent. Suitable habitat, including host plants, is not present on the site.
Myrtle’s silverspot butterfly (<i>Speyeria zerene myrtleae</i>)	FE	Coastal scrub and grasslands with <i>Viola</i> host plants.	Absent. Suitable habitat, including host plants, is not present on the site.
Fish			

Table 2: Special status animal species known to occur in the vicinity of the site.

Species	Status	Habitat Affinities	Potential for Occurrence
Tidewater goby (<i>Eucyclogobius newberryi</i>)	FE, CSC	A marine species occurring in shallow water estuaries and lagoons from Del Norte Co. south to San Diego Co.	Absent. Suitable habitat is absent from the site. This species would not be expected to occur in the narrow channel adjacent to the site.
Steelhead –central California coast (<i>Oncorhynchus mykiss irideus</i>)	FT	Coastal streams and rivers.	Absent. Suitable habitat is absent from the site. This species would not be expected to occur in the narrow channel adjacent to the site.
Amphibians			
California tiger salamander (<i>Ambystoma californiense</i>)	FT, CSC	Breeds in vernal pools and stock ponds of central California. Adults aestivate in grassland habitats adjacent to the breeding sites.	Absent. Breeding and aestivation habitat is absent from the site.
Foothill yellow-legged frog (<i>Rana boylei</i>)	CSC	Frequents partly shaded, shallow, swiftly-flowing streams and riffles with rocky substrate in a variety of habitats.	Absent. The site and the nearby channel do not provide suitable habitat for this species. This species has not been documented along this channel.
California red-legged frog (<i>Rana aurora draytonii</i>)	FT, CSC	Rivers, creeks and stock ponds of the Sierra foothills and coast range, preferring pools with overhanging vegetation.	Highly Unlikely. The site and the nearby channel do not provide suitable habitat for this species, as the site lacks aquatic resources, and the channel is shallow and conveys water intermittently. This species has not been documented along this channel. The nearby pond also holds water seasonally and, therefore, would not serve as suitable breeding habitat. The nearest documented occurrences are approximately 1.1 miles to the northwest and approximately 1.5 miles to the east of the site. Extensive urbanization and major roads, including Highway 1, serve as barriers to movement between these known CRLF locations and the site.
Reptiles			
Western pond turtle (<i>Actinemys marmorata</i>)	CSC	Open slow-moving water of rivers and creeks of central California with rocks and logs for basking.	Absent. The site and the nearby channel do not provide suitable habitat for this species. This species has not been documented along this channel.
San Francisco garter snake (<i>Thamnophis sirtalis tetrataenia</i>)	FE, CE	Freshwater marshes, ponds, and slow-moving streams, preferring dense cover and water depths of at least one foot.	Highly Unlikely. The site and the nearby channel do not provide suitable habitat for this species. Extensive urbanization and major roads, including Highway 1, serve as barriers to movement between the site and known populations of this species.

Table 2: Special status animal species known to occur in the vicinity of the site.

Species	Status	Habitat Affinities	Potential for Occurrence
Birds			
White-tailed kite (<i>Elanus leucurus</i>)	CP	Open grasslands and agricultural areas throughout central California.	Possible. This species could utilize the onsite trees for nesting during the breeding season and perching during the non-breeding season. The parcel provides only marginal foraging habitat due to the lack of open habitat.
Western snowy plover (<i>Charadrius alexandrinus nivosus</i>)	FT, CSC	Nests in sandy marine and estuarine shores, and along salt levees.	Absent. Suitable habitat is absent from the site.
California black rail (<i>Laterallus jamaicensis coturniculus</i>)	CT	Resident of saline and fresh emergent wetlands.	Absent. Suitable habitat is absent from the site.
California clapper rail (<i>Rallus longirostris obsoletus</i>)	FE, CE	Salt and brackish marshes.	Absent. Suitable habitat is absent from the site.
Burrowing owl (<i>Athene cunicularia</i>)	CSC	Open, dry grasslands, deserts and ruderal areas. Requires suitable burrows. Often associated with California ground squirrels.	Absent. Suitable nesting habitat is absent from the site. The site occurs outside of the species' known range.
Saltmarsh common yellowthroat (<i>Geothlypis trichas sinuosa</i>)	CSC	Coastal streams dominated by willows and brackish or freshwater marshes.	Absent. Suitable nesting habitat is absent from the site. This species may occasionally forage over the site.
Alameda song sparrow (<i>Melospiza melodia pusillula</i>)	CSC	Found in salt marshes, primarily along the Bay in Alameda County	Absent. Suitable habitat is absent from the site.
Mammals			
Pallid bat (<i>Antrozous pallidus</i>)	CSC	Grasslands, chaparral, woodlands, and forests of California; most common in dry rocky open areas that provide roosting opportunities.	Absent. Individuals could pass over the site on their way to more suitable habitat. However, suitable habitat is not present on the site itself.
Big free-tailed bat (<i>Nyctinomops macrotis</i>)	CSC	Rocky, arid habitats. Roosts primarily in crevices, but have been observed roosting in caves, buildings, and trees.	Absent. Individuals could pass over the site on their way to more suitable habitat. However, suitable habitat is not present on the site itself.
Salt-marsh harvest mouse (<i>Reithrodontomys raviventris</i>)	FE, CE	Saline emergent wetlands dominated by pickleweed.	Absent. Suitable habitat is absent from the site, and the site occurs outside the native range of this species.

Table 2: Special status animal species known to occur in the vicinity of the site.

Species	Status	Habitat Affinities	Potential for Occurrence
San Francisco dusky-footed woodrat (<i>Neotoma fuscipes annectens</i>)	CSC	Woodlands and forests, riparian communities.	Absent. Suitable habitat is absent from the site.
American badger (<i>Taxidea taxus</i>)	CSC	Found in drier open stages of most shrub, forest and herbaceous habitats with friable soils	Absent. Suitable habitat is absent from the site.
Federal Status FE Federally Endangered FT Federally Threatened	State Status CE California Endangered CT California Threatened CSC California Species of Concern CP California Protected		

Source: CDFG 2010

Of the 24 special status animal species known to occur in the vicinity of the site, only the white-tailed kite is expected to potentially occur on the site. The white-tailed kite is listed as a fully protected species. In short, the CDFG cannot issue a take permit for impacts to individuals of species having the fully protected status. The CDFG can, however, authorize impacts to habitat suitable for the kite. White-tailed kites inhabit open lowland grassland, riparian woodland, marshes, and scrub areas and nest in a variety of species of large trees. White-tailed kites could nest in the onsite trees. Foraging habitat on the site for this species is marginal.

4. DIRECT AND INDIRECT IMPACTS TO BIOLOGICAL HABITATS

The project site is relatively small in size at 0.29 acre and is located next to light residential and commercial development, ruderal fields, and parklands. The proposed project is a manufactured, 2,418 sq. ft. single-family home. No sensitive or special status communities/habitats occur on the site itself, and the loss of a small amount of native blackberry and regionally abundant ruderal, non-native grassland habitat would not be considered a significant impact.

The intermittent stream occurring just beyond the site’s northwest boundary would be considered a sensitive habitat. Additionally, approximately two dozen Monterey cypress and Monterey pines are present on the site. A number of these trees would be considered significant trees regulated by the County. Mitigation measures would be required to offset direct and indirect impacts to the stream channel and to significant trees present on the site (*Mitigation Measures 1 and 2*).

Regardless of the biological quality of the site itself, high quality habitat remains in the immediate vicinity (e.g., parklands to the northwest and northeast and the Pacific Ocean approximately 300 ft. southwest of the site). In order to maintain the currently quality of surrounding biotic habitats, measures should be taken to ensure onsite ground disturbances do not degrade local resources (*Mitigation Measure 3*).

Mitigation Measure 1:

Placement of the home should be set back from the channel beyond the site's northwest boundary in compliance with the County's LCP. Because the channel lacks associated riparian vegetation and carries intermittent flows, a buffer of 30 ft. from the midpoint of the channel would be appropriate (Figure 3).

Mitigation Measure 2:

Should project buildout require the removal of any trees on the site considered to be a significant tree, a tree removal permit would need to be obtained and its conditions complied with (e.g., planting of replacement trees) pursuant to the County's tree ordinance.

Mitigation Measure 3:

The applicant should comply with the provisions of a County grading permit, including implementation of standard erosion control measures that employ best management practices (BMPs).

5. DIRECT AND INDIRECT IMPACTS TO SPECIAL STATUS SPECIES

A number of special status plant and animal species are known to occur in the vicinity of Half Moon Bay and El Granada. Special status plant species are presumed to be absent from the site due to unsuitable habitat conditions and/or ongoing management of the ruderal portions of the site (i.e., areas outside of the blackberry thicket). However, white-tailed kites, a California protected species, may utilize the site while breeding. Additionally, locally occurring raptor species are protected by the Federal Migratory Bird Treaty Act (FMBTA: 16 U.S.C., scc. 703, Supp. I, 1989) and State Fish and Game Code (CDFG 2010). Therefore, if site disturbance were to occur during these species' breeding season (February 1 through August 31), implementation of *Mitigation Measure 4* would be required to insure that raptors were not harmed, injured, or killed as a result of buildout of the proposed project.

As discussed in section 3, California red-legged frogs and San Francisco garter snakes are highly unlikely to occur on the site due to the distance between the site and known occurrences of these species (i.e., the closest sightings are more than one mile from the site), the unsuitability of habitat for breeding and dispersal both on and adjacent to the site (e.g., lack of aquatic resources onsite; shallow, intermittent channel adjacent to the site; and a nearby pond that holds

water seasonally), and the barriers to movement between the site and known populations of these species posed by development and major roadways, including Highway 1. This determination is consistent with conclusions regarding these species for an adjacent property (WRA 2009)

Mitigation Measure 4:

Should trees need to be removed, their removal should occur during the non-breeding season (September 1 through January 31). If it is not possible to avoid tree removal or other disturbances during the breeding season (February 1 through August 31), a qualified biologist should conduct a pre-construction survey for white-tailed kites and common tree-nesting raptors in all trees within the development footprint and within 250 feet of the footprint no more than 30 days from the onset of ground disturbance, if such disturbance will occur during the breeding season. If such species are detected on the site during the survey, a suitable activity-free buffer should be established around all active nests. The precise dimension of the buffer (up to 250 ft.) would be determined at that time and may vary depending on location and species. Buffers should remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents.

6. MITIGATION MEASURES TO REDUCE IMPACTS TO A LESS-THAN-SIGNIFICANT LEVEL

Table 3: Impacts, mitigation measures, and their effectiveness.		
Impact	Mitigation Measure	Effectiveness
Sensitive Habitats: Indirect impacts to the intermittent channel just beyond the site’s northwest boundary.	Mitigation Measure 1: A development setback of 30 ft. from the midpoint of the channel should be established.	Significance: The proposed mitigation would reduce the identified impact to a less-than-significant level.
Significant Trees: Direct impacts to Monterey cypress and Monterey pines occurring onsite.	Mitigation Measure 2: Should project buildout require the removal of any trees on the site considered to be a significant tree, a tree removal permit would need to be obtained and its conditions complied with (e.g., planting of replacement trees) pursuant to the County’s tree ordinance.	Significance: The proposed mitigation would reduce the identified impact to a less-than-significant level.
Surrounding Biological Resources: Indirect impacts to the surrounding biological resources, particularly parklands to the northwest and northeast of the site and the Pacific Ocean approximately 300 ft. southwest of the site.	Mitigation Measure 3: The applicant should comply with the provisions of a County grading permit, including implementation of standard erosion control measures that employ best management practices (BMPs).	Significance: The proposed mitigation would reduce the identified impact to a less-than-significant level.
Nesting Avian Species: Direct impacts to special status avian species (i.e.,	Mitigation Measure 4: A qualified biologist should conduct a pre-construction raptor survey	Significance: The proposed mitigation would reduce the

Table 3: Impacts, mitigation measures, and their effectiveness.

