

CALIFORNIA COASTAL COMMISSION

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original staff report

F10a&b

Prepared August 13, 2014 for the August 15, 2014 Hearing

To: Commissioners and Interested Persons
From: Nancy Cave, District Manager
Renée Ananda, Coastal Program Analyst
Subject: **STAFF REPORT ADDENDUM for F10a & b**
Appeal Nos. A-2-SMC-09-006 (Johnson) and A-2-SMC-09-008 (Shook)

Staff received a letter from the Appellant in this matter, dated August 4, 2014, and submitted via e-mail transmission on August 5, 2014. Staff also received a letter from the Applicants dated August 12, 2014, written in response to the Appellant's August 4, 2014 letter. The Appellant states support of staff's recommendation that Substantial Issues are raised and approval of the projects as conditioned; however, the Appellant requests two modifications, which are presented below.

1. Revise the special conditions to eliminate the proposed curved walls and roofs and replace them with vertical walls and more traditional pitched roofs.
2. Revise the special conditions to require that any on-site cypress trees that die or are removed for any reason in the future shall be replaced on a 2:1 ratio on site.

The Applicants have responded to both of the Appellant's contentions, stating that any existing Cypress Trees removed to allow construction of the proposed buildings and parking areas will be replaced at a 2:1 ratio. With respect to the Appellant's second contention, the Applicants believe the Appellant's contentions are inaccurate and overstated. The Applicants believe that the proposed roofs are pitched in accord with LCP requirements. They state that the issue was thoroughly raised and addressed during the County hearings on the projects. In addition to the Applicants' letter responses, Staff provides the following discussion in response to the Appellant's correspondence.

First requested modification: The Appellant objects to the design of the two buildings, indicating that they are not consistent with the surrounding built environment, and that they don't meet the LCP's nautical character and pitched roof requirements (see top of staff report Exhibit 9 page 3 for the relevant LCP requirements). Staff agrees that the buildings represent somewhat non-traditional architecture, but have concluded that they adequately provide for a nautical character and pitched roof, and adequately harmonize with the surrounding area.

In terms of the nautical character, and as discussed in the staff report starting with pages 24 – 25, and also on pages 30 through 33, the LCP does not define nautical. The LCP provides specific design guidelines for development in Princeton-by-the Sea and requires that commercial development reflect the nautical character of the harbor setting, use wood or shingle siding,

Addendum, August 12, 2014

employ natural colors, and use pitched roofs. The Applicants' projects use cedar shingles, employ natural colors, and employ design that is similar to other structures constructed in the vicinity. Staff has concluded that these design measures meet the LCP's nautical character objectives.

In terms of whether the roofs' design is pitched or not, and as discussed in the staff report on pages 24-25 and pages 30-33, the County LCP also does not define pitched. Clearly, the roofs' design is non-traditional, and does not look like what might ordinarily be considered a traditional angled and "pitched" roof. However, the roof design is curved, not flat, which provides for articulation, as is an intent of a pitched roof. Staff concluded that the roofs meet the LCP's pitched roof objectives in that regard.

In terms of overall visual compatibility with the surrounding area, it is clear that there is a wide variety of structures in the area (see photos below). Closest to the site, and as referenced by the Appellant in her letter, the Maverick's Event Center, Maverick's B&B, and the Kissick building exist which employ blue roofs with a more classical A-frame or gable roof design and white and/or gray exterior paint. As the Applicants point out, there are a variety of building designs in the vicinity of the project, and use of a gable roof or blue or grey paint is no more nautical than the designs employed by the Applicants (natural cedar shingles and curved roofs). There are approximately 8 buildings with very similar designs as the two buildings discussed in these projects located along the waterfront in Princeton by the Sea, and situated closer to the shoreline to the west that were constructed pursuant to CDPS approved by the County around 2000 and 2007 and not appealed to the Commission. In short, the area provides an eclectic mix of styles. This eclectic mix has been recognized by the County in their current update of the LCP for this area, wherein the County has indicated that the primary visual consideration for Princeton is to maintain "the character-defining qualities of the community such as the eclectic development of the Princeton waterfront-industrial area". Although the proposed project designs provide a relatively non-traditional style, staff believes that they adequately fit into the eclectic mix and in fact are not the first such non-traditional designs of this type in the immediate area, as evidenced by the other structures permitted by the County in 2000 and 2007 (see photos below).

Questions related to whether structures adequately harmonize with the surrounding environment can be a notoriously difficult exercise, and reasonable people can disagree on whether that is the case when the standards for review are fairly subjective, as they are here. Staff concluded that the Applicants' proposed designs adequately fit in with the surrounding environment, including due to the orientation of the site and the vegetation there that limits the degree to which these structures would be present in any significant public views. For those reasons, staff is not recommending additional design changes to the two structures.

Second requested modification: The Appellant requests that any trees that die or are removed be replaced at a 2:1 ratio on site. Staff is already recommending that any removed trees be replaced at a 2:1 ratio. Special Condition 1 for the Shook Coastal Development Permit (CDP) requires a replacement ratio of 2:1 to replace the only Cypress tree located on that site. The Johnson site does not have any Cypress trees on it that will be removed or require replacement.



Shoreline View Up Coast (West) of Project Sites – Similar Buildings Constructed in the early to mid-2000s



Aerial of Surrounding Area

F10a & b A-2-SMC-09-006 (Johnson) and A-2-SMC-09-008 (Shook)
Addendum, August 12, 2014



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F10a&b

Appeals filed: 4/01/2009 (Johnson)
4/15/2009 (Shook)
49th day: Waived
Staff: R.T. Ananda-SF
Staff report: 7/25/2014
Hearing date: 8/15/2014

STAFF REPORT: SUBSTANTIAL ISSUE & DE NOVO REVIEW

Appeal Numbers: A-2-SMC-09-006
A-2-SMC-09-008

Applicants: Fred Herring; Michael Johnson (A-2-SMC-09-006)
Fred Herring; James M. Shook (A-2-SMC-09-008)

Appellant: Lennie Roberts, Legislative Advocate, Committee for Green Foothills

Local Decisions: A-2-SMC-09-006: Approved by the San Mateo County Zoning Hearing Officer on February 19, 2009 (Coastal Development Permit (CDP) Application Number PLN2006-00522)
A-2-SMC-09-008: Approved by the San Mateo County Zoning Hearing Officer on March 19, 2009 (CDP Application Number PLN2006-00287).

Project Locations: A-2-SMC-09-006: 358 Princeton Avenue, Princeton-by-the-Sea, San Mateo County (APN: 047-024-080)
A-2-SMC-09-008: 354 Princeton Avenue, Princeton-by-the Sea, San Mateo County (APN: 047-024-070)

Project Description: A-2-SMC-09-006: Construction of a 2,374 square-foot, three-story, mixed-use building on a 3,500 square-foot parcel.
A-2-SMC-09-008: Construction of a 2,072 square-foot, three-story, mixed-use building on a 3,500 square-foot parcel.

Staff Recommendation: Substantial Issue Exists; Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

San Mateo County approved Coastal Development Permits (CDPs) for the construction of two mixed-use buildings to be sited on adjacent properties in Princeton-by-the-Sea, San Mateo County. Each building would be three stories in height, with a 2,374 square-foot building at 354 Princeton Avenue (Shook) and a 2,072 square foot building at 358 Princeton Avenue (Johnson). The parcels are located approximately 53 ft. from the top of the bluff, and are separated from the shoreline below the bluff by a row of undeveloped parcels. The Appellant contends that the County's approvals are inconsistent with County Local Coastal Program (LCP) policies related to allowable uses in the zoning district, visual resources, public access, and design review requirements. Staff recommends that the Commission find that the appeals raise a substantial issue of conformance with the County's LCP with respect to allowable uses, flood hazards and visual resources; and that the Commission takes jurisdiction over the CDPs for the projects. Further, Staff recommends that the Commission approve conditioned CDPs to modify the proposed projects in order to ensure that the projects are consistent with the requirements of the LCP.