Impact	Mitigation Measure	Effectiveness
white-tailed kites) and common tree-nesting raptors if site disturbance were to occur during the breeding season (February 1 through August 31).	of all onsite trees within 250 feet of the propose development footprint within 30 days of the onset of ground disturbance. If such species were detected, a suitable activity-free buffer should be established around all active nests. The precise dimension of the buffer (up to 250 ft.) would be determined at that time and may vary depending on location and species. Buffers should remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents.	identified impact to a less-than-significant level.

7. **CERTIFICATION:** I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this biological evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date: 6 March 2012 _____

Signed:  _____

ENCLOSURES

- + Aerial image of project site and surrounding area
- + Map of area from the USGS 7.5-minute quadrangle series
- + Map of 30-ft. setback from the channel centerline
- + Plot plan
- + Boundary and topographic survey

REFERENCES

B & H Surveying, Inc. 2010. Boundary and topographic survey. Belmont, California.

California Department of Fish and Game. 2010. California fish and game code. Gould Publications. Binghamton, NY.

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- M & N Designing. 2009. Magellan Avenue plot plan. Sacramento, California.
- Natural Resource Conservation Service. 1961. Soil survey, San Mateo Area, California. USDA.
<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>.
- Stebbins, R. C. 1959. Reptiles and amphibians of the San Francisco Bay region. California Natural History Guide (3). University of California Press, Berkeley and Los Angeles. 72 p.
- Stebbins, R. C. 1985. A field guide to western reptiles and amphibians. Second edition, revised. Houghton Mifflin Company, Boston, Massachusetts. xiv+336 p.
- WRA. 2009. Biological resource assessment: proposed Hodge residence, Magellan Avenue, Miramar, San Mateo County, California. San Rafael, CA.
- Zeiner, David C., William F. Laudenslayer, Kenneth E. Mayer and Marshal White. Ed. 1988. California's wildlife, volume I, amphibians and reptiles. Department of Fish and Game. Sacramento, CA. 272 pp.
- _____. 1988. California's wildlife, volume II, birds. Department of Fish and Game. Sacramento, CA. 731 pp.
- _____. 1988. California's wildlife, volume III, mammals. Department of Fish and Game. Sacramento, CA. 407 pp.

QUALIFICATIONS

Live Oak Associates, Inc. (LOA) has considerable expertise in biotic resource issues (i.e., vegetation, wildlife (including macroinvertebrate and fish evaluations,)), habitat management, sensitive habitats (including wetlands and waterways), mitigation, permitting). The firm assists clients in compliance with local, state and federal regulations protecting scarce or sensitive biotic resources. LOA conducts wetland delineations, California Environmental Quality Act (CEQA) evaluations, National Environmental Policy Act (NEPA) assessments, endangered species surveys and habitat suitability assessments. LOA has worked closely with the various regulatory agencies in regards to Sections 401 and 404 of the Clean Water Act, Sections 1601 and 1603 of the California Fish and Game Code, and the Local Coastal Program dictated by the California Coastal Act. Consultations regarding Sections 7 and 10 of the Endangered Species Act have also been initiated and resolved for various project involving federally listed species. LOA has extensive experience in negotiating and consulting with regulatory agencies on the client's behalf, processing permits, testifying at public meetings and court hearings, and updating clients on regulatory issues. The firm can assist clients in developing monitoring protocols or sampling designs to comply with mitigation measures as required by regulatory agencies. In-house graphics capabilities in CAD and GIS are evidenced in draft and final quality maps of wetlands, biotic habitats and pinpoint locations of specific habitat features.

Davinna Ohlson is an experienced wildlife and plant ecologist with extensive skills in wetland ecology, special status species surveys (including both plants and animals), and permitting. Ms. Ohlson has a master's degree in environmental studies with approximately eight years of relevant experience. Her areas of expertise include the preparation of CEQA/NEPA documents, delineations of jurisdictional waters, permitting, special status species surveys, and monitoring projects. Ms. Ohlson has prepared a number of CEQA/NEPA documents analyzing environmental impacts. This involved researching the existing biotic conditions of a specific site, completing wetland delineations and special status species surveys, and analyzing the measures needed to avoid, minimize, and compensate for any determined impacts. Ms. Ohlson has been trained to perform wetland delineations of jurisdictional waters. Wetland surveys have been conducted in seasonal wetlands, vernal pools, marshes, ephemeral/intermittent/perennial streams, and created wetlands. On numerous occasions, the information gathered during the wetlands surveys has been used to complete various permit applications. Ms. Ohlson has conducted a number of special status plant and animal species surveys and has been involved in a number of monitoring projects, including both wetland, riparian, and wildlife monitoring.

Nathan Hale is an experienced wildlife ecologist with over three years of related experience. He has conducted broad scale habitat assessments, Swainson's hawk, burrowing owl, and other nesting bird surveys, fairy shrimp surveys, blunt-nosed leopard lizard surveys, wetland delineations, rare plant surveys, and mitigation and construction monitoring. Nathan has a sound working knowledge of CEQA and NEPA documentation and is well versed on local and national

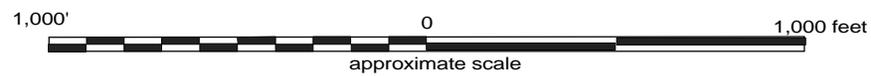
species regulations. He is currently working toward a master's degree in biology focused on plant community restoration.

Neal Kramer has experience with native flora and plant communities in more than 25 different California counties and in Oregon, Idaho and Nevada, as well as in Honduras, Ecuador and Peru. Among the numerous plant inventories he has completed, Mr. Kramer prepared a list of over 500 species for approximately 6200 acres on the Peninsula Open Space Trust Cloverdale/Bolsa Pt. Ranch property in San Mateo County. Rare plant surveys have included more than a dozen different sites in the Bay Area, vernal pools in Fresno and Madera Counties, and Delta marshland in Sacramento County. He is experienced in wetland delineation for a variety of wetland types including vernal pools. Mr. Kramer has a master's degree in forest ecology from the University of Idaho, where he studied plant succession and the role of buried seed banks on forest sites in the Northern Rocky Mountains.

Dr. Mark Jennings is a noted authority on California red-legged frogs and San Francisco garter snakes and has extensive knowledge of the herpetofauna of California. He has published numerous articles and has conducted numerous habitat assessments and pre-construction and monitoring surveys for these species. He possesses extensive familiarity with this region of San Mateo County.



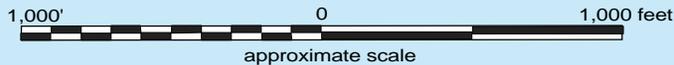
	Live Oak Associates, Inc.	
	Zbiczak Property Aerial Photo of Site and Surrounding Area	
Date	Project #	Figure #
7/20/2010	1446-01	1

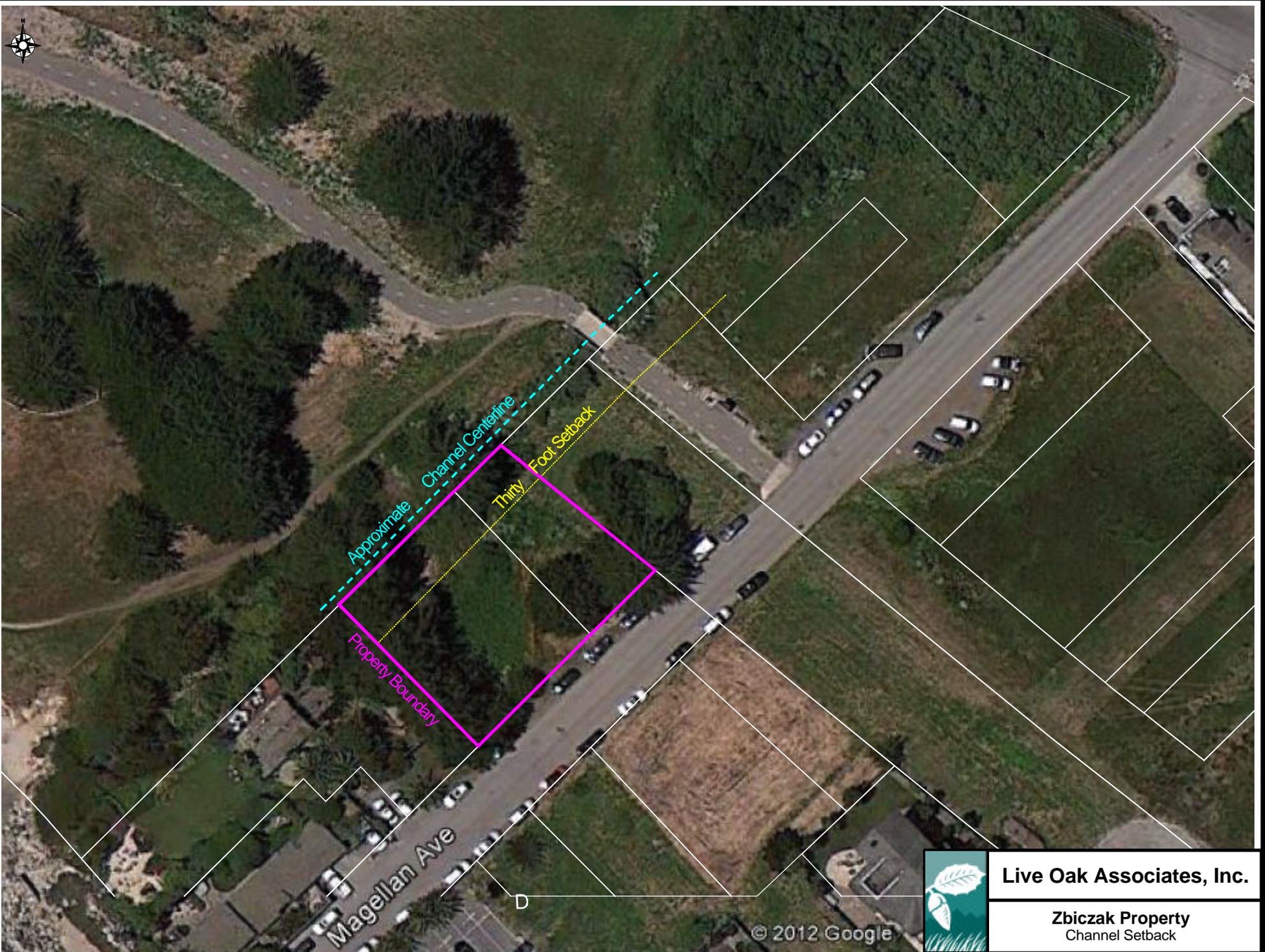




From USGS
Half Moon Bay 7.5' Quadrangle 1994

	Live Oak Associates, Inc.		
	Zbiczak Property U.S.G.S. Quadrangle		
Date	Project #	Figure #	
7/20/2010	1446-01	2	





© 2012 Google



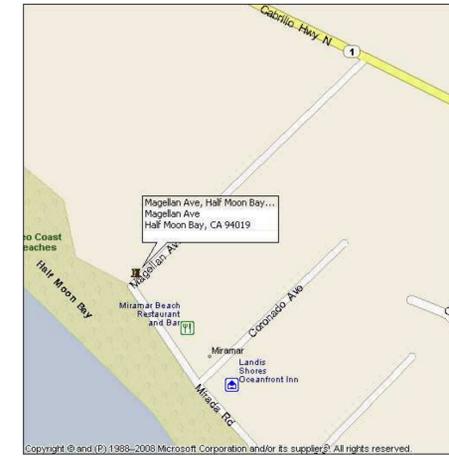
Live Oak Associates, Inc.