In regards to the substantial issue determination, the County's approval allowed physical/occupational therapy and design firm/studio uses to be located on the first floors of the projects; however, these uses are inconsistent with the purpose of the Coastside Commercial Recreation Zoning District, which is to provide visitor-serving, coastal-related, commercial, and mixed use developments. Additionally, the County approval did not adequately evaluate the design review requirements to direct development outside of flood areas, within which both developments are proposed for location. Lastly, the County approval did not adequately review the proposed projects' impacts on public views to and along the shoreline from other public lands and shoreline viewpoints. Thus, the appeals raise substantial issue with respect to the proposed projects' conformity with the certified LCP policies regarding allowable land uses, flood hazards, and visual resources and community character.¹

With respect to the CDP determination in a de novo review, project-associated, coastal resource issues can be addressed via conditions of approval. First, with respect to hazards, the Applicants provided a site stability evaluation in the time since the appeals were filed that demonstrates that the proposed, mixed-use structures have been safely sited and designed for their design life from flooding and tsunami hazards. The Applicants have also altered the proposed uses, which will now be a mix of visitor-serving retail (art gallery) on the first and second floors of each structure and residential uses proposed on the third floor. As modified, the projects will be consistent with the purpose of the CCR Zoning District. Staff has further evaluated the projects' consistency with the visual resources policies of the LCP (LCP Policy 8.12 and 8.13, **Exhibit 9**). The proposed projects will not significantly impact the view from the public beach down coast of the sites, and the on-street segment of the Coastal Trail located easterly of the properties. Further, the proposed buildings are designed and situated on the site in a manner that blends with the

¹ The appeals do not raise substantial LCP conformance issues with respect to public access.

existing vegetation, is set back from the edge of the terrace, is compatible with the natural setting and surrounding area, and protects a view of the ocean by way of the 24-foot-wide driveway approved by the County. Staff recommends additional conditions to minimize impacts resulting from construction, require the Applicants to assume the risks for development at these locations, and require future notice of the terms and conditions of these CDPs via a deed restriction.

Thus, the proposed projects, as conditioned, are consistent with the LCP and with Coastal Act public access and recreation requirements. Staff therefore recommends that the Commission approve CDPs with conditions for the proposed projects. The motions and resolutions to act on this recommendation follow below on pages 4 and 5.

TABLE OF CONTENTS

I. MOTIONS AND RESOLUTIONS	5
II. STANDARD CONDITIONS	6
III. SPECIAL CONDITIONS	7
IV. FINDINGS AND DECLARATIONS	19
A. PROJECT SITES, DESCRIPTION AND BACKGROUND	19
B. SAN MATEO COUNTY CDP APPROVAL	20
C. APPEAL PROCEDURES	20
D. SUMMARY OF APPEAL CONTENTIONS	22
E. SUBSTANTIAL ISSUE DETERMINATION	22
F. COASTAL DEVELOPMENT PERMIT DETERMINATION	26
G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)	35

APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 – Project Location Maps and Aerials
Exhibit 2 – San Mateo County CDP Approval (Johnson)
Exhibit 3 – San Mateo County CDP Approval (Shook)
Exhibit 4 – Appeal of County CDP Decision (Johnson)
Exhibit 5 – Appeal of County CDP Decision (Shook)
Exhibit 6 – Johnson Project Plans
Exhibit 7 – Shook Project Plans
Exhibit 8 – Visual Simulations and Photos of Area
Exhibit 9 – Applicable LCP and Coastal Act Policies
Exhibit 10 – FEMA Map
Exhibit 11 – Coastal Access Locations
Exhibit 12 – Views from Beach
Exhibit 13 – Aerial Photo Area
Exhibit 14 – Zoning Map

I. MOTIONS AND RESOLUTIONS

A-2-SMC-09-006 (Johnson)

A. Substantial Issue Determination

Staff recommends a **NO** vote on the following motion. Failure of this motion will result in a De Novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

***Motion:** I move that the Commission determine that Appeal Number A-2-SMC-09-006 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act. I recommend a no vote.*

***Resolution to Find Substantial Issue:** The Commission hereby finds that Appeal Number A-2-SMC-09-006 presents 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 Program and/or the public access and recreation policies of the Coastal Act.*

B. CDP Determination

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

***Motion:** I move that the Commission approve Coastal Development Permit Number A-2-SMC-09-006 pursuant to the staff recommendation. I recommend a yes vote.*

***Resolution to Approve a CDP:** The Commission hereby approves the coastal development permit number A-2-SMC-09-006 on the grounds that the development as conditioned will be in conformity with the policies of the San Mateo County Local Coastal Program and the public access and recreation policies of the Coastal Act. Approval of the coastal development permit complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development on the environment.*

A-2-SMC-09-008 (Shook)

A. Substantial Issue Determination

Staff recommends a **NO** vote on the following motion. Failure of this motion will result in a De Novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

Motion: I move that the Commission determine that Appeal Number A-2-SMC-09-008 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act. I recommend a no vote.

Resolution to Find Substantial Issue: The Commission hereby finds that Appeal Number A-2-SMC-09-008 presents 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 Program and/or the public access and recreation policies of the Coastal Act.

B. CDP Determination

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

Motion: I move that the Commission approve Coastal Development Permit Number A-2-SMC-09-008 pursuant to the staff recommendation. I recommend a yes vote.

Resolution to Approve a CDP: The Commission hereby approves the coastal development permit number A-2-SMC-09-008 on the grounds that the development as conditioned will be in conformity with the policies of the San Mateo County Local Coastal Program and the public access and recreation policies of the Coastal Act. Approval of the coastal development permit complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development on the environment.

II. STANDARD CONDITIONS

The two permits are granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

Permit Number A-2-SMC-09-006 (Johnson) is granted subject to the following Special Conditions:

1. **Revised Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit two full-size sets of Revised Project Plans (Plans) to the Executive Director for review and approval. The Revised Project Plans shall substantially be in conformity with the Johnson project (PLN2006-00522) plans as depicted in **Exhibit 6**, except that they shall be revised and supplemented to comply with the following requirements:
 - a. **Location.** The building must be located at the front portion of the lot facing Princeton Avenue (i.e., the north), with all parking placed behind the building in the rear (i.e., the southern portion) of the lot (with the exception of the covered parking space located in the rear portion of the ground floor.) The building entrance shall face Princeton Avenue and have direct access to Princeton Avenue. No parking shall be located between the building and the front portion of the lot as it meets the Princeton Avenue property lines.
 - b. **Structural Stability.** The building shall be designed and constructed to meet LCP standards for development in Tsunami Hazard zones, in particular, as required by LCP Section 6825.3 "Coastal High Hazard Areas". The Plans must indicate details for design elements, including but not limited to breakaway walls and structurally-sound concrete walls that have been incorporated into the project design to reduce the risks of potential impacts from tsunami hazards, to facilitate unimpeded movement of flood waters, and drainage of the site.
 - c. **Landscaping.** The Plans shall include landscape and irrigation parameters that shall identify all plant materials (size, species, and quantity), all irrigation systems, and all proposed maintenance measures. This includes showing the location from where the Cypress tree is proposed to be removed from the public R-O-W and the location of the replacement trees. Replacement trees shall be planted at a 2:1 ratio. All plant materials shall be native and non-invasive species selected to be complementary with the mix of native habitats in the project vicinity, prevent the spread of exotic invasive plant species, and avoid contamination of the local native plant community gene pool. Landscaping (at maturity) shall also be capable of partially screening and softening as much as possible the appearance of the new development as seen from Pillar Point Harbor.

All landscaped areas on the project site shall be continuously maintained by the Permittee; all plant material shall be continuously maintained in a litter-free, weed-free, and healthy growing condition. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted.

- d. Exterior Design.** The Plans shall clearly identify all measures that will be applied to ensure that the project design, including all structures and all other project elements (e.g., driveway, fencing and barriers, lighting, landscaping, etc.) reduces the appearance of bulk and mass and blends with the surrounding environment. At a minimum, the exterior materials, including the roof, shall appear natural and non-reflective, including through the use of wood, stone, brick, and earth tone colors. Plans shall clearly identify all structural elements, materials, and finishes (including through site plans and elevations, materials palettes and representative photos, product brochures, etc.).
- e. Driveway Design.** The Driveway must be designed to minimize tree removal and must be clearly depicted on the plans, in relation to surrounding trees.
- f. Lighting.** All exterior lights, including any lights attached to the outside of the structure, shall be the minimum necessary for the safe ingress and egress of the mixed uses, and shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will shine beyond the boundaries of the subject parcel.
- g. Property Lines.** All property lines for the subject property and all adjacent properties shall be clearly and accurately identified.
- h. Utilities Underground.** All utilities shall be installed underground.

All requirements listed above and all requirements of the approved Revised Project Plans shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with the approved, Revised Project Plans.