Zbiczak Property
Channel Setback

Date	3/1/2012	Project #	A-2-SMC-146-01	Exhibit No. #	4
				Figure #	3

OWNER:
 Hank and Irene Zbiczak
 136 Santa Rosa Avenue
 San Francisco, CA 94112
 TEL:

DESIGN BY:
M & N
 DESIGNING
 TEL.(916)366-9731
 3654 Goldsboro Ct.
 Sacramento CA 95827



LOCATION MAP

M & N
 DESIGNING
 TEL.: (916) 366-9731
 3654 Goldsboro Ct.
 Sacramento CA 95827

REV	DATE	NAME
1		
2		
3		
4		
5		
6		
7		



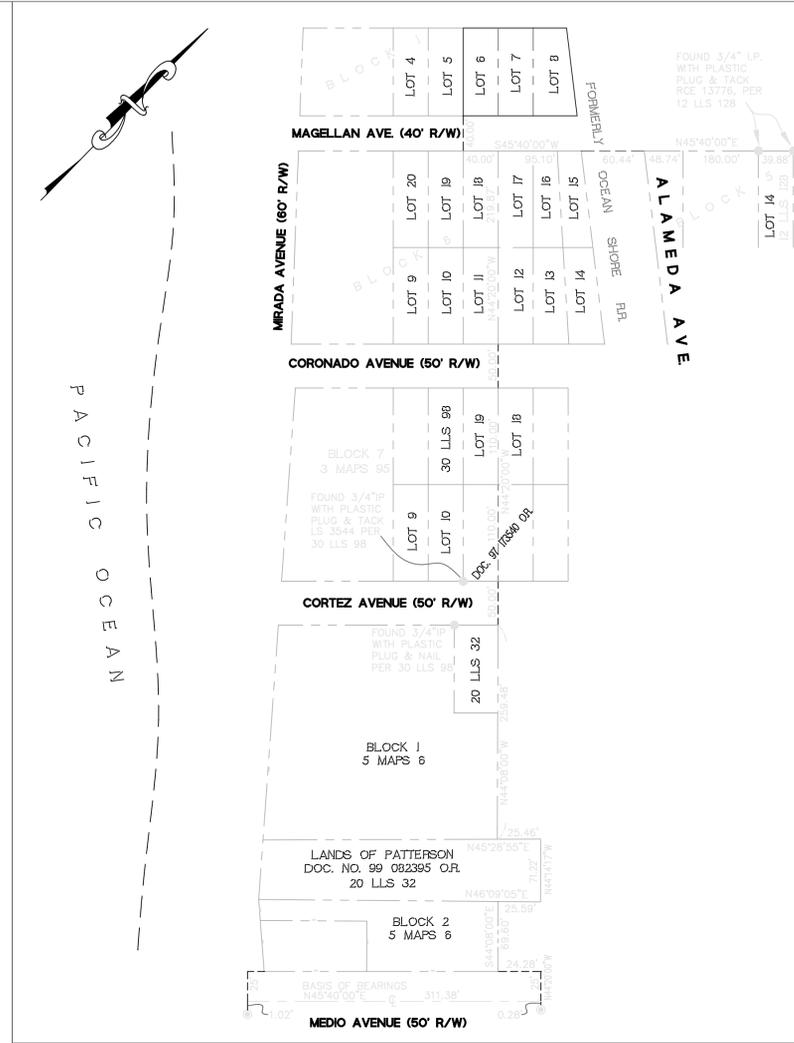
MAGELLAN AVE.
Half Moon Bay, CA 94019
 APN # 048-013-050
 APN # 048-013-060

PLOT PLAN

PLOT PLAN
 SCALE: 1/8" = 1' 0"

PLAN #	003
JOB #	003
DATE	9/23/2009
SCALE	N/A
BY	MIKE
SHT #	1

LANDS OF
COUNTY OF SAN MATEO



BASIS OF ELEVATIONS:
ELEVATIONS ARE BASED UPON AN ASSUMED DATUM.
TBM: MAG NAIL & SHINER SET IN MAGELLAN AVENUE, AS SHOWN
ELEVATION = 94.19

BASIS OF BEARINGS:
THE BEARING N45°40'00"E ON THE CENTERLINE OF MEDIO AVENUE AS SHOWN ON THOSE CERTAIN RECORD OF SURVEY MAPS FILED IN VOLUME 20 OF LLS MAPS AT PAGES 31 AND 32 AND IN VOLUME 30 OF LLS MAPS AT PAGE 98, RECORDS OF SAN MATEO COUNTY, WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS SURVEY.



BOUNDARY AND TOPOGRAPHIC SURVEY
LANDS OF ZBICZAK
DOCUMENT # 92058811 O.R.
LOTS 6, 7 AND 8, BLOCK 1
"SHORE ACRES HALF MOON BAY, CALIFORNIA
FIRST ADDITION TO THE CITY OF BALBOA"
VOLUME 3 OF MAPS AT PAGE 95
ASSESSOR'S PARCEL NUMBER: 048-013-060
(MAGELLAN AVENUE)
HALF MOON BAY, SAN MATEO COUNTY, CALIFORNIA
SCALE: 1" = 10'
APRIL, 2010

B & H SURVEYING, INC.
PROFESSIONAL LAND SURVEYING
901 WALTERMIRE ST.
BELMONT, CA 94002
OFFICE (650) 637-1590
FAX (650) 637-1059

- LEGEND:**
- FOUND 2" BRASS DISK WITH PUNCH IN STEEL CASING PER 30 LLS 98 AND 20 LLS 32
 - A/C ASPHALTIC CONCRETE
 - BW BACK OF WALK
 - CB CATCH BASIN
 - CIP CAST IRON PIPE
 - OMP CORRUGATED METAL PIPE
 - CONC CONCRETE
 - CO CLEAN-OUT
 - DI DROP INLET
 - EM ELECTRIC METER
 - FD FOUND
 - FF FINISHED FLOOR
 - FL FLOW LINE
 - FL FIRE HYDRANT
 - GA GUY ANCHOR
 - GM GAS METER
 - GRD GROUND
 - HCR HANDICAP RAMP
 - INV INVERT
 - IP IRON PIPE
 - LAT. LATERAL
 - LC LIP OF GUTTER
 - O/H OVERHEAD
 - P.U.E. PUBLIC UTILITIES EASEMENT
 - RCP REINFORCED CONCRETE PIPE
 - R/W RETAINING WALL
 - R/W RIGHT OF WAY
 - SSCO SANITARY SEWER CLEAN-OUT
 - SSMH SANITARY SEWER MANHOLE
 - SDM STORM DRAIN MANHOLE
 - TBC TOP BACK OF CURB
 - T/W TOP OF WALL
 - U/G UNDERGROUND
 - VCP VITRIFIED CLAY PIPE
 - WM WATER METER BOX
 - WV WATER VALVE
 - WV WATER METER
 - WV WATER METER BOX
 - CTV- CABLE TELEVISION LINE
 - E- ELECTRICAL LINE
 - G- GAS LINE
 - SS- SANITARY SEWER LINE
 - SD- STORM DRAIN LINE
 - T- TELEPHONE LINE
 - W- WATER LINE

UTILITY NOTE:
THE UTILITIES EXISTING ON THE SURFACE AND SHOWN ON THIS DRAWING HAVE BEEN LOCATED BY FIELD SURVEY. ALL UNDERGROUND UTILITIES SHOWN ON THIS DRAWING ARE FROM RECORDS OF THE VARIOUS UTILITY COMPANIES AND THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY FOR THEIR COMPLETENESS, INDICATED LOCATION, OR SIZE. RECORD UTILITY LOCATION SHOULD BE CONFIRMED BY EXPOSING THE UTILITY.



San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: HOCKER

Attachment: E

File Numbers: PLN2010-00154



San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: HOCKER

Attachment: E

File Numbers: PLN2010-00154



San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: HOCKER

Attachment: E

File Numbers: PLN2010-00154



San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: HOCKER

Attachment: E

File Numbers: PLN2010-00154

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260 FAX (415) 904-5400
www.coastal.ca.gov

**COMMISSION NOTIFICATION OF APPEAL**

DATE: July 12, 2012
TO: Dennis Aguirre, Project Planner
County of San Mateo, Building & Planning
455 County Center, 2nd Floor
Redwood City, CA 94063
FROM: Nick Dreher, Coastal Program Analyst *(NBD)*
RE: **Commission Appeal No. A-2-SMC-12-013**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #: **PLN2010-00154**
Applicant(s): **Hank & Irene Zbiczak; Neal Hocker**
Description: **To construct a new 5,546 sq. ft. single-family residence, including an attached three-car garage on an existing 12,424 sq. ft. undeveloped parcel**
Location: **Magellan Ave., Miramar (San Mateo County) (APN(s) 048-013-50, 048-013-60)**
Local Decision: **Approved w/ Conditions**
Appellant(s): **Linda Montalto Patterson; Susan & Dwight Pate; Lisa & Lee Deal**
Date Appeal Filed: **7/12/2012**

The Commission appeal number assigned to this appeal is A-2-SMC-12-013. The Commission hearing date has not yet been established for this appeal. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of San Mateo's consideration of this coastal development permit must be delivered to the North Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Nick Dreher at the North Central Coast District office.

cc: Hank & Irene Zbiczak; Neal Hocker

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5260 FAX (415) 904-5400
TDD (415) 597-5885



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: See Attached Sheet
Mailing Address:
City: Zip Code: Phone:

RECEIVED
JUL 12 2012
CALIFORNIA COASTAL COMMISSION

SECTION II. Decision Being Appealed

- 1. Name of local/port government: Zoning Hearing Officer Planning & Building Department Redwood City CA 94063
2. Brief description of development being appealed: CONSTRUCTION OF A NEW 5,546sq ft. single family residence including an attached three-car garage on an existing 12,424sq.ft undeveloped parcel
3. Development's location (street address, assessor's parcel no., cross street, etc.): MAGELLAN AVENUE, MIRAMAR, CA. 94019
4. Description of decision being appealed (check one.):
[] Approval; no special conditions
[X] Approval with special conditions:
[] Denial

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

TO BE COMPLETED BY COMMISSION:
APPEAL NO: A-2-SMC-12-013
DATE FILED: 7/12/12
DISTRICT: North Central Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: June 14, 2012

7. Local government's file number (if any): PLN 2010 - 00154

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Neal Hocker
9998 OLD PLACERVILLE ROAD
SACRAMENTO, CA. 95827

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) SEE COUNTY FILE

(2)

(3)

(4)

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

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

See Attached Sheet

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

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

Linda Montalvo Patterson

Signature of Appellant(s) or Authorized Agent

Date
: July 10, 2012

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

Section VI. Agent Authorization

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

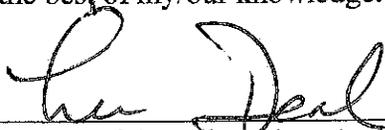
Signature of Appellant(s)

Date
: _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

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



Signature of Appellant(s) or Authorized Agent

Date
: 7/9/12

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

Section VI. Agent Authorization

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

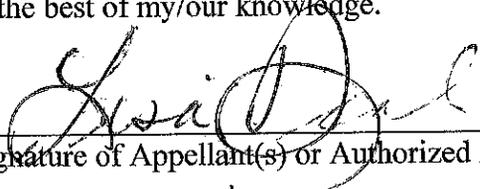
Signature of Appellant(s)

Date
: _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

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



Signature of Appellant(s) or Authorized Agent

Date : _____
7-9-12

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

Section VI. Agent Authorization

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

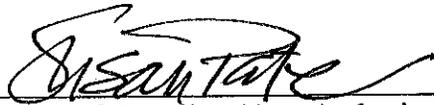
Signature of Appellant(s)

Date : _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

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



Signature of Appellant(s) or Authorized Agent

Date : 7/7/12

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

Section VI. Agent Authorization

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

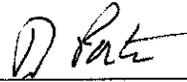
Signature of Appellant(s)

Date : _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

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



Signature of Appellant(s) or Authorized Agent

Date

:

7/7/12

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

Section VI. Agent Authorization

I/We hereby
authorize

_____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date

:

Section 1 Appellants

Linda Montalto Patterson
PO Box 1256
El Granada, CA 94018

Susan & Dwight Pate
115 Magellan Avenue
Half Moon Bay, CA 94019

Lisa & Lee Deal
111 Mirada Road
Half Moon Bay, CA 94019

REASONS FOR APPEAL

As set forth in detail below, Linda Montalto Patterson, Susan and Dwight Pate, and Lisa ^{Lee} Deal appeal the approval by the Zoning Hearing Officer on June 14, 2012, of a Coastal Development Permit (PLN2010-00154) to construct a two-story 5,546 sq. ft. manufactured home, including an attached three car garage, on a 12,424 sq. ft. parcel on Magellan Avenue in Miramar, unincorporated San Mateo County.