- 2. Future Development Restriction.** This permit is only for the development described in CDP No. A-2-SMC-09-006. Any proposed changes to the type of use shall be consistent with the Coastsides Commercial Recreation Zoning District. In addition, any future development as defined in Coastal Act section 30106, including, but not limited to, a change in the density or intensity of use of land or any proposed change in use to a use other than the allowable uses expressly enumerated in subsections 1 through 15 and 17 through 30 of IP Sections 6266 and permitted uses A through L listed in Section 6267 of the San Mateo LCP, shall require an amendment to CDP No. A-2-SMC-09-006 or an additional CDP from the California Coastal Commission or from San Mateo County.
- 3. Construction Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit two copies of a Construction Plan to the Executive

Director for review and approval. The Construction Plan shall, at a minimum, include the following:

- a. Construction Areas.** The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to have the least impact on coastal resources, including by using inland areas for staging and storing construction equipment and materials, as feasible. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
- b. Construction Methods and Timing.** The plan shall specify the construction methods to be used, including all temporary methods to be used to keep the construction areas separated from the shoreline and public recreational use areas (including using unobtrusive fencing, or equivalent measures, to delineate construction areas). All grading and construction work activities shall take place during daylight hours, between the hours of 7:00 AM and 6:00 PM, Monday through Friday; and 9:00 AM to 5:00 PM on Saturdays. Construction work shall not be conducted on Sundays and holidays.
- c. General Best Management Practices (BMPs).** The plan shall identify the type and location of all erosion control/water quality BMPs that will be implemented during construction to protect coastal water quality, including the following: (a) silt fences, straw wattles, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from discharging to coastal waters or to areas that would eventually transport such discharge to coastal waters; (b) equipment washing, refueling, and/or servicing shall take place at least 50 feet from the bluff edge; (c) all construction equipment shall be inspected and maintained at an off-site location to prevent leaks and spills of hazardous materials at the project site; (d) the construction site shall maintain good construction housekeeping controls and procedures, e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site); and (e) all erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each work day.
- d. Material Containment BMPs.** Particular care shall be exercised to prevent construction debris and materials (e.g., construction scraps, wood preservatives, other chemicals, etc.) from entering the beach or coastal waters.
- e. Construction Site Documents.** The plan shall provide that copies of the signed CDP and the approved Construction Plan be maintained in a conspicuous location

at the construction job site at all times, and that such copies are available for public review upon request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.

- f. Construction Coordinator.** The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and that contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with an indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
- g. Notification.** The Permittee shall notify permit staff of the Coastal Commission's North Central Coast District Office at least 3 working days in advance of initiating construction activities, and immediately upon completion of construction work.

Minor adjustments to the above construction requirements may be allowed, upon submittal of a written request to the Executive Director, if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely affect coastal resources. All requirements described above and all requirements of the approved Construction Plan shall be enforceable components of this CDP. The Permittee shall undertake construction in accordance with the approved Construction Plan.

4. Post-Construction Site Drainage and Storm Water Management Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall have a Site Drainage and Storm Water Management Plan, including a drainage analysis of the proposed project site, prepared by a Registered Civil Engineer. The Applicant shall submit two copies of the Plan to the Executive Director for review and approval. The Plan shall, at a minimum include the following:

- a.** A drainage analysis consisting of a written narrative and scaled plans. The flow of storm water onto, over, and off of 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 of the site. Post-development flows and velocities shall not exceed those that existed in the pre-developed state. Recommended measures, including future practices, shall be designed and submitted to the Executive Director for review and approval.

- b. All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration and minimize the use of fertilizers, herbicides and pesticides that can contribute to runoff pollution.
 - c. The Permittee shall not be permitted to discharge anything other than rainwater into the streets and storm drains. The Permittee shall seal all floor drains or piping that carry wastewater to storm drains.
 - d. Where subsurface conditions allow, the roof downspout systems from all structures shall be designed to drain to a designated, effective infiltration area, landscaped areas and away from the shoreline.
 - e. The driveway shall not be entirely impervious to water so that the velocity of flows to surrounding areas is reduced, to the extent feasible.
5. **Assumption of Risk, Waiver of Liability, and Indemnity Agreement.** By acceptance of this permit, the Permittee acknowledges and agrees on behalf of himself and all successors and assigns:
- a. **Coastal Hazards.** That the site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, coastal flooding, landslides, bluff and geologic instability, and the interaction of same;
 - b. **Assume Risks.** To assume the risks, to the Permittee and the property that is the subject of this permit, of injury and damage from such hazards in connection with this permitted development;
 - c. **Waive Liability.** To unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards;
 - d. **Indemnification.** To indemnify and hold harmless the Coastal Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards;
 - e. **Property Owner Responsible.** That any adverse effects to property caused by the permitted project shall be fully the responsibility of the Permittee; and
 - f. **Future Armoring Prohibited.** That the Permittee shall not construct, now or in the future, any shoreline protective device(s) for the purpose of protecting the development approved pursuant to CDP A-2-SMC-09-006 including, but not limited to, the approved building and associated foundations in the event that these structures are threatened with imminent damage or destruction from coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, coastal flooding,

landslides, bluff and geologic instability, and the interaction of same or other natural hazards in the future, and by acceptance of this permit, the Permittee hereby waives any rights to construct such devices that may exist under Public Resources Code Section 30235 or the San Mateo County LCP.

- g. Removal Required.** If the development approved pursuant to CDP A-2-SMC-09-006 is threatened by coastal hazards in the future that would typically bring about a shoreline armoring response (e.g., when the bluff has retreated to a point such that the building is unsafe to occupy), the Permittee shall remove/relocate threatened elements of the development away from such danger. Such removal/relocation shall require a separate CDP authorization.
 - h. Debris.** Any debris, including that related to the approved development, that falls from the bluff top site onto the beach or into the waters of Pillar Point Harbor shall be immediately removed and disposed of properly disposed.
 - i. Industrial Priority.** Adjacent marine-related industrial uses have priority in this area and the approved, new Coastside Commercial Recreation District uses may be subject to inconvenience arising from the reasonable execution of such marine-related activities.
- 6. Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit to the Executive Director for review and approval documentation demonstrating that the Applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this coastal development permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.
- 7. Water and Sewer Connections.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit documentation, for review and approval by the Executive Director, demonstrating evidence of the availability of water service to the site from Coastside County Water District, and demonstrating evidence the availability of a sewer connection to the site from the Granada Sanitary District.
- 8. Archaeological Resources.** In the event that any article of historical or cultural significance is encountered, all ground disturbing work must cease and the California Coastal Commission and the Native American Heritage Commission must be notified so

that the articles may be suitably protected or flagged for future research. A qualified archaeologist and / or the Native American Heritage Commission shall be consulted in order to examine the site and obtain recommendations for subsequent measures for the protection and disposition of significant artifacts. Mitigation measures shall be developed that address and proportionately offset project impacts on archaeological resources.

9. **Conditions Imposed by Local Government.** All conditions of approval of the local approvals imposed on the project by San Mateo County pursuant to an authority other than the California Coastal Act remain in effect but do not alter the Permittee's responsibility to satisfy all conditions of approval as specified herein. The Permittee shall be responsible for satisfying all terms and conditions of this coastal development permit in addition to any other requirements imposed by other local conditions.

Permit Number A-2-SMC-09-008 (Shook) is granted subject to the following Special Conditions:

1. **Revised Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit two full-size sets of Revised Project Plans (Plans) to the Executive Director for review and approval. The Revised Project Plans shall be in substantial conformance with the Shook project (PLN2006-00287) plans as depicted in **Exhibit 7**, except that they shall be revised and supplemented to comply with the following requirements:
 - a. **Structural Stability.** The building shall be designed and constructed to meet LCP standards for development in Tsunami Hazard zones, in particular, as required by LCP Section 6825.3 "Coastal High Hazard Areas". The Plans must indicate details for design elements, including but not limited to breakaway walls and structurally-sound concrete walls that have been incorporated into the project design to reduce the risks of potential impacts from tsunami hazards, to facilitate unimpeded movement of flood waters, and drainage of the site.
 - b. **Landscaping.** The Plans shall include landscape and irrigation parameters that shall identify all plant materials (size, species, and quantity), all irrigation systems, and all proposed maintenance measures. This includes showing the location from where the Cypress tree is proposed to be removed from the site and the location of the replacement trees. Replacement trees shall be planted at a 2:1 ratio. All plant materials shall be native and non-invasive species selected to be complementary with the mix of native habitats in the project vicinity, prevent the spread of exotic invasive plant species, and avoid contamination of the local native plant community gene pool. Landscaping (at maturity) shall also be capable of partially screening and softening as much as possible the appearance of the new development as seen from Pillar Point Harbor. All landscaped areas on the project site shall be continuously maintained by the Permittee; all plant material shall be continuously maintained in a litter-free, weed-free, and healthy growing condition. No plant species listed as problematic and/or invasive by the

California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted.

- c. **Exterior Design.** The Plans shall clearly identify all measures that will be applied to ensure that the project design, including all structures and all other project elements (e.g., driveway, fencing and barriers, lighting, landscaping, etc.) reduces the appearance of bulk and mass and blends with the surrounding environment. At a minimum, the exterior materials, including the roof, shall appear natural and non-reflective, including through the use of wood, stone, brick, and earth tone colors. Plans shall clearly identify all structural elements, materials, and finishes (including through site plans and elevations, materials palettes and representative photos, product brochures, etc.).
- d. **Driveway Design.** The Driveway must be designed to minimize tree removal and must be clearly depicted on the plans, in relation to surrounding trees.
- e. **Lighting.** All exterior lights, including any lights attached to the outside of the structure, shall be the minimum necessary for the safe ingress and egress of the mixed uses, and shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will shine beyond the boundaries of the subject parcel.
- f. **Property Lines.** All property lines for the subject property and all adjacent properties shall be clearly and accurately identified.
- g. **Utilities Underground.** All utilities shall be installed underground.

All requirements listed above and all requirements of the approved Revised Project Plans shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with the approved Revised Project Plans.

- 2. **Future Development Restriction.** This permit is only for the development described in CDP No. A-2-SMC-09-008; and should there be proposed changes to the type of use, such newly-proposed use shall be consistent with the Coastsides Commercial Recreation Zoning District. Except as provided in Coastal Act section 30610 and applicable regulations, any future development as defined in Coastal Act section 30106, including, but not limited to, a change in the density or intensity of use of land or any proposed change in use to a use other than the allowable uses expressly enumerated in subsections 1 through 15 and 17 through 30 of IP Section 6266 and permitted uses A through L listed in Section 6267 of the San Mateo LCP, shall require an amendment to CDP No. A-2-SMC-09-008 or additional CDP from the California Coastal Commission or from San Mateo County.
- 3. **Construction Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit two copies of a Construction Plan to the Executive

Director for review and approval. The Construction Plan shall, at a minimum, include the following:

- a. Construction Areas.** The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to have the least impact on coastal resources, including by using inland areas for staging and storing construction equipment and materials, as feasible. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
- b. Construction Methods and Timing.** The plan shall specify the construction methods to be used, including all temporary methods to be used to keep the construction areas separated from the shoreline and public recreational use areas (including using unobtrusive fencing, or equivalent measures, to delineate construction areas). All grading and construction work activities shall take place during daylight hours, between the hours of 7:00 AM and 6:00 PM, Monday through Friday; and 9:00 AM to 5:00 PM on Saturdays. Construction work shall not be conducted on Sundays and holidays.
- c. General Best Management Practices (BMPs).** The plan shall identify the type and location of all erosion control/water quality BMPs that will be implemented during construction to protect coastal water quality, including the following: (a) silt fences, straw wattles, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from discharging to coastal waters or to areas that would eventually transport such discharge to coastal waters; (b) equipment washing, refueling, and/or servicing shall take place at least 50 feet from the bluff edge; (c) all construction equipment shall be inspected and maintained at an off-site location to prevent leaks and spills of hazardous materials at the project site; (d) the construction site shall maintain good construction housekeeping controls and procedures, e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site); and (e) all erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each work day.
- d. Material Containment BMPs.** Particular care shall be exercised to prevent construction debris and materials (e.g., construction scraps, wood preservatives, other chemicals, etc.) from entering the beach or coastal waters.
- e. Construction Site Documents.** The plan shall provide that copies of the signed CDP and the approved Construction Plan be maintained in a conspicuous location

at the construction job site at all times, and that such copies are available for public review upon request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.

- f. Construction Coordinator.** The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and that contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with an indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
- g. Notification.** The Permittee shall notify permit staff of the Coastal Commission's North Central Coast District Office at least 3 working days in advance of initiating construction activities, and immediately upon completion of construction work.

Minor adjustments to the above construction requirements may be allowed, upon submittal of a written request to the Executive Director, if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely affect coastal resources. All requirements described above and all requirements of the approved Construction Plan shall be enforceable components of this CDP. The Permittee shall undertake construction in accordance with the approved Construction Plan.

- 4. Post-Construction Site Drainage and Storm Water Management Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall have a Site Drainage and Storm Water Management Plan, including a drainage analysis of the proposed project site, prepared by a Registered Civil Engineer. The Applicant shall submit two copies of the Plan to the Executive Director for review and approval. The Plan shall, at a minimum include the following:

- a.** A drainage analysis consisting of a written narrative and scaled plans. The flow of storm water onto, over, and off of 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 of the site. Post-development flows and velocities shall not exceed those that existed in the pre-developed state. Recommended measures, including future practices, shall be designed and submitted to the Executive Director for review and approval.

- b. All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration and minimize the use of fertilizers, herbicides and pesticides that can contribute to runoff pollution.
 - c. The Permittee shall not be permitted to discharge anything other than rainwater into the streets and storm drains. The Permittee shall seal all floor drains or piping that carry wastewater to storm drains.
 - d. Where subsurface conditions allow, the roof downspout systems from all structures shall be designed to drain to a designated, effective infiltration area, landscaped areas and away from the shoreline.
 - e. The driveway shall not be entirely impervious to water so that the velocity of flows to surrounding areas is reduced, to the extent feasible.
5. **Assumption of Risk, Waiver of Liability, and Indemnity Agreement.** By acceptance of this permit, the Permittee acknowledges and agrees on behalf of himself and all successors and assigns:
- a. **Coastal Hazards.** That the site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, coastal flooding, landslides, bluff and geologic instability, and the interaction of same;
 - b. **Assume Risks.** To assume the risks, to the Permittee and the property that is the subject of this permit, of injury and damage from such hazards in connection with this permitted development;
 - c. **Waive Liability.** To unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards;
 - d. **Indemnification.** To indemnify and hold harmless the Coastal Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards;
 - e. **Property Owner Responsible.** That any adverse effects to property caused by the permitted project shall be fully the responsibility of the Permittee; and
 - f. **Future Armoring Prohibited.** That the Permittee shall not construct, now or in the future, any shoreline protective device(s) for the purpose of protecting the development approved pursuant to CDP A-2-SMC-09-008 including, but not limited to, the approved building and associated foundations in the event that these structures are threatened with imminent damage or destruction from coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, coastal flooding,

landslides, bluff and geologic instability, and the interaction of same or other natural hazards in the future, and by acceptance of this permit, the Permittee hereby waives any rights to construct such devices that may exist under Public Resources Code Section 30235 or the San Mateo County LCP.

- g. Removal Required.** If the development approved pursuant to CDP A-2-SMC-09-008 is threatened by coastal hazards in the future that would typically bring about a shoreline armoring response (e.g., when the bluff has retreated to a point such that the building is unsafe to occupy), the Permittee shall remove/relocate threatened elements of the development away from such danger. Such removal/relocation shall require a separate CDP authorization.
 - h. Debris.** Any debris, including that related to the approved development, that falls from the bluff top site onto the beach or into the waters of Pillar Point Harbor shall be immediately removed and disposed of properly disposed.
 - i. Industrial Priority.** Adjacent marine-related industrial uses have priority in this area and the approved, new Coastside Commercial Recreation District uses may be subject to inconvenience arising from the reasonable execution of such marine-related activities.
- 6. Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit to the Executive Director for review and approval documentation demonstrating that the Applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this coastal development permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.
- 7. Water and Sewer Connection.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit documentation, for review and approval by the Executive Director, demonstrating evidence of the availability of water service to the site from Coastside County Water District, and demonstrating evidence the availability of a sewer connection to the site from the Granada Sanitary District.
- 8. Archaeological Resources.** In the event that any article of historical or cultural significance is encountered, all ground disturbing work must cease and the California Coastal Commission and the Native American Heritage Commission must be notified so that the articles may be suitably protected or flagged for future research. A qualified

archaeologist and / or the Native American Heritage Commission shall be consulted in order to examine the site and obtain recommendations for subsequent measures for the protection and disposition of significant artifacts. Mitigation measures shall be developed that address and proportionately offset project impacts on archaeological resources.

9. **Conditions Imposed by Local Government.** All conditions of approval of the local approvals imposed on the project by San Mateo County pursuant to an authority other than the California Coastal Act remain in effect but do not alter the Permittee's responsibility to satisfy all conditions of approval as specified herein. The Permittee shall be responsible for satisfying all terms and conditions of this coastal development permit in addition to any other requirements imposed by other local conditions.