The parcel is located approximately 325 feet west of Highway One, adjacent to the County owned park and open space land known as Mirada Surf. The Pacific Ocean is approximately 450 feet to the west. A new segment of the Coastal Trail on the San Mateo County Mirada Surf Park has been recently constructed approximately 60 feet to the east of the subject property. Visitors park along the side of Magellan Avenue adjacent to the parcel to access this highly popular section of the Coastal Trail. An intermittent stream flows along the northwestern boundary of the site; approximately two dozen Monterey cypress and Monterey pine trees up to 36" in diameter and a tall, dense thicket of native California blackberry are also on the property. These are significant resources for wildlife including raptors and the Dusky footed wood rat, a California Species of Concern.

Appellants believe that the Findings cannot be made as to the project's compliance with the Visual Resources and Sensitive Habitats Components of the certified LCP.

Specific concerns include:

Inadequate Evaluation of Visual Impacts: The County did not adequately evaluate the project's compliance with key LCP Visual Resources Policies, particularly LCP Policies 8.5 a. which states: *"Require that new development be located on a portion of a parcel where the development (1) is least visible from State and County Scenic Roads, (2) is least likely to significantly impact views from public viewpoints, and (3) is consistent with all other LCP requirements, best preserves the visual and open space qualities of the parcel overall"*, Policy 8.13 a. Special Design Guidelines for Montara-Moss Beach-El Granada, particularly subsection (4) which states: *"Design structures which are in scale with the character of their setting and blend rather than dominate or distract from the overall view of the urbanscape"*, and (5) which states: *"To the extent feasible, design development to minimize the blocking of views to or along the ocean shoreline from Highway 1 and other public viewpoints between Highway 1 and the sea..."* and the Coastside Design Review Standards (Section 6565.20). Story poles that accurately depict the full exterior limits of the house have not been required. Instead the applicant put up just 2 or 3 poles in an undetermined location and of undetermined height with sagging orange netting between them. This is wholly inadequate to evaluate the mass and bulk of the proposed house, and has not given the public, including the many visitors to the area and decision makers, even a remote idea of the size and scale of the proposed

project. Without this information, the County cannot make the Findings that the project complies with the relevant Visual Resources Policies of the LCP. Moreover, removal of significant trees (see following comments) could greatly increase the visual impacts from this large, bulky, two story manufactured home.

Inadequate Information/Incorrect Conclusion as to Removal of Trees: The project, as revised, does not comply with LCP Policy 8.9 which states: *“Locate and design new development to minimize tree removal”*, and Zoning Regulations Section 6565.21 A which states: *“Prohibit the removal of any tree unless: 1. There is no alternative building site for a house, driveway, or accessory structure.”* The Zoning Regulations Section 6565.21 A applies to significant trees that are 38” or more in circumference (approximately 12’ in diameter) measured 4 ½ feet above the ground. The Staff Report erroneously concluded that no trees will be removed; however, the revised site plans show a 36” diameter Monterey cypress tree cluster within two feet of the foundation and gas line along the west side of the house. Excavation for the foundation and gas line will certainly result in severing of major roots of this significant tree, and one entire side of the tree will have to be severely pruned to accommodate the wall of the house just two feet away. Severing of roots and severe pruning will either kill the tree outright, or require its removal due to its compromised root system and danger from falling. Although Condition 3.p. requires revision of the driveway layout in order to retain two additional 12” diameter Monterey cypress trees. It is not clear whether this be accomplished and still meet minimum driveway standards. Due to these inadequacies of analysis, and potential impacts on significant trees, the proposed project cannot be found in compliance with the relevant sections of the LCP.

Non-Compliance with LCP Sensitive Habitats Policies: The proposed project does not comply with Sensitive Habitats Policy 7.1 which defines 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...and (4) coastal and offshore areas containing breeding or nesting sites and coastal areas used by migratory and resident water-associated birds for nesting and feeding...”* and Policy 7.3 b. which states: *“Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significant degrade the sensitive habitats. All uses shall be compatible with the maintenance of biologic productivity of the habitats.”* The 3/16/12 Biology Report prepared by Live Oak Associates concluded that suitable habitat for the Dusky footed wood rat, a California Species of Concern, was “absent”. However, the six to eight foot high, dense thicket of California blackberry that covers approximately half of the property is potential habitat for this species. Nests (stick houses) of the DFWR are found nearby in the residential areas of El Granada and in riparian areas between Airport Street and the Pillar Point Marsh, a short distance away. Appropriate conditions to avoid disturbance to the DFWR during its nesting season should be included in this Coastal Development Permit

in order to comply with the Sensitive Habitats Component. Further, the Biology Report did not adequately evaluate the potential for use of the trees on this site to as roosting habitat for Winter Raptors. The open fields of Mirada Surf Park adjacent to the property provide foraging habitat similar to the Wavecrest area in Half Moon Bay, which is a major wintering site for Raptors, including several species of hawks and owls. If Winter Raptors are found on the site, appropriate conditions to avoid disturbance should be required.

Applicable Implementation Plan Design Standards

Section 6565.20. Standards for Design for One-Family and Two-Family Residential Development in the Midcoast (El Granada, Miramar, Moss Beach, Montara).

Section 6565.20(A). Background.

1. Application

The following design standards shall apply to all one-family (single-family) and two-family (duplex) development in all areas zoned “Design Review” (DR) within the urban Midcoast (El Granada, Miramar, Moss Beach, and Montara). Where used in this document, the terms “house,” “home” and “single-family” shall also refer to two-family or duplex residential development.

2. Setting

The Midcoast has a unique character that makes it a desirable place to live. Although it is only a few miles from the more heavily urbanized Bayside, the Midcoast has a coastal, semi-rural, small town, diverse character that residents value and want to preserve. It is a collection of five distinct communities (Montara, Moss Beach, El Granada, Princeton and Miramar), each with individual neighborhoods differing in architecture, size, scale and character. The individuality of each community is vital to the overall character of the Midcoast. Residents and visitors alike also enjoy the area’s many natural amenities, including the beaches and bluffs, creeks and streams, hillsides and mountains.

3. Purpose/Legislative Intent

The purposes of the Design Review Districts Chapter (Chapter 28.1) are contained in Section 6565.1.D. Consistent with Section 6565.1.D, the purpose of the Midcoast design standards is to encourage new single-family homes and additions that have their own individual character, while ensuring that they are complementary with neighboring houses, the neighborhood character of each Midcoast community, and the surrounding natural setting. The Midcoast design standards are intended for use by homeowners, builders, architects and designers, by neighbors, and by community groups in their consideration of new single-family homes and additions to existing homes. The Design Review Administrator, the Coastside Design Review Committee, the Planning Commission and the Board of Supervisors will also use these standards in their review of projects, as set forth in Section 6565.7. Each design topic in Sections 6565.20(C) through (G) is divided into two sections: (a) a discussion with illustrations section, and (b) a design standards section. The discussion and illustration section is intended to explain the reasons for the standards and to provide further clarification of the standards’ objectives. The design standards section states the regulatory standards. Only the design standards section has the force of law and constitutes the regulatory criteria by which projects will be reviewed. Consistent with Section 6565.1.0, the design standards are not intended to preclude individual initiative in the design of any particular project, nor to require that substantial additional expense be incurred. There are a variety of creative ways in which a dwelling can be designed to comply with the standards, but still retain its own individual identity. By thoughtful application of the standards and balancing of the design objectives embodied in the standards, an architect or designer can achieve compliance with these design standards and reduce a

project's potential to cause conflict, avoiding costly delays caused by subsequent project revisions. When the term "to the extent feasible" is used, it shall mean that if a house can be designed to comply with that standard, without conflicting with other applicable design and zoning requirements, the house shall comply with the standard.

If a house cannot be designed to comply with the standard, it shall be designed to substantially comply.

4. Relationship to Other County Regulations

The design standards are intended to implement the County General Plan and the Local Coastal Program (LCP). The design standards are separate from, but intended to complement, other required County ordinances including the Zoning Regulations, which establish development standards for single-family and two-family residential development. Consistent with Section 6565.10, it shall be the responsibility of the applicant and home designer to comply with both the Design Standards and the Zoning Regulations development standards (e.g., height limit, maximum floor area, setbacks and maximum parcel coverage). The emphasis for design review will be on a home's appearance, not on its actual size or height. As such, compliance with design standards will be achieved by requiring design techniques consistent with zoning development standards and, where applicable, LCP policies, that make homes appear smaller, lower or less massive; house size or height reductions will not be required unless otherwise required by LCP policies. Other relevant County ordinances include, but are not limited to: (1) the Building Regulations, which establish construction requirements including structural, mechanical, electrical, and plumbing requirements; (2) Public Works standards for driveways, curb cuts and other work in the public right-of-way; (3) the Heritage and Significant Tree Ordinances, which establish criteria for tree removal; and (4) the Grading Ordinance, which establishes standards for conducting grading activity. Where conflicts exist between the provisions of this section and the policies of the LCP, the policies of the LCP shall control.

Section 6565.20(B). Neighborhood Definition and Neighborhood Character.

1. Neighborhood Definition

a. Neighborhood Context

Discussion: *What is a neighborhood? One of the first steps in designing a new home or an addition to an existing home is to understand the neighborhood in which the home is located. A neighborhood generally has two components: (1) the immediate context, or how a house relates to adjacent houses and natural features, and (2) the neighborhood context, or how a house relates to the visual character and scale of other houses and natural features in the vicinity.*

b. Neighborhood Limits

Discussion: *The process of defining a neighborhood begins by defining the area surrounding a house within 300 feet. Then, other factors may be considered that would further influence the limit of a neighborhood, making it larger or smaller, such as noticeable changes in topography, or proximity to open space or the urban/rural boundary.*

Definition: *A neighborhood is defined as the area within 300 feet of an existing or proposed house. Certain factors may be present which would further define or alter the*

limit of a neighborhood, making it larger or smaller, including, but not limited to, the following:

- (1) Significant changes in topography;
- (2) Changes in land use such as from residential to commercial;
- (3) Proximity to designated open space or urban/rural boundary;
- (4) Changes in the land subdivision pattern;
- (5) A wide street or natural feature such as a riparian corridor;
- (6) Noticeable changes in building type, such as from one-story to two-story homes;
- (7) Visibility from off-site vantage points in the vicinity of the project.

2. Neighborhood Character

Discussion: What is neighborhood character? Neighborhood character is the combination of qualities or features within a neighborhood that distinguishes it from another neighborhood. For the purposes of these design standards, the key qualities or features of single-family residential neighborhoods include the appearance of the homes (e.g., architectural style and elements), the collective appearance of the homes (e.g., pattern, scale, size), and the appearance of natural features (e.g., natural vegetation, landforms). How does a house contribute to the visual character of a neighborhood? The architectural elements of a house such as its shape, the arrangement of its doors and windows, its roof style, and its architectural style all contribute to the appearance of the house, which in turn contributes to the collective appearance or character of the neighborhood. Some of the most common architectural elements that contribute to the character of an individual house and the collective character of the neighborhood are listed below:

- a. How houses are sited on their lots;
- b. How houses blend with surrounding scenic and natural environments;
- c. Architectural style, including how house styles compare, contrast or complement each other;
- d. Scale, or the appearance or proportion of a house relative to others, including the number of stories;
- e. Arrangement/placement/massing of major building forms;
- f. Parking and garage patterns;
- g. Location of entries;
- h. Roof forms;
- i. Exterior materials and colors;
- j. Window type and placement;
- k. Landscaping;
- l. Older buildings or features having historic character.