IV. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. PROJECT SITES, DESCRIPTION AND BACKGROUND

Project Sites

The proposed projects are located on two adjacent vacant parcels at 354 and 358 Princeton Avenue, between Columbia Avenue and Broadway, in the Inland area² of the Princeton-by-the-Sea (Princeton) shoreline area, which is within the San Mateo County Midcoast urban service center. The Princeton shoreline area contains both Waterfront and Coastside Commercial Recreation zoning districts, which provide for a working waterfront mix of land uses that are visitor-serving, coastal related and residential uses (**Exhibit 14**). The project sites are zoned CCR/DR/CD (Coastside Commercial Recreation/Design Review/Coastal Development).

The southern boundaries of the project parcels are approximately 53 feet from the edge of the bluff top, which is located directly adjacent to Pillar Point Harbor. Both project sites are separated from the shoreline by a vacant parcel (these two vacant parcels are located side-by-side and abut the shoreline to the south).³ See **Exhibit 1** for a project location map, a shoreline area map, APN map, and aerial photo of the two project sites.

Project Description

Johnson Project (A-2-SMC-09-006)

² The Inland Area is that area landward of the shoreline properties fronting Ocean Avenue (Exhibit 1 page 5 Shoreline Area Map). The subject properties are Inland properties, as there is a Shoreline property between each of the subject properties and Ocean Avenue. Allowable uses differ in the CCR district, depending on whether they are proposed within the Inland or Shoreline areas of Princeton. Specifically, the LCP does not allow most retail uses on Shoreline properties, but does allow retail uses on Inland properties.

³ Unpermitted rip-rap is located along the vacant property that directly abuts the harbor shoreline. The unpermitted riprap is the subject of an ongoing Commission enforcement investigation.

The approved project includes the construction of a 2,374 square-foot, three-story mixed-use building on a 3,500 square-foot, legal parcel located at 358 Princeton Avenue. See **Exhibits 2, 6 and 8** for the County's findings and conditions, the approved project plans, and visual simulations of the approved project. The approved project includes a physical/occupational therapy business on the ground floor, business related storage on the second floor, and a residence on the top floor. The proposed development would provide five parking spaces, including one handicapped parking space. The project driveway will be shared with the Shook property located at 354 Princeton Avenue. Half of the proposed, 24-foot wide driveway is located on the Johnson property. The other half (12 feet) is located on the Shook property to the northwest. No trees on the project site will be removed for the project; however, one Cypress tree within the Princeton Avenue right-of-way would be removed to accommodate the proposed project driveway.

Shook Project (A-2-SMC-09-008)

The approved project includes the construction of a 2,072 square-foot, three-story, mixed-use building on a 3,500 square-foot, legal parcel located at 354 Princeton Avenue. See **Exhibits 3, 7 and 8** for the County's findings and conditions, the approved project plans, and visual simulations of the approved project. The County approved a design firm, storage, and one covered parking space on the first floor, studio and office space for the designer on the second floor, and a studio apartment on the third floor. Four other parking spaces would be provided near the rear of the building, in addition to the parking space on the ground floor of the building, for a total of five parking spaces. One Cypress tree will be removed from the public R-O-W to accommodate half of the proposed 24-ft wide driveway (the driveway is to be shared with the adjacent Johnson property).

B. SAN MATEO COUNTY CDP APPROVAL

A-2-SMC-09-006 (Johnson): The San Mateo County Zoning Hearing Officer approved the project on February 19, 2009 (CDP Application Number PLN2006-00522). On March 24, 2009, the Coastal Commission's North Central Coast District Office received notice of the County Zoning Hearing Officer's decision on the CDP (**Exhibit 2**). The Commission's 10-working-day appeal period commenced on March 25, 2009 and ended at 5 pm on April 8, 2009. On April 1, 2009, the Commission received one valid appeal (see below and **Exhibit 4**).

A-2-SMC-09-008 (Shook): The San Mateo County Zoning Hearing Officer approved the project on March 19, 2009 (CDP Application Number PLN2006-00287). On April 8, 2009, the Coastal Commission's North Central Coast District Office received notice of the County Zoning Hearing Officer's decision on the CDP (**Exhibit 3**). The Commission's 10-working-day appeal period commenced on April 9, 2009 and ended at 5 pm on April 22, 2009. On April 15, 2009, the Commission received one valid appeal (see below and **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. The subject projects are appealable because they involve development located between the sea and the first public road, are located within 300 feet of the seaward face of a coastal bluff, and include developments that are not designated as the principally permitted uses under the LCP.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that the appeal raises no substantial issue of conformity of the approved project with the certified LCP. The Coastal Act presumes that an appeal raises a substantial issue of conformity of the approved project with the certified LCP, unless the Commission decides to take public testimony and vote on the question of substantial issue. Since the staff is recommending substantial issue on the subject two projects, unless three Commissioners object to that recommendation, it is presumed that the appeal raises a substantial issue and the Commission may proceed to its *de novo* review at the same or subsequent meeting. The Commission will not take public testimony during this phase of the appeals hearing unless three Commissioners request it.

IMPORTANT NOTE:
THE COMMISSION WILL NOT TAKE PUBLIC TESTIMONY DURING THE
SUBSTANTIAL ISSUE PHASE OF THE APPEAL HEARING UNLESS
AT LEAST THREE (3) COMMISSIONERS REQUEST IT.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will be allowed to testify to address whether the appeal raises a substantial issue with some restrictions. The only persons qualified to testify before the Commission on the substantial issue question are the applicants, appellants, and persons who previously made their views known to the local government (or their representatives). Testimony from other persons regarding substantial issue must be submitted in writing. It takes a majority of Commissioners present to find that no substantial issue is raised.

Unless it is determined that there is no substantial issue, the Commission will proceed to the *de novo* portion of the appeal hearings and review the merits of the proposed projects. Any person may testify during the *de novo* CDP determination stage of an appeal. 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. These projects include 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 projects following a de novo hearing.

D. SUMMARY OF APPEAL CONTENTIONS

The Appellant⁴ contends that the approved projects raise issues with respect to the projects' conformance with LCP policies regarding allowable land uses, visual resources/community character, flood hazards, and public access. Specifically, the Appellant contends that: 1) the approved projects do not include lateral and vertical access to the shoreline as required by the LCP for development that is located between the first public road and the sea; 2) the projects are located within a flood hazard zone, inconsistent with the LCP's requirements that structures be located outside of flood zones; 3) the approved physical therapy, design firm and office space, and residential uses are inconsistent with the purpose of the CCR Zoning District, which is primarily for visitor-serving uses; and 4) the design of the approved buildings is inconsistent with the LCP's design guidelines for coastal, commercial structures and that the County did not adequately evaluate the projects' visual impacts on public views. See **Exhibits 4 and 5** for the full text of the appeals.

E. SUBSTANTIAL ISSUE DETERMINATION

Substantial Issue Background

The term "substantial issue" is not defined in the Coastal Act. The Commission's regulations simply indicate that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (California Code of Regulations, Title 14, Section 13115(b)). In previous decisions on appeals, the Commission has been guided by the following factors in making such determinations:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;

⁴ Lennie Roberts, on behalf of Committee for Green Foothills, is the same Appellant for both appeals, A-2-SMC-09-006 (Johnson) and A-2-SMC-09-008 (Shook). The contentions contained in both appeals are nearly identical; the only difference being that, for Shook, the Appellant expressly contends that the County required Findings for the Use Permit, with respect to furtherance of the purpose of the CCR District, are not supported as required by IP Section 6267.2.a; and that the County condition of the approval that requires a deed restriction to run with the land is unenforceable.

4. The precedential value of the local government's decision for future interpretation of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even where the Commission chooses not to hear an appeal, Appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing a petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5

In this case, for the reasons discussed further below, the Commission determines that both developments as approved by the County present a substantial issue.

Substantial Issue Analysis

Land Use

The Appellant contends that the physical therapy/occupational therapy business and business-related storage (Johnson) and the design firm and office space (Shook), which would be located on the first and second floors of the approved developments, are inconsistent with the purpose and permitted uses of the CCR Zoning District. The Appellant contends that allowable uses in the CCR Zoning District are restricted to uses that are consistent with visitor-serving uses. The Appellant also contends that the approved residential development on the third floor of each of the approved projects is also inconsistent with the purpose of the CCR Zoning District because residential development will fundamentally change the character of this commercial, visitor-serving zoning district. Finally, the Appellant contends that the visitor-serving and water-related uses in the CCR Zoning District can subject residents to inconveniences, such as noise, glare, and odors that can result in complaints from residents against priority, permitted uses. See **Exhibits 4 and 5** for the Appellant's contentions.

The County relied on Implementation Plan (IP) Section 6266, Part 16 (Other Compatible Uses (10.01.10)) and IP Section 6267(M) of the San Mateo County LCP to approve the first floor physical therapy/occupational therapy office use (Johnson) and the design firm use (Shook), along with the respective, associated second-floor office and storage uses. These IP Sections collectively state that additional land uses may be allowed in the CCR District if the Planning Director determines that the proposed uses are consistent with the purpose of the district and compatible with other permitted land uses in the district. The "Other Compatible Uses" category allows for other uses not specifically covered in the definition section; however, these uses must still be consistent with the purpose of the zoning district. See **Exhibit 9** for the applicable IP Sections.

Neither a first-floor physical therapy/occupational therapy office nor a first-floor design firm, as proposed for these two projects, are uses consistent with the purpose of the CCR Zoning District, which is to provide coastal-related commercial and recreational visitor-serving uses in this area of the County. In making its decisions, the County approval reasoned that a physical therapy office provides visitors to the area with the ability to obtain on-going physical therapy services. However, a physical therapy office does not provide a necessary, basic, visitor support-service or a recreational function. Although item 5 of IP Section 6265 of the zoning regulations provides

for a “balanced diversity of uses” in the CCR zoning district, these uses are limited to those that further the purpose of the district, and a physical therapy (or occupational therapy) office use does not significantly further the visitor-serving or coastal-dependent purpose of the district. Likewise, the proposed design studio does not further the purpose of the district. The focus of this business, according to its website, is on consumer products, mass transit, automobile and industrial designs. The CCR Zoning District sets forth retail (sale of goods, not services) as an expressly allowable use, whereas the sale of services (such as a physical/occupational therapy office or a design firm) is not consistent with the visitor-serving commercial uses planned for the CCR Zoning District.

Additionally, the approved second floor storage (Johnson) and studio/office (Shook) are intended to serve the approved first-floor uses (physical therapy office and design firm) described above. Theoretically, as separate, independent, and stand-alone uses, storage and studio/office uses designed to serve a first-floor use that is consistent with the requirements of the CCR zoning district would be allowable under the LCP. The currently proposed second-floor uses, however, are unrelated to visitor-serving, commercial uses.

Therefore, the County’s approvals of the two mixed-use projects raise a substantial issue of conformance with the certified LCP with respect to allowable land use.

Flood Zones and Sea Level Rise

The Appellant contends that the approved projects are inconsistent with the requirements of IP Coastal Zone Design Review (DR) District Section 6565.17(D), which requires that structures be located outside of flood zones. Specifically, the Appellant contends that the projects are inconsistent with Section 6565.17(D) because the project sites are located within a designated Federal Emergency Management Agency (FEMA) 100-year Flood Hazard Zone. The Appellant also contends that the County did not evaluate the projects in light of the most recent available sea level rise information. See **Exhibits 4 and 5** for the Appellant’s contentions.

IP Section 6565.17(D) (**Exhibit 9**) requires that structures be located outside of flood zones, drainage channels, and other areas subject to inundation. The County used FEMA flood maps to determine that the project sites are located outside of the 100-year floodplain. It is further stated in the County’s staff report analysis, that the proposed project sites are located within a 100-year Flood Hazard Zone (susceptible to wave action); however, the County approval did not require, and the Applicants did not provide, information regarding the structures’ susceptibility to coastal flood hazards or the potential impact of projected sea level rise on the projects. The County’s analyses also did not include a discussion of potential tsunami hazards posed to the project sites which is required by the LCP. This information is necessary to determine whether the structures would be located outside of areas subject to flooding and inundation, as required by the LCP. Therefore, the County’s action to approve the two projects did not evaluate potential flooding and inundation of the structures. Thus, the appeal raises a substantial issue regarding the approved projects’ conformance with the certified LCP with respect to hazards.

Visual Resources and Community Character

The Appellant contends that both projects are inconsistent with LCP Policy 8.13 and IP Section 6565.17 with respect to visual resources and community character. LCP Policy 8.13(b) provides

specific design guidelines for development in Princeton-by-the-Sea and requires that commercial development reflect the nautical character of the harbor setting, use wood or shingle siding, employ natural colors, and use pitched roofs. IP Section 6565.17(J) requires protection of public views to and along the shoreline, and IP Section 6565.17(L) requires that structure design harmonize with the shape, size, and scale of surrounding development. The approved, three-story, design for the two buildings includes curved roofs and walls rather than pitched roofs. The Appellant contends that the buildings, as designed, do not reflect the surrounding nautical character, which tends toward simple lines and warehouse type buildings.

The County analyses for the approved projects, with respect to their compliance with LCP Policy 8.12, states that given "... the location of the structures on the site and the parcels relative to other abutting, developed properties and vegetation in the surrounding neighborhood, neither ocean nor ridgeline views would be blocked from public viewing points." The County analysis of the approved projects' conformance with IP Section 6268 (Design Review) briefly addressed potential impacts to views in general, and public views to and along the shoreline from public roads. Pursuant to Section 6268 the design for the proposed projects must comply with the standards of Section 6565.17, which, in addition to requiring the protection of public views to and along the shoreline from public roads, also requires the protection of views to and along the shoreline from other public lands. The Community Design Manual (Standards of Review) further requires that structures "are set back from the edge of the bluff and cliffs to protect views from scenic areas below." The potential impacts of the proposed projects on views from the shoreline and public land in the area located easterly, however, were not identified or discussed in the County analyses. Thus, the County approval did not adequately evaluate the project's consistency with the requirements of the LCP and the appeal raises a substantial issue regarding the approved projects' conformity with the LCP with respect to visual resources and community character.

Public Access

The approved projects' sites are located between the first public road and the sea. The Appellant cites LCP Policies 10.1 and 10.13 and Coastal Act Section 30212; and asserts that since the proposed projects are located between the first public road (Princeton Avenue) and the sea (Pillar Point Harbor) some provisions must be made for shoreline access. See **Exhibits 4 and 5** for the appeal documents; and **Exhibit 9** for the cited policies and IP sections. LCP Policy 10.1 requires some provision for shoreline access for new development that is located between the first public road and the sea. LCP Policy 10.13 requires improvement of vertical and lateral public access for new commercial development located along the shoreline. The Appellant contends that the County approvals for the projects did not include provisions for public access, inconsistent with LCP Policies 10.1 and 10.13.

As further discussed in the erosion study portion of this report, the proposed projects are located on flat lots adjacent to Princeton Avenue. There are partially submerged 100-foot deep lots located between the subject lots and the Pillar Point Harbor waterfront (**Exhibit 1 pages 3 and 5**). Due to erosion, the shortest existing distance between the subject lots and the edge of the top of the bluff is 53 feet. The proposed structures would be located approximately 100 feet from the edge of the top of the bluff. The bluff is approximately 14 feet in height. Since the two subject parcels are not adjacent to the shoreline, and are separated from the shoreline by other existing vacant parcels, the subject Applicants cannot dedicate lateral access along the shoreline.

With respect to vertical access, there appears to be adequate vertical access to the shore in the near vicinity. Up and down coast of the subject lots, the bluff top area along this section of coast is developed with a variety of mixed-use developments. Public access to the beach front portion of Pillar Point Harbor is provided from existing public street ends. About 100 feet up coast and down coast from the two parcels the public can access the Pillar Point Harbor waterfront via the Columbia Avenue and Broadway Street ends, respectively (**Exhibit 11**). Each of these roads end near the water, and the public can access the water at the ends of these roads. Thus, vertical access to the shoreline is available in the near vicinity of the approved projects. In addition, less than a mile away from the project sites, the Pillar Point Marsh has a public parking lot and several public trails, including a trail that leads up coast near the Mavericks surf site. The approved projects will not cause adverse impacts to public access, do not have the potential to provide vertical access directly to the shore or lateral access along the shore, and adequate vertical shoreline access exists nearby. Therefore, the appeals of the approved projects do not raise a substantial LCP conformance issue with respect to the LCP's shoreline access policies.

Substantial Issue Determination Conclusion

In conclusion, the appeals of the approved projects raise a substantial issue with respect to their conformance with applicable LCP provisions related to allowable land uses for new development in the Inland Area portion of the CCR Zoning District, coastal hazards, and visual resources. Therefore, the Commission finds that the appeals raise a substantial issue with respect to the approved projects' conformance with the certified San Mateo County LCP, and takes jurisdiction over the CDP applications for the proposed projects.