Definition: Neighborhood character is defined as the combination of qualities or features within a neighborhood that distinguishes it from another neighborhood. The key qualities or features of single-family residential neighborhoods include the appearance of the homes (e.g., architectural style and elements), the collective appearance of the homes (e.g., pattern, scale, size) and the appearance of natural features (e.g., natural vegetation, landforms).

Section 6565.20(C). Site Planning and Structure Placement.

One of the key elements that define the visual character of an individual house and the neighborhood is how it is located or placed on its site. A single building out of context with its site or neighboring houses can appear disruptive.

1. Integrate Structures with the Natural Setting

New houses, additions and accessory structures should be located, designed and constructed to retain and blend with the natural vegetation and natural landforms of the site, and should be complementary to adjacent neighborhood structures.

a. Trees and Vegetation

Discussion: *When siting a new home or an addition on a parcel, the goal should be to disturb as little vegetation as possible, with priority placed on retaining healthy, native species and those trees that are heritage or significant trees by definition. Fire prevention measures should also be considered. Refer to County fire hazard prevention requirements.*

Standards: *To the extent feasible, site new buildings, additions, and associated infrastructure (wells, septic systems, water tanks, paved areas) on a parcel in locations that:*

(1) Minimize tree and vegetation removal to the extent necessary for the construction of the structures.

(2) Retain heritage and significant trees, with priority placed on retaining healthy, native species. Blend new structures and landscaping with the remaining natural vegetative cover of the site.

(3) Tree removal and replacement shall be in accordance with Section 6565.21, Standards for the Protection of Trees and Vegetation. Replacement trees and new trees shall be from the list specifying recommended/discouraged species for the Midcoast, adopted by the Board of Supervisors.

b. Grading

Discussion: *As defined in the County Grading Ordinance, grading is any excavating, filling, or placement of earth materials or a combination of these activities. Excavation (or cutting) is the mechanical removal of earth material, while filling is the deposit of earth or waste material placed by artificial means. The following design standards are intended to regulate the aesthetic aspects of grading; the technical aspects of grading are regulated by the County Grading Ordinance. In the interest of retaining as much of the natural character of the site as possible, an effort should be made to place structures so that grading activity and the area disturbed by grading is limited; however, on sloping sites and where a basement is proposed, it is recognized that a certain amount of excavation may be necessary so that the end result is a house that blends into the site.*

Standards: *To the extent feasible, site new buildings, additions, and associated infrastructure (wells, septic systems, water tanks, paved areas) on a parcel in locations that:*

(1) Minimize filling or placement of earth materials. Avoid raising the building pad for a new home or an addition above the existing grade, unless required for technical or engineering reasons by a registered civil engineer, licensed architect or geotechnical consultant.

(2) Allow limited excavation when needed to blend the house into the site.

(3) Limit grading to the footprint of the structure and its immediate vicinity, unless otherwise required for technical or engineering reasons by a registered civil engineer, licensed architect or geotechnical consultant.

(4) Result in a finished grade beyond the structure and its immediate vicinity that is similar to the existing grade, unless otherwise required for technical or engineering reasons by a registered civil engineer, licensed architect or geotechnical consultant.

Existing grade means:

(a) natural grade, or (b) grade at time of house construction/enlargement, providing that prior grading on the site was approved by the County or occurred before the County regulated grading activities.

(5) Keep the height of freestanding retaining walls to a minimum. Retaining walls shall be surfaced, painted, landscaped or otherwise treated to blend with their surroundings.

[...]

d. Ridgelines, Skylines and View Corridors

Discussion: The varied terrain of the Midcoast offers scenic views of both the ocean and the hills that should be protected. The LCP Visual Resources Component contains policies protecting ridgelines and skylines. As defined by LCP Policy 8.7, ridgelines are the tops of hills or hillocks normally viewed against a background of other hills. A skyline is the line where sky and land masses meet. The Cabrillo Highway Scenic Corridor offers perhaps the most significant public views in the Midcoast; however, other public views should be considered as well. A public view is a range of vision from a public road or other public facility. It is important to note that the LCP may require the maximum building height for structures located on a ridgeline or skyline to be lower than the maximum allowed by the Zoning Regulations.

Standards:

(1) Please refer to LCP Policy 8.7.

(2) If development is proposed on a ridgeline because there is no other developable building site on the parcel, ensure construction blends with the existing silhouette by maintaining natural vegetative masses and landforms and does not extend above the height of the forest or tree canopy.

e. Relationship to Open Spaces

Discussion: In some areas of the Midcoast, the neighborhood's proximity to designated open space is one of the factors which defines the neighborhood character, and special attention should be paid to those transition or buffer areas where residential and open space land uses meet.

Standards: Consider how a new or remodeled home will appear as viewed from adjacent designated open space areas; the structure placement and design shall harmonize with the natural setting with regard to massing and materials.

2. Complement Other Structures in the Neighborhood

Most home building in the Midcoast takes place on "infill" lots - vacant parcels next to developed lots with existing homes. As such, careful attention must be paid to the placement, orientation and design of new homes and additions to ensure that they are complementary to other homes in the neighborhood.

a. Privacy

Discussion: *Privacy is one of the keys to a property owner's enjoyment of their property and their quality of life. The placement of a new home or an addition, and/or the location of windows on a new home or an addition, can have a significant impact on privacy, both for the neighbors and for the occupants of the new home. Decks and balconies can provide outdoor living space and add architectural interest to a home. However, they must be carefully designed to avoid substantially affecting neighbors' privacy. It is particularly important to consider the impact the placement of a new structure and/or windows may have on privacy when setbacks are the minimum allowed by the Zoning Regulations. This may involve modifying a proposed floor plan or proposing other architectural solutions or landscaping to enhance privacy. To reduce the potential for future privacy conflicts, a project designer should also consider the probable location and intensity of development that is likely to occur on parcels in the vicinity of the proposed project.*

Standards: *To the extent feasible, site and design new buildings, additions, decks, balconies and associated infrastructure to respect the privacy of neighboring houses by:*

- (1) Locating, orienting and designing windows, entrances, decks and balconies to minimize and mitigate direct views into neighboring houses and outdoor decks/patios.*
- (2) Locating, orienting and designing high activity areas (kitchen, family room, patio) so that they are not adjacent to low-activity areas (bedrooms) on adjacent properties.*
- (3) Proposing rooftop decks only when they are: (a) designed to avoid direct views into neighboring houses and outdoor decks/patios; (b) accessed by interior means and (c) integrated into the roof design.*
- (4) Using appropriate landscaping and other architectural solutions such as clerestory windows or obscure glass.*

b. Views

Discussion: *Homes in the Midcoast enjoy a variety of views. Some are views of the ocean, others are of the hills, and others are vistas through the neighborhood. Views add value and enjoyment to a property; however, private views are not protected by existing regulations. Due to the configuration and size of some parcels and their topography, there may be no way to build without affecting someone else's view. However, when designing a new home or an addition, an effort should be made to minimize the effect on views from neighboring houses. Possible methods to minimize view blockage include: locating living space where it would have less view impact, increasing the setback of second stories, lowering roof plate heights, and choosing roof forms that minimize mass. To reduce the potential for future view conflicts, a project designer is encouraged to also consider the probable location and intensity of development that is likely to occur on parcels in the vicinity of the proposed project.*

Standard: *When designing a new home or an addition, an effort should be made to minimize the effect on views from neighboring houses.*

Section 6565.20(D). Elements of Design.

One of the greatest challenges of residential construction in the Midcoast is the building of a contemporary home that is compatible with surrounding, older homes of varying styles built during previous eras when the construction of smaller homes, and sometimes homes of lower quality, was more typical. The architectural elements of a house can

affect its apparent mass, architectural character, and the visual quality of the neighborhood. Every effort should be made, by following these guidelines, to place new structures so that they blend with those existing nearby and to achieve a higher quality of design and construction. Elements of design explored further in this section include: (1) building mass, shape, and scale; (2) architectural styles and facades; (3) roof design; and (4) exterior materials and colors.

1. Building Mass, Shape and Scale

The apparent mass of a building is determined by the actual size of the building, and whether or not the building shapes and facades are simple or broken into more varied forms. With regard to actual size, new homes and additions must meet the building floor area standard set by the Zoning Regulations. However, even a home that complies with this standard may appear massive or bulky, if the building shape and/or facade is too simple. Simple forms often appear more] massive and larger, while houses with more variety in their forms appear less massive and often more interesting. Likewise, long, blank walls appear more massive than walls with spaces and corners that create shadows and architectural interest. Finally, a house should appear to be proportional, or in “scale,” with other buildings in the neighborhood. The following standards encourage building designs that reduce apparent mass and increase compatibility with the neighborhood.

a. Relationship to Existing Topography

Discussion: *Many existing lots in the Midcoast are on steep slopes, and in many cases, the topography of a site is its key natural characteristic. New homes and major additions should be designed so that the structure will follow the existing contours of the land. A building’s appearance of bulk can be reduced by shaping the building forms so that they harmonize rather than contrast with the existing topography. While projects proposing the use of either manufactured homes or stock building plans are not prohibited, such projects may encounter difficulty in conforming to the existing topography and to other design standards. Applicants for such projects should be prepared to the standards of this section.*

Standards: *To the extent feasible, structures shall:*

- (1) Conform to the existing topography of the site by requiring the portion of the house above the existing grade to step up or down the hillside in the same direction as the existing grade.*
- (2) On downslope lots, minimize unused, enclosed space between the lowest floor and the grade below. When planning additions, consider converting existing under floor space to living area, rather than adding an additional story.*
- (3) Minimize building extensions out over a slope supported on high stilts.*

b. Neighborhood Scale

Discussion: *“Scale” refers to a relative level or degree, or a proportion or relationship between two things. Neighborhood scale refers to the appearance of a home in relation to other homes in the neighborhood; is it properly related in size, height or other characteristics (shape, level of detail or articulation, etc.) to other homes in the neighborhood? Or is it out of proportion to other homes? As mentioned previously, whether or not a house appears proportional to adjacent homes is determined by the size and height of the house and whether or not the building shapes and facades are simple or broken into more varied forms. For example, large homes generally look less massive if*

they have more varied, rather than simple building forms. As such, even homes of different sizes can be in scale with one another if they share other architectural characteristics including building shape, simplicity or complexity of building form, and architectural styles and details. Where adjacent homes are not built to conform to these design standards (e.g., they have little articulation and appear out of proportion, boxy or massive), project designers are encouraged to avoid repeating such mistakes in an effort to be in scale with the neighborhood.

Standards:

- (1) New and enlarged homes should respect the scale of the neighborhood through building dimensions, shape and form, façade articulation, or architectural details that appear proportional and complementary to other homes in the neighborhood.*
- (2) On relatively level lots, avoid designs that incorporate more than two useable floors, excluding basements, within the maximum height limit, since this contributes to a massive or boxy appearance for the home and makes it more difficult to be in scale with surrounding one and two story homes. Multiple stories are allowed on sloping lots where it is necessary to ensure that the home steps up or down with the slope.*

c. Second Stories

Most homes built today are two-story homes, and a common way to increase the size of existing homes is to add a second story. This presents a challenge, when the parcel being built on is surrounded primarily by onestory homes, or where a new two-story home or second-story addition has the potential to impact the privacy and views of existing homes. The following sections describe how two-story homes and second-story additions can be designed to be compatible with, and have minimal impact on, existing homes.

(1) Second-Story Location

Discussion: *Since a second-story over a portion of a house will visually emphasize that area of the home, placing the second-story over just one portion of the home can make it appear unbalanced. Placing the second story over the entire first story can make the home appear boxy. Locating the second story toward the center of the first story and away from property lines results in a more balanced, less boxy appearance and increases light into neighboring properties.*

Standards:

- (a) Locate the primary portion of the second stories toward the center of the first story and away from property lines whenever feasible.*
- (b) Avoid locating second stories only over the garage.*
- (c) One story designs are strongly encouraged in areas where onestory homes are predominant. If a two-story design is chosen, minimize the size of the second story.*
- (d) Where new homes or additions are to be located between one and two-story homes, consider split-level designs with the twostory portion of the home oriented toward other two-story homes.*
- (e) Avoid designs where large areas or lengths of upper-story walls overhang or cantilever out over lower-story walls.*

(2) Lowering the Eave Line

Discussion: *One way to make a two-story home more compatible with its single-story neighbors is to lower the eave line of the secondstory roof. Lowering the eave line also ties the two stories of a house together. Setting second-stories back into the area of*

rooflines is often a solution for meeting Daylight Plane requirements, and it generally will

lower the apparent height of the home. Lowering the eave line of the second-story roof can also reduce the apparent building mass, which may result in the scale of the building being more compatible with its neighborhood.

d. Daylight Plane/Facade Articulation

Discussion: The Daylight Plane/Facade Articulation requirements contained in the County Zoning Regulations are included below as a starting point for designing a two-story home or a second story addition. For more detail regarding façade articulation, please refer to Section 2, Architectural Styles and Facades.

Standards: New residential development shall conform to either the daylight plane or facade articulation options described in this section, as determined by the project applicant.

(1) *Daylight Plane Option* - The daylight plane shall be established on two opposite house sides, i.e., either from the front and rear setback lines, or from the side setback lines, as determined by the project applicant and approved by the Design Review Committee. The daylight plane shall be measured from the setback line at existing grade, upward a vertical distance of 20 feet, and then inward at an angle of 45 degrees until the maximum building height is reached. Cornices, canopies, eaves, roof overhangs, chimneys, fire escapes, stairways; landing places; uncovered porches, and similar architectural features may extend into the daylight plane at the front, side, or rear yard, to the extent allowed by Zoning Regulations Section 6406. Chimneys, pipes, mechanical equipment, antennae, and similar equipment may extend into the daylight plane up to a maximum of 36 feet as required for safety or efficient operation. Dormers, gables and other architectural features located in the center 60% of the house may extend into the angled portion of the daylight plane, subject to Design Review Committee approval, provided that:

(a) The combined length on any building side does not exceed 40% of the length of that building side, and the height of such features does not exceed 24 feet.

(b) The combined length on any building side does not exceed 30% of the length of that building side, and the height of such features does not exceed 28 feet.

(2) *Facade Articulation Option* - Facade articulation shall be provided on all building sides, and is subject to approval by the Design Review Committee. Facade articulation is intended to break up the appearance of shear walls through the placement of projecting or recessing architectural details, including decks, bays, windows, balconies, porches, overhangs, and cantilevered features. In order to approve proposed facade articulation, the Design Review Committee must find that: (a) all building facades are well articulated and proportioned, and (b) each building wall is broken up so as not to appear shear, blank, looming or massive to neighboring properties.

e. Wall Articulation

Discussion: Building wall gaps that articulate the walls of the house create shadows and contribute to the architectural character of the home. These changes to the form of a building can have a great affect on the apparent building mass. Longer flat walls generally appear more massive and less interesting. Adding steps and breaks to long or tall walls will reduce apparent mass and add visual interest. Likewise, changes in

building materials or colors and appropriate architectural details can help break up long or tall walls and keep a house from appearing massive or boxy.

Standards: *These standards apply in addition to either the Daylight Plane or Façade Articulation Options in the preceding section:*

(1) Require at least one step or off-set extending to grade on the long dimension of the house.

(2) Projecting or recessing architectural details (decks, bays, windows, balconies) and changes in building materials or colors are also encouraged to visually break up building walls.

2. Architectural Styles and Features

Many architectural features can affect whether or not a house appears to be compatible with its neighborhood, including building bulk and height, which are discussed in the previous sections. Other important elements in defining compatibility include architectural style and architectural details, such as window, door, and garage patterns and types.

a. Architectural Style

Discussion: *When designing a new home or an addition, architectural style should be evaluated by considering what building elements define the architectural style of the house (e.g., building shape, roof design, exterior materials, window size and type, etc.), what defining elements are common to other houses in the neighborhood, and what elements characterize the natural setting (e.g., vegetation, landforms, etc.). There are many different architectural styles present throughout the Midcoast communities. In some neighborhoods, the architectural style is more defined than in others and on some houses it is more apparent than on others. Designing a home and choosing a style that is complementary to adjacent homes can be challenging when the homes are of many different styles, have no defined architectural style or do not conform to these Design Standards (e.g., they have architectural details that are inconsistent, out of proportion, or inappropriate for the style). In that case, a project designer should strive for a style that at least is not jarring or disruptive in appearance when compared to adjacent homes, and foster compatibility through other elements of design such as similar building shapes, exterior materials or colors, window/door styles, and roof massing and design. While no particular architectural style is prohibited, a style that reflects the Midcoast's coastal, semi-rural, diverse, small town character (e.g., coastal craftsman) will more readily be found to be complementary to the neighborhood. Finally, consideration should also be given to the natural setting, and a complementary style chosen depending on whether the site is, for example, steeply sloped, heavily wooded, or more open in character.*

Standards:

(1) Use an architectural style and design elements that complement the predominant style of nearby homes, only when such homes conform with the design standards. Likewise, avoid the architectural styles and design elements of nearby homes when such homes do not conform with the design standards. Where no predominant architectural style can be defined, encourage compatibility through the use of similar building shapes, exterior materials or colors or architectural features such as roofs, windows/doors, etc.

(2) Architectural styles that complement the coastal, semi-rural, diverse small town character of the area, such as coastal craftsman are encouraged. Contemporary and

uncommon styles can be compatible if building shapes and materials are carefully chosen to complement other homes in the neighborhood.

(3) Architectural styles that complement the natural setting are encouraged.

b. Openings

Discussion: *Windows and doors are often the most visually distinctive features on a house. They are a link between private and public space and can provide a sense of security for both. They also can establish an architectural rhythm and affect the apparent mass of the house. There may be a proportion to the openings - vertical or horizontal - that is common to the house or the neighborhood. Dominant window/door materials or style - such as an arched shape or divided windows - should also be considered.*

Standards:

(1) Select windows and doors that are compatible with the dominant types on the house and in the neighborhood; when assessing compatibility consider the size and proportions of the openings, materials, and style or detailing.

(2) When designing and placing windows and doors, consider their location, size and proportions and how they may relate to adjacent buildings; walls broken by proportioned patterns of windows are encouraged where neighbor's privacy can be protected.

c. Entries

Discussion: *Front walkways, front doors and windows, and front porches that face the street make for safer neighborhoods by keeping "eyes on the street" and create a human-scaled appearance to a building. The design and prominence of entries in the neighborhood should also be considered.*

Standards:

(1) Front Doors - Design front entries on a scale compatible with the other features of the house to maintain a residential rather than institutional or commercial appearance.

(2) Front Porches - Where front porches are a part of the neighborhood pattern, a new house or new entry should consider including this feature similar in size and proportion to the other homes in the neighborhood.

d. Garages

Discussion: *The location, size, position and appearance of a garage can have a great effect on the appearance of a home and should be designed with care. While in most cases it is preferable to emphasize the front entrance of a home, rather than the garage, a prominent garage may be unavoidable, particularly on steeply sloping lots. In some neighborhoods, there may be an established pattern in the size, position or appearance of garages. Examples of patterns that meet the design standards are garages with single rather than double garage doors, or garages facing away from or set back from the street. If there is no established pattern, greater flexibility in design and appearance of garages should be considered.*

Standards:

(1) Avoid making the garage the dominant feature as seen from the street.

Where it is unavoidable, for example on steeply sloping lots, pay special attention to garage appearance by choosing decorative doors (or two single rather than one large double door) that are consistent with the style of the house, and by articulation of the front garage facade.

(2) Respect the existing pattern in the size, position or appearance of the garages in the neighborhood, providing that pattern conforms with the design standards.

3. Roof Design

Roof shape and type can be the most obvious elements in defining the appearance of a house and a neighborhood. When designing a new home or an addition, it is important to consider the massing of roof forms and neighborhood roof patterns and compatibility.

a. Massing and Design of Roof Forms

Discussion: *The mass of a roof and how it is articulated into different shapes contributes to the character of a house. Most houses with sloped roofs, and many with flat roofs, have a primary roof form and smaller secondary and minor forms that contribute to the overall style of the house. Evaluate the massing of the roof form and determine how it will benefit the appearance of the house and be compatible with the neighborhood.*

Standards:

(1) When planning a new home or second story addition, begin with a primary roof form. Consider additions to the primary roof such as secondary roof forms and dormers that may serve to reduce the home's apparent mass and scale, provide visual interest and have an appropriate number of roof forms. Additional roof forms shall be architecturally compatible with the primary roof form's slope and material.

(2) Pitched roofs are encouraged; flat roof designs may be acceptable if the height does not exceed 22 feet from existing grade for the flat roof portion, the flat roof portion does not exceed 20% of the total roof area, and it is compatible with neighboring homes.

(3) Non-reflective roof materials and colors are encouraged. Solar panels are acceptable in appropriate locations where they will blend with the rest of the roof.

b. Design Compatibility

Discussion: *Some neighborhoods have roof patterns that are distinctive and repeatable from home to home. Other neighborhoods have greater variety or less distinctive roof forms, and greater deviations from neighboring roof forms could appear acceptable. Roof patterns are created through the roof slope, materials and massing of roofs. Evaluate the pattern of roofs in the neighborhood.*

Standard: *If there is an established architectural style of roofs in a neighborhood, roof shape and types should be compatible with roofs in the neighborhood and with the existing home. Express this compatibility through roof forms, slope, materials and massing. Applicants may also consider alternate roof forms that improve the architectural quality of the house where the design enhances the character of the neighborhood.*

4. Exterior Materials and Colors

Discussion: *Exterior materials and colors should complement the style of the house and that of the neighborhood, and blend with surrounding natural features when viewed from a distance. These standards are not intended to interfere with individual initiative, but rather to encourage compatibility within neighborhoods and with the natural setting. When selecting materials and colors, consider the type and character of materials and colors, number of different materials and colors, the quality of materials, and how ornamentation is applied. While no building material or color is prohibited as a matter of policy, as with other design elements, the neighborhood context provides direction for the choice of materials and colors. Use of complementary materials and colors will help a house appear compatible with its neighbors and blend with its natural setting including*

surrounding vegetation and landforms. Darker rather than lighter exterior colors may be used to reduce the apparent mass of a home.

Standards:

a. Compatibility

(1) Use non-reflective exterior materials and colors that complement and improve the neighborhood and are compatible with the architecture of the house.

(2) Consider the exterior materials and colors used on neighboring houses; strive for complementary materials and colors on new and remodeled homes; avoid the use of materials and colors that are too similar, repetitive, or clashing.

(3) Use warm, muted colors and natural appearing materials on the house that blend with the surrounding natural features when viewed from a distance. While earth-tone colors are encouraged, along with darker colors used to reduce apparent mass, other colors may be appropriate based on the architecture, neighborhood and surrounding natural features.

b. Quality - Use exterior materials and colors that are of a similar or better quality of those used in the neighborhood and are consistent with the architecture of the house; avoid T-111 siding unless necessary for additions to match the existing house.

c. Quantity

(1) Use a number of exterior materials and colors that is consistent with the neighborhood and the architectural style of the house.

(2) Encourage the use of three or more colors on larger houses to reduce the appearance of bulk by emphasizing architectural features and trim.

(3) Discourage the use of a single exterior material or color in a large unbroken surface.

d. Ornamentation - Use ornamentation or architectural details to reduce the appearance of bulk on larger homes. Apply ornamentation in a manner consistent with the style and size of the house; avoid using ornamentation in a manner that will make the house appear too plain or overly decorated.

Section 6565.20(E). Additional Site Planning and Design Consideration.