F. COASTAL DEVELOPMENT PERMIT DETERMINATION

The standards of review for these CDP applications are the San Mateo County certified LCP and the public access and recreation policies of the Coastal Act (**Exhibit 9**). All Substantial Issue Determination findings above are incorporated herein by reference.

Revised Project Description/Additional Site Evaluations

The Applicants have, upon discussions with Commission staff, proposed new uses to be associated with each development on the first and second floors. The first-floor uses for both proposed structures will consist of art galleries that showcase local coastal-related art, the second-floor uses will consist of art studio space ancillary to the gallery uses, and the third floors will consist of residential units. Additionally, given the proximity of the developments to the shoreline, the Applicants submitted a 50-year erosion study (dated March 7, 2013), and a sea level rise/storm wave analysis (dated April 23, 2013), for the properties. The erosion study encompassed a review of aerial photographs and a synopsis of what was ascertained from the photos. It provides an estimate of bluff erosion at the site(s) over a 50-year period. In response to staff inquiries related to those March and April 2013 submittals, the Applicants submitted additional information on October 24, 2013 and May 14, 2014.

Land Use

The approved projects are located within the LCP's CCR (Coastside Commercial Recreation) Zoning District. The CCR Zoning District sets forth specific allowable uses related to commercial and visitor serving development. IP Section 6265 (Purpose) describes the purposes

of the CCR District, which include limiting and controlling the use and development of land designated as commercial recreation in order to establish commercial areas which are primarily oriented toward meeting the service and recreational needs of Coastside visitors, boat users and Coastside residents. The CCR Zoning District requires a balanced diversity of uses, within the limits of those defined in IP Section 6266. IP Section 6267 (Uses Permitted) describes the permitted uses in the CCR Zoning District, which are primarily oriented to visitor-serving commercial and public recreational uses. See **Exhibit 9** for IP Sections 6265, 6266, and 6267.

The IP zoning regulations limit uses in the CCR Zoning District to those uses that “are primarily oriented toward meeting the service and recreational needs of Coastside visitors, boat users, and Coastside residents seeking recreation.” (IP Section 6265). However, the project sites are also located in the subarea designated “Inland Area” on the CCR Zoning District map (**Exhibit 14**). As discussed previously, retail uses like art galleries and residential uses are allowed on sites that are located in the Inland Area.

The Applicants have revised their respective projects to include coastal-related art galleries on the first floors; art studio uses to facilitate the galleries on the second floors, and residential use on the third floors. The proposed first and second floor uses are retail uses that are consistent with CCR Zoning District Section 6267(D)(2), which allows indoor retail sales establishments⁵ with a limit of 2,500 square feet of floor area per establishment for properties located in the Inland Area. The total square footage for the first and second floor uses for the proposed Johnson and Shook projects equal 1,386 square feet and 1,324 square feet, respectively. Thus, the total square-footage for the retail components of each project is consistent with the 2,500 square-foot limit in IP Section 6267(D)(2). The proposed first-floor art galleries will contribute to the visitor-serving, coastal-related, neighborhood experience and will provide new opportunities for visitors to visit the area, enjoy the galleries and become exposed to the Princeton shoreline. The proposed second floor studio uses are also consistent with the retail provision, as a staging area and workspace that relates specifically to the gallery uses on the first floor of each project. The proposed third floor uses are also consistent with IP Section 6267(G), which allows residential use, as defined in IP Section 6266(15),⁶ in the Inland Area of the CCR Zoning District. Given the specific allowable uses in this zoning district that are to serve the unique commercial/recreational visitor serving area, the Commission imposes **Special Condition 2** on both projects, which require that if the Applicants wish to change any permitted use or change the type of use to a use that is not expressly enumerated in subsections 1 through 15 and 17 through 30 of IP Sections 6266; and Section 6267 of the San Mateo LCP, the Applicants must first obtain an amendment to this CDP. As conditioned, the proposed uses for each building are consistent with the allowed uses in the LCP’s CCR Zoning District.

⁵ IP Section 6266(8) defines Indoor Retail Sales, Rental and Repair Establishments in the CCR Zoning District as “Commercial establishments which serve the general public that are engaged in the sale, rental and/or repair of goods, merchandise and equipment with all storage of such items within a fully enclosed, covered building.”

⁶ IP Section 6266(15) defines Multiple Family Dwellings- Mixed Use in the CCR Zoning District as “Single or multiple dwelling units, located above the first floor of the main building on the parcel. The floor area of the dwelling units shall not exceed the floor area of the commercial uses occupying the building.” The total square footage of the third floor residential uses for the Johnson and Shook projects equals 988 and 748 square feet, respectively, which are both less than the square footage of the proposed commercial uses.

LUP policy 11.7(b) requires properties that are zoned CCR and are located west of Denniston Creek to have a deed restriction recorded against the properties clarifying that marine-related industrial uses have priority in the area and that other uses allowed in the CCR district may be subject to inconvenience arising from the reasonable execution of nearby marine-related industrial uses. This County LCP policy is an important safeguard that protects against potential conflicts between the commercial and residential uses allowed in the CCR zoning district and the industrial uses that are a priority land use in the area. The proposed project sites are located in a CCR district that is west of Denniston Creek, and are adjacent to land that is zoned “Waterfront.” The uses allowed in the Waterfront District are primarily marine-related industrial uses that are protected under the LCP. Therefore, the Commission imposes **Special Conditions 5 and 6** on both projects. **Special Condition 5(i)** requires the Applicants and subsequent landowners to recognize that marine-related industrial uses have priority for location in this area, and that the allowed gallery and residential uses may be inconvenienced by the nearby marine-related industrial uses. **Special Condition 6** requires the recordation of a deed restriction against both of the parcels governed by these permits that details the terms and conditions of these CDP approvals, including **Special Condition 5(i)**, as covenants, conditions, and restrictions on the use and enjoyment of the properties. These deed restrictions will also serve to notify all subsequent landowners regarding the continued existence and high priority for location placed by the County and the Commission for the protection of marine-related uses in the surrounding area.

As conditioned, the proposed projects and their associated uses are consistent with the requirements of LUP Policy 11.7(b) and with the allowable uses of the CCR Zoning District.

Hazards

Component 9 (Hazards) of the LCP defines hazardous areas to include land that is subject to, among other things, dangers from tsunamis and flooding. LCP Policy 9.3 requires that the regulations of the Resource Management Zoning Ordinance be applied to designated geologic hazard areas. The applicable regulations to these approved projects are Sections 6324.6 (Hazards to Public Safety Criteria), and 6326.2 (Tsunami Inundation Area Criteria). The LCP requires new development to avoid and minimize hazards. LCP Policy 9.10 requires site specific geotechnical investigations in order to determine appropriate mitigation measures for the remedy of such hazards as may exist for structures of human occupancy. In addition, LCP Policy 9.11 requires new development to be located in areas where beach erosion hazards are minimal and where no additional shoreline protection will be needed. Lastly, the IP Section 6565.17D Design Review Standards direct development to occur outside of flood areas. See **Exhibit 9** for these policies.

The Applicants submitted an erosion study for the subject properties, as mentioned above.⁷ As discussed in the erosion study, the proposed projects are located on flat lots on Princeton Avenue with two lots located further seaward adjacent to Pillar Point Harbor. The two lots located further seaward than the subject lots are partially submerged 100-foot deep lots. Due to erosion, the shortest existing distance between the southern edge (property boundary) of the subject properties and the edge of the top of the bluff on the more seaward vacant properties is 53 feet.

⁷ “50-year erosion study: Princeton Avenue Properties: APNs 047-024-070, -080, Princeton-by-the-Sea, California,” prepared by Sigma Prime Geosciences, Inc., dated March 7, 2013.

In addition to the fact that there are vacant properties seaward of the subject properties, the proposed structures would be located on the subject properties approximately 109 feet (Shook) and 97 feet (Johnson) from the bluff edge. The erosion study found the erosion rate along the shoreline in the small embayment area to be 12-inches per year.⁸ The proposed structures, at this rate of erosion, would be located 17-29 feet from the edge of the bluff in 80 years (predicted project design life). However, the erosion study further finds that such a rapid rate of erosion is caused by uncontrolled surface drainage from the top of the bluff, and states that this can be reduced to six inches per year by diverting surface drainage away from the bluff. Thus, after 80 years of erosion at an erosion rate of six inches per year, the proposed structures would be located over 57-69 feet from the edge of the bluff. Therefore, the proposed structures would be safe under both erosion scenarios (factoring in sea-level rise and assuming the rip-rap along the bluff edge is not present) and has been located in areas where erosion hazards are minimal consistent with LCP Policy 9.11.