Standards:

1. Multiple contiguous or nearby projects developed concurrently by one owner, applicant, developer, or builder shall:

a. Avoid similar or the same, but reversed, building elevations and/or floor plans located directly across the street from each other or on adjacent parcels.

b. Vary in structure placement enough to avoid a “tract home” appearance.

c. Vary in design style, exterior detail, rooflines, finish materials, and landscaping enough to avoid overly repetitive appearance.

2. To the extent feasible, structures should be located and designed to minimize the blockage of sunlight on neighboring buildings (see further discussion under “Second Stories”). Siting and design for energy conservation/generation purposes is encouraged.

Section 6565.20(F). Landscaping , Paved Areas, Fences, Lighting and Noise.

While the appearance of new residential structures is of primary importance, ancillary development on a residential site can also have a significant visual impact, and should be

designed carefully to complement a new or remodeled home and to prevent adverse impacts to neighboring properties. The following section provides guidance and standards for landscaping, paved areas, fencing, lighting and noise.

1. Landscaping

Discussion: *Landscaping should complement and enhance the design of the home, while harmonizing with the overall landscape character of the neighborhood. New landscaping should also harmonize with existing trees and vegetation remaining on site. Landscaping should not be used in place of other more permanent architectural solutions, but should be used to accent or enhance architectural features. When developing a landscape plan, consideration should be given to water availability and the function of the landscaping - to provide shade or screening, or to protect privacy - and location and species should be selected accordingly. For more detailed landscape plan requirements and specifications, please see the County's Minimum Standards for Landscape Plans.*

Standards:

- a. Require a landscape plan prepared according to the County's Minimum Standards for Landscape Plans.*
- b. Finished landscape plans should be compatible with and enhance the design of the home and the trees and vegetation remaining on the site and in the surrounding neighborhood after construction.*
- c. Tree removal and replacement shall be in accordance with Section 6565.21, Standards for the Protection of Trees and Vegetation. Replacement trees and new trees shall be from the list specifying recommended/discouraged species for the Midcoast, adopted by the Board of Supervisors. Native and drought-tolerant species are encouraged.*
- d. Finished landscape plans shall include provisions for watering plants as needed to ensure initial plant growth. Different watering systems including low cost, low technology systems may be appropriate depending on the plants chosen. Drip irrigation systems are encouraged where appropriate.*
- e. Landscaping along retaining walls is encouraged using planted areas along the bottom and top of the walls to reduce their apparent height and blend with their natural surroundings.*
- f. All landscaping shall be drought-tolerant, and either native or non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed. No plant species listed as "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property. The requirement for drought-tolerant landscaping shall not apply to fruit or vegetable gardens.*
- g. A smooth transition between development and adjacent open areas should be maintained through the use of landscaping and plant materials which are native or appropriate to the area.*
- h. Utilize vegetated swales and bio-retention cells to aid in treatment of stormwater and dry weather runoff, where appropriate.*

2. Paved Areas

Discussion: *Environmentally sensitive planning and design of paved or hardscape areas on site will produce a more natural appearance and prevent stormwater pollution by reducing the volume of surface runoff, increasing infiltration, and preventing pollutants*

from entering the creeks and ocean. Please refer to the County's Stormwater Pollution Prevention program publications, available at the Planning Counter, for further information and innovative ideas on this topic.

Standards:

- a. Minimize the hardscape or impervious areas on site in order to maximize permeable surfaces that have a more natural appearance, reduce the volume and improve the quality of runoff into creeks and storm drains.
- b. Maximize the use of surfaces on site that have a more natural appearance than asphalt or concrete, decrease runoff and maximize absorption; alternative surfaces may include wood decks, special perforated paving systems, unmortared brick, stone or tile.
- c. Driveways, walkways and parking areas on site should be as small as possible within allowable standards, and should drain into adjacent onsite landscaped areas, where possible.
- d. Minimize directly connected impervious areas on site by means of landscaping or other permeable surfaces to soften the visual appearance, allow absorption into the soil and reduce runoff.

3. Fencing

Discussion: Site fencing should complement and enhance the design of the home, while harmonizing with the overall character of the neighborhood. Fencing should be considered and designed as an integrated part of the project, not left as an afterthought when the project is completed. Fences and walls shall comply with the height limits specified in Section 6412 of the Zoning Regulations.

Standard: The design of fences, walls and similar site elements shall be compatible with the architecture of the main buildings and should blend with the surrounding neighborhood.

4. Lighting

Discussion: The location and style of exterior and interior lighting chosen for a single-family home can have a significant impact on the home's design. It can also affect adjacent neighbors, or depending on topography, more distant views from scenic corridors. An appropriate lighting plan will complement the home's design and provide adequate light and security for the subject site. At the same time, the plan should prevent direct light and glare from extending in any direction, including upward, beyond the boundaries of the site. In general, lowlevel lighting directed toward the ground is preferred.

Standards:

- a. Choose exterior lighting that is architecturally integrated with the home's design, style, material and colors.
- b. All exterior, landscape and site lighting shall be designed and located so that light and glare are directed away from neighbors and confined to the site. Low-level lighting directed toward the ground is encouraged.
- c. Exterior lighting should be minimized and designed with a specific activity in mind so that outdoor areas will be illuminated no more than is necessary to support the activity designated for that area.
- d. Minimize light and glare as viewed from scenic corridors and other public view corridors.

5. Noise

Discussion: *Unwanted noise impacting neighboring properties can be avoided through proper placement and design of new homes, residential additions and ancillary equipment. For example, outdoor activity spaces should be located away from neighbor's bedrooms. Ancillary equipment, for example irrigation systems, pool equipment, generators and the like, should be located away from neighbors and be as quiet as possible. Walls, fences, and landscaping can also be used to buffer sound between neighboring properties. Please note that all land uses shall conform to the County Noise Ordinance, administered by the Environmental Health Division. The Noise Ordinance limits unusually loud, uncommon noise that would disturb the neighborhood peace.*

Standard: *Design new homes, residential additions and ancillary equipment to reduce noise impacts on neighboring properties.*

[....]

Section 6565.21. Standards for the Protection of Trees and Vegetation

The following standards shall apply in all areas zoned DR. In Emerald Lake Hills, Oak Knoll Manor, Palomar Park and Devonshire, the following standards shall apply to trees 6 inches or more in diameter or 19 inches or more in circumference (measured at 4 1/2 feet above the ground), while in all other areas the following standards shall apply to trees 12 inches or more in diameter or 38 inches or more in circumference (measured at 4 1/2 feet above ground).

A. Prohibit the removal of a tree unless:

- 1. There is no alternative building site for a house, driveway, or accessory structure, or*
- 2. Except for any property in the Coastal Zone, tree removal is necessary: (a) to utilize the property in a manner which is of greater public value than any environmental degradation caused by the action, or (b) to allow reasonable economic or other enjoyment of the property, or*

- 3. A tree: (a) is diseased, (b) could adversely affect the general health and safety, (c) could cause substantial damage, (d) is a public nuisance, (e) is in danger of falling, (f) is too closely located to existing or proposed structures, (g) acts as a host for a plant which is parasitic to another species of tree which is in danger of being infested or exterminated by the parasite, or (h) is a substantial fire hazard. The Planning Director or other reviewing body for the project shall have the authority to request a written report substantiating the removal of any tree in accordance with this subparagraph.*

B. The replacement of lost trees when required shall be in a manner prescribed by the Design Review Committee or Design Review Administrator, as is applicable, but shall not exceed the following specifications:

- 1. For each loss of a significant indigenous tree, there shall be a replacement with three (3) or more trees of the same species using at least five (5) gallon size stock.*

- 2. For each loss of a significant exotic tree, there shall be a replacement with three (3) or more trees from a list maintained by the Planning Director. Substitutes for trees listed by the Planning Director may be considered but only when good reason and data are*

provided which show that the substitute tree can survive and flourish in the regional climatic conditions.

3. Replacement trees for trees removed shall require a surety deposit for both performance (installation of tree, staking, and providing an irrigation system) and maintenance. Maintenance shall be required for no less than two (2) and no more than five (5) years.

4. Loss of any particular replacement prior to the termination of the maintenance period shall require the landowner at his/her expense to replace the lost tree or trees. Under such circumstances, the maintenance period will be automatically extended for a period of two (2) additional years.

5. Release of either the performance or maintenance surety shall only be allowed upon the satisfactory installation or maintenance and upon inspection by the County.

6. Where a tree or trees have been removed on undeveloped lands and no existing water system is available on the parcel, the replacement tree or trees, if required to be installed, shall be of sufficient size that watering need not be done by automatic means. Under such circumstances, water can be imported by tank or some other suitable method which would ensure tree survival in accordance with subparagraphs (4) and (5), above.

7. Postponing the planting of replacement trees can be done if approved by the Design Review Administrator.

C. Plant additional drought-tolerant trees from a list maintained by the Planning Director and shrubs as may be required for screening to minimize and soften the appearance and impact of development on the street, adjacent homes, and the community. Substitutes for trees listed by the Planning Director may be considered but only when good reason and data are provided which show that the substitute tree can survive and flourish in the regional climatic conditions.

D. On parcels with no or few trees, plant additional indigenous or other drought tolerant trees and shrubs as may be required. All trees shall be at least five (5) gallon size stock unless otherwise required by the Design Review Committee or Design Review Administrator, as is applicable.

E. Protect all existing significant and heritage trees (as defined in Parts Two and Three of Division VIII of the San Mateo County Ordinance Code) from damage during construction activities including grading. Additional protective measures shall be required for landscaping around significant or heritage trees. The following criteria are to be followed unless topography, proximity of proposed structures, or other valid reason determined by the Design Review Committee or Design Review Administrator, as is applicable, are found to restrict construction so much that protecting any particular significant or heritage tree is not practicable and would mandate less restrictive measures. Any exception to the below listed criteria shall be determined in advance by a

licensed landscape architect and best management practices in lieu shall be presented to the decision maker for review and approval:

- 1. Compaction of soils within the dripline of the tree is to be avoided. Only very limited use of heavy equipment within the dripline shall be allowed and should be brought to the attention of the Design Review Administrator prior to such incursion.*
- 2. Grading in the vicinity of any indigenous significant or heritage oak, bay or madrone tree shall be done with detailed plans provided in advance by a licensed landscape architect. Under no circumstances will fill or excavation at the base of any significant or heritage oak, bay or madrone tree exceed four (4) inches from existing grade.*
- 3. Additional protective measures such as fencing shall be required to prevent damage to the trunks and root systems of trees during grading and construction.*
- 4. Trimming of low lying limbs of indigenous trees should be avoided by rerouting construction equipment or by bracing or guying such limbs out of the way of construction equipment. Any such work to shift limbs shall be done under the strict supervision of a licensed landscape architect or arborist.*
- 5. The transplanting of significant sized or heritage trees is not considered practicable and is to be avoided.*
- 6. Existing significant or heritage trees shall be protected from damage by construction equipment and during felling operations while trees are being removed. Any damage to such a tree shall require the immediate attention of a licensed landscape architect or arborist to determine the extent of the damage and to determine if replacement trees will be required in accordance with the provisions of subparagraph B, above, of this section. In order to assist construction crews in protecting existing trees, a licensed landscape architect or arborist will fence off the trees in advance of any construction work in order to meet the intent of this section. Any such required fencing shall be removed when all construction work has been terminated.*
- 7. Existing significant or heritage trees shall be protected from improper landscape management practices. A program shall be developed by a licensed landscape architect or arborist intended to provide the landowner with guidelines for the care, maintenance and protection of any existing significant and heritage trees.*

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
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**Memorandum****January 7, 2013**

To: Commissioners and Interested Parties

FROM: Dan Carl, North Central Coast District Deputy Director
North Central Coast District

Re: *Additional Information for Commission Meeting
Thursday January 10, 2013*

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
Th17a	A-2-SMC-12-013 (Zbiczak, San Mateo County)	Correspondence, Lennie Roberts	1-2



Th 17a

January 6, 2013

Chair Mary Shallenberger and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 95060

Re: Th. 17.a. **Appeal No. A-2-SMC-12-013 (Zbiczak, San Mateo Co.)**. Appeal by Linda Montalto Patterson, Susan and Dwight Pate and Lee and Lisa Deal of San Mateo County decision granting permit with conditions to Hank & Irene Zbiczak for construction of new 5,546 sq.ft., 2-story, single-family home, including attached 3-car garage, on Magellan Avenue near Mirada Road in the unincorporated Miramar area of San Mateo County. (ND-SF)

Dear Chair Shallenberger and Commissioners,

Committee for Green Foothills disagrees with the Staff Recommendation for No Substantial Issue, and respectfully requests that you find the above-referenced Appeal raises a Substantial Issue as to the proposed 5,546 sq. ft. residence's conformity with the San Mateo County LCP, particularly the Visual Resource Policies.

The proposed residence is a manufactured home placed atop a three-car garage in a highly scenic area west of Highway One adjacent to Mirada Surf Trail and Park. This very large structure is being shoehorned into a sensitive area, and as such, is out of scale with the character of the setting and would be an intrusion into a highly scenic area, contrary to LCP Policy 8.13.a.(4).

The County Zoning Hearing Officer concluded that the house would not require removal of significant trees. However, the revised site plan shows a 36" diameter Monterey cypress tree cluster within two feet of the foundation and gas line. One entire side of this tree would need to be severely pruned and removed in order to locate the house in such close proximity. Excavation for the foundation construction will sever the major supporting tree roots on this same side of the tree as well. This tree will not survive such treatment. The County's reliance on the existing trees to help screen the house is thus illusory.

In highly scenic areas such as this, the County requires story poles or photo-montages to evaluate the potential impact of new homes for consistency with the Visual Resource Policies of the LCP. In this case, story poles were only erected along one side of the house, due to numerous Monterey cypress and Monterey pine trees that were in the way. This is a clear indication that the house would require at least major pruning if not outright removal of additional trees. One of the major Findings of the County's Approval was that no trees would be removed. CGF does not believe that these Findings are valid, based on experience with other construction projects in close proximity to mature trees.

CGF notes that the Staff Report (page 8) has an error in that it states: "Existing Monterey cypress and Monterey pine trees (approximately two dozen trees total) border the sites' northern and eastern property lines..." The trees are actually along the southern and western property lines. They will not screen the house from users of Mirada Surf Park and Trail, or from Highway One.

CGF respectfully requests that the Commission find the Appeal raises and Substantial Issue in order for Staff to work with the Applicant to redesign the house and reduce the project's visual impacts in this highly scenic and popular recreation area.

Thank you for consideration of our views.

Sincerely,

Signature on file

Lennie Roberts, San Mateo County Legislative Advocate
Committee for Green Foothills

TH/7a

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS

Date and time of communication: 7 January 2013

Location of communication: email
(If communication was sent by mail or
facsimile, indicate the means of transmission.)

Identity of person(s) initiating communication: Lennie Roberts

Identity of person(s) receiving communication: Carole Groom

Name or description of project:

- 1) 5,546 sq.ft. home on Magellan Avenue near Mirada Road in uninc. San Mateo County
- 2) Application for claim of vested right for domestic water service for a 5,500 sq.ft home, 1,000 sq. ft secondary residence, and 1,000 sq.ft garage/workshop on Cave Landing Road in unincorporated Avila Beach area of San Luis Obispo County
- 3) Appeal of decision granting permit for the construction of 5,500 sq.ft home, 1,000 sq. ft secondary residence, and 1,000 sq.ft garage/workshop on Cave Landing Road in unincorporated Avila Beach area of San Luis Obispo County
- 4) 3,600 sq.ft. duplex residential structure on raised pilings at 140 Addie St., Pismo Beach
- 5) Wastewater treatment plant and related development at 160 Atascadero Road in the City of Morro Bay

Description of content of communication:
(If communication included written material, attach a copy of the complete text of the written material.)

Written materials attached

7 - Jan 2013
Date

Carole Groom
Signature of Commissioner

If communication occurred seven (7) or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven (7) days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven (7) days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

From: Carole Groom
To: Eric Pawlowsky
Date: 1/7/2013 9:06 AM
Subject: Fwd: January CCC ex parte
Attachments: Ex Parte CCC January 2013.doc

>>> Lennie Roberts <lennie@darwin.ptvy.ca.us> 1/6/2013 1:20 PM >>>

Hi Carole, Hope you are enjoying this rainy Sunday! Attached are four priority items that our colleagues in San Luis Obispo have identified as priorities for your consideration. If you have any questions, I'd be glad to discuss them further. Note the Update on the Cayucos WWT plant.

I plan to send a letter to the Commission tomorrow regarding the San Mateo County appeal item:

TH 17. NEW APPEALS. See AGENDA CATEGORIES (<http://www.coastal.ca.gov/meetings/headings.html>).

a. **Appeal No. A-2-SMC-12-013 (Zbiczak, San Mateo Co.)** (<http://documents.coastal.ca.gov/reports/2013/1/Th17a-1-2013.pdf>). Appeal by Linda Montalto Patterson, Susan and Dwight Pate and Lee and Lisa Deal of San Mateo County decision granting permit with conditions to Hank & Irene Zbiczak for construction of new 5,546 sq.ft., 2-story, single-family home, including attached 3-car garage, on Magellan Avenue near Mirada Road in the unincorporated Miramar area of San Mateo County. (ND-SF)

I was not an Appellant on this item because somehow it slipped through at the ZHO without my noticing! You should get this letter in the packet under the District Director's Report or it may be posted as an Addendum to the Staff Report. In any event, it will go to all Commissioners and Staff so it is not necessary to report it as an ex parte.

Best,

Lennie

January 6, 2013

To: Carole Groom

From: Lennie Roberts, Committee for Green Foothills and Mike Ferreira, Sierra Club

Re: Ex Parte for January 2013 Coastal Commission meeting

Hi Steve, Listed below are four priority items for the January meeting, for your consideration.

Thursday, Jan 10

21. VESTED RIGHTS.

a. Application No. 3-12-013-VRC (McCarthy, San Luis Obispo Co.).

Application of Rob & Judi McCarthy for claim of vested right by Rob and Judi McCarthy for County Service Area 12 domestic water service for proposed 5,500 sq.ft., single family home and 1,000 sq.ft. secondary residence above detached 1,000 sq.ft. garage/workshop and related development, located on Cave Landing Road, approx. 500 feet north of parking/access area for Pirates Cove Beach, in unincorporated Avila Beach area of San Luis Obispo County. (DR-SC)

This is the same property as Item 22.a below. Our colleagues at San Luis Obispo Coastkeeper support the Staff Recommendation for denial of the vested rights claim.

The applicants claim they have a vested right to water service from CSA 12; however, this claim does not meet the standard of review for vested rights in that the applicant did not receive all government approvals and perform substantial work on the development of the property prior to February 1, 1973 per Coastal Act Section 30603. Granting the vested rights in this case would be inconsistent with long established Commission decisions, and could set a harmful precedent.

22. NEW APPEALS.

a. Appeal No. A-3-SLO-11-061 (McCarthy, San Luis Obispo Co.). Appeal by Commissioners Brennan and Stone of San Luis Obispo County decision granting permit with conditions to Rob and Judi McCarthy for construction of 5,500 sq.ft. single-family home and 1,000 sq.ft. secondary residence above detached 1,000 sq.ft. garage/workshop, and related development, including extension of public water service to project site, located on Cave Landing Road, approx. 500 feet north of parking/access area for Pirates Cove Beach, in unincorporated Avila Beach area of San Luis Obispo County. (DR-SC)

This is a de novo hearing on an Appeal of San Luis Obispo County's granting of a Coastal Development Permit.

San Luis Obispo Coastkeeper does not support the Staff Recommendation for

approval with conditions. Concerns remain that even with stringent conditions, including modification of the home's design, construction of berms, and landscaping, this project should not be approved because it will still significantly degrade the public viewshed, particularly views associated with the popular Pirate's Cove accessway.

23. COASTAL PERMIT APPLICATIONS.

a. Application No. A-3-PSB-10-062 (Koligian, Pismo Beach). Application of Vaughn and Mary Koligian to construct 3,600 +/- sq.ft. duplex residential structure on raised pilings, to demolish portion of neighboring residential structure (which extends onto project site), construct bridge from sidewalk area providing access to new duplex, and other related improvements, at 140 Addie St., at mouth of Pismo Creek and at Pismo State Beach in Pismo Beach, San Luis Obispo County. (JM-SF)

Staff recommends Approval with stringent conditions. Our colleagues at San Luis Obispo Coastkeeper do not agree, and recommend Denial. They note that the original recommendation was for finding of Substantial Issue and Denial of the project. Even with conditions, a residential project on this site cannot be made consistent with the LCP and Coastal Act policies. Specific concerns include: (1) Hazard risks have not been minimized - the project site is within the 100 year flood plain, is subject to sea level rise, and the piles will likely obstruct floodwaters, (2) The project violates LCP and Coastal Act policies protecting environmentally sensitive habitat areas (ESHA) including policies that specifically protect Pismo Creek, (3) The project violates LCP policies intended to protect visual resources, and (4) The project conflicts with the City's and Coastal Act policies regarding public access and recreation.

b. Application No. A-3-MRB-11-001 (City of Morro Bay & Cayucos Community Services District, Morro Bay). Application of City of Morro Bay and Cayucos Community Services District to demolish existing Morro Bay wastewater treatment plant and construct new wastewater treatment plant and related development on same site, at 160 Atascadero Road near Morro Rock in City of Morro Bay, San Luis Obispo County. (SR-SC)

Staff is recommending Denial of the project. Our colleagues at the Santa Lucia Chapter of Sierra Club, and Surfrider Foundation, SLO Chapter, strongly support the staff recommendation for the following reasons: (1) the existing WTP is a non-conforming use under the zoning, and construction of a new plant in this location would require a zoning change. (2) the proposed location is within the Morro Creek 100 year flood zone, tsunami runup zone, and earthquake liquefaction zone; which sea level rise will exacerbate, (3) proposed mitigations to elevate site above hazard zone violate LCP policies requiring minimization of fill and would still leave plant subject to tsunamis, (4) project would violate LCP visual policies, (5) proposed site cannot accommodate recycled water storage and would defeat important reclamation efforts and (6) denial of the project will

provide opportunity to address superior siting and technology alternatives.

Important Update! At its meeting of January 3, 2013, the Morro Bay City Council voted 3-2 to support the Staff Recommendation for Denial of the project.

From: Linda Montalto Patterson [<mailto:linda@hastingshouseweddings.com>]
Sent: Wednesday, January 09, 2013 4:01 PM
To: Dreher, Nicholas@Coastal; Carl, Dan@Coastal
Subject: Appeal No.A-2-SMC-12-013(Zbiczak,San Mateo Co.)

Chair Mary Shallenberger and Members
California Coastal Commission
Dear Chair Shallenberger and Commissioners,
45 Fremont Street, Suite 2000
San Francisco, CA 95060

Re: Th. 17.a. [Appeal No. A-2-SMC-12-013 \(Zbiczak, San Mateo Co.\)](#). Appeal by Linda Montalto Patterson, Susan and Dwight Pate and Lee and Lisa Deal of San Mateo County decision granting permit with conditions to Hank & Irene Zbiczak for construction of new 5,546 sq.ft., 2-story, single-family home, including attached 3-car garage, on Magellan Avenue near Mirada Road in the unincorporated Miramar area of San Mateo County. (ND-SF)
Dear Chair Shallenberger and Commissioners,

I respectfully ask that you reconsider this project . It will have long term impact on the community since it affects the entrance to the Mirada Surf Park , one of the San Mateo Counties newest acquisitions. Hundreds of thousands of people access the park through this area every day. The project as proposed will be visible not only from the entrance but from multiple areas within the park, mainly all along the walkway that divides the park. It definitely affects the scenic corridor of the coast .
Pleas refer to previous letters submitted with the original appeal.

Thank you so much for your consideration.

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