With respect to tsunami hazards, IP Section 6326.2 provides criteria that shall be applied within areas defined as Tsunami Inundation Hazard Areas. The project sites are within a Tsunami Inundation Hazard Area as shown on the Natural Hazards Map in the Natural Hazards Chapter of the San Mateo County General Plan and the California Geological Survey (CGS) tsunami inundation maps and thus, the tsunami inundation area criteria apply to the locations of the proposed projects. The intent of Section 6326.2 is to prohibit certain types of development within tsunami hazard areas as well as restrict residential structures and resort developments in these areas unless they meet certain criteria based upon maximum probable tsunami estimates which use the best available science, understanding of tsunami characteristics, and potential risks of hazards from said forces, so that risks to human life and properties are minimized.

When the maximum probable tsunami is modeled with a basin-wide analysis using long-period conditions and a peer-reviewed tsunami inundation model, the projected maximum vertical extent of tsunami wave run-up (inundation) at the proposed project sites ranges from approximately 23 to 26 feet MHW (7 to 8 meters MHW or + 21 to 24 feet NGVD).⁹ The project sites have an average elevation of 14 feet NGVD and the proposed design includes a 2-foot-high lower level slab; thus, the first floor ground elevation will be at 16 feet NGVD. The elevation of the residential ground floor, located on the third story, would be at 34.66 feet NGVD. Since the maximum probable/estimated wave run-up will reach an elevation of 24 feet NGVD at the project sites, the water depth as measured from the first floor ground level of both structures, will be 8 feet.¹⁰

As mentioned above, considering that the intent of the certified LCP is to minimize the risk of exposure to hazards associated with tsunamis; this minimization can be achieved by locating residential uses well above the maximum probable inundation level at the sites and designing the proposed structures to withstand predicted tsunami forces. The residential portion of the

⁸ The erosion study calculated the erosion rate assuming the rip-rap is not present, and used current conservative sea level rise projections.

⁹ Miller, Kevin and Wilson, Rick, CalOES. E-mail communication, April 11, 2014.

¹⁰ Kissick, Charles, C.E.G. Sigma Prime, in his letter dated May 14, 2014.

proposed three-story, mixed-use, structures is at an elevation of 34.66 feet NGVD, 10.66 feet above the projected maximum water run-up elevation. Based on the provided analysis, no wave run-up should reach the residential floor; and the residential floor is at least one foot above the highest projected level of inundation and well above the 2-foot minimum required by IP Section 6326.2. The proposed buildings will include break-away walls and structurally-sound concrete at the ground level of both buildings, which will be used for parking and storage. The LCP also requires that development within coastal high hazard areas subject to high velocity waters from tsunamis meet the requirements of Section 6825.3 which include that the structure be in compliance with applicable construction standards and building regulations. The Commission recommends **Special Condition 1** which requires that the buildings be designed to be consistent with the building standards outlined in IP Section 6825.3. In addition, **Special Condition 9** requires the applicants to comply with conditions imposed by San Mateo County that includes the County-required building permit process through which the structures are further reviewed and evaluated by County engineering staff for compliance with the Building Regulations cited in Section 6825.3. As designed and conditioned, the proposed projects are consistent with the LCP tsunami hazards policies and standards.

The LCP also requires that new development not lead to shoreline armoring and/or other bluff altering development should it be threatened by erosion and related coastal hazards in the future. The setbacks address this requirement to some degree, but cannot by themselves assure these LCP requirements are met. Thus, the Commission's approvals both prohibit future construction of a seawall, shoreline protection device, bluff retaining wall, or similar structures, and require that the structures be moved or removed if threatened by coastal hazards for which shoreline armoring and/or other shoreline altering development might otherwise typically be considered. Also, given the projects' location on an area that is subject to extreme coastal hazards, and given that the Applicants are willingly pursuing the proposed mixed-use development, nonetheless, this condition also requires that the Applicants assume all risks for developing at this location so as to ensure that the public is not unfairly burdened by any problems that may arise here. (See **Special Condition 5**)

Finally, as mentioned in the submitted erosion study, poor drainage conditions can in some cases exacerbate geologic hazards, and therefore, **Special Condition 4** requires submission of post construction drainage and storm water management plans that show all drainage retained through infiltration or other means on the undeveloped portions of the project sites, or directed to inland drainage systems, in such a way that does not further exacerbate existing geologic hazards. Additionally, in order to capture County-specific public works and recordation requirements, for instance, for the shared driveway, the Commission imposes **Special Condition 9**, which requires the Applicants to comply with all conditions of approval of the local approvals imposed on the project by San Mateo County pursuant to an authority other than the Coastal Act.

Therefore, as conditioned, the Commission finds that the proposed projects are consistent with the LCP's hazard policies.

Visual Resources

The San Mateo County LCP's Visual Resources Chapter requires that visual impacts to public viewpoints be minimized. It also requires that structural designs be consistent with the character-defining elements of the community. 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, including best preserving the visual and open space qualities of the parcel overall. Under the LCP, public viewpoints include, but are not limited to, coastal roads, roadside rests and vista points, recreation areas, trails, coastal access ways, and beaches. Policies 8.9 (Trees) and 8.10 (Vegetative Cover) collectively require that new development be designed and located to minimize the removal of trees and that replacement of removed vegetation be compatible and suitable with the project area. The proposed projects require the removal of one tree from the Shook property and one from the public R-O-W in order to accommodate the County-required width of the shared driveway for both structures. The removed trees will be replaced by two trees (using a replacement ratio of 2:1). Thus, the projects are in conformity with LCP Policies 8.9 and 8.10.

LCP Policy 8.12 (General Regulations) establishes general design standard policies, including requiring that development not block ocean views from scenic roads and publicly owned land. LCP Policy 8.13 (Special Design Guidelines for Coastal Communities) establishes certain design standards specific to coastal communities within the San Mateo County coastal zone, such as the requirement that buildings reflect the nautical character of the harbor setting, are of wood or shingle siding, employ natural or sea colors, and use pitched roofs (**Exhibit 9**). Further, the Community Design Manual requires that development in a community not have conflicting shapes. These policies and standards, collectively, are intended to ensure that visual resources are protected and that development located along and near the shoreline in San Mateo County, including Princeton-by-the-Sea, is appropriately sited and designed to minimize impacts to and from public viewpoints.

The existing development that occurs adjacent to the two parcels includes the Mavericks Event Center to the east and the Mavericks Inn (Bed and Breakfast) to the west. Both of these existing structures are sited prominently on the terrace bluff close to the edge. The exteriors of the Mavericks Event Center building and the Inn building are constructed of wood and their light color schemes are representative of a nautical theme as they are white, blue, and grey. The sites of the proposed projects are bordered on the north and east by approximately 25-foot tall Monterey cypress trees that provide some screening for the site. The proposed site is one of, if not the only, location in the immediate area that is enveloped by Monterey cypress trees. There is also a residence located westerly of the project sites. The approved structures will be partially visible from the beach below the bluff and from the Pillar Point Harbor Offices and its bulkhead area, which are located approximately one half-mile from the properties. The views of the subject site from this location within the harbor area are afforded some screening by the existing trees. A sidewalk segment of the California Coastal Trail extends along Prospect Way located easterly of the project sites and connects with a trail that extends seaward (south). The shoreline can be accessed from this existing trail (**Exhibit 11**). The trail follows Denniston Creek out toward the water and culminates at the beach just east of the Mavericks Event Center building location. The proposed project would protect views from this public shoreline location because the proposed buildings are located closer to the street side (northern end) of their respective lots, on the least visible portions of the lots adjacent to Princeton Avenue approximately 100 feet from the edge of the bluff. The proposed structures would be intermixed with existing Monterey

cypress trees, which will provide some screening for the buildings, and will appear clustered with the existing structures located easterly and westerly of the properties. The view of the project sites from the shoreline is already impacted by these existing structures (Mavericks Inn and the Event Center) (**Exhibits 12**). Therefore the proposed structures will protect public views consistent with the requirements of the certified LCP.

The exterior design elements of the proposed structures are different than the two existing buildings closest to the site; however, the differences do not substantially conflict with other structures in the area; and do not significantly affect visual resources. The brown, cedar-shingled, exterior of the proposed structures is compatible with the project site characteristics and existing conditions, as it would blend in with the natural brown and green colors of the trees; therefore, it is consistent the LCP policies (Special Design Guidelines). One could reasonably expect that they would blend in even more, over time, as the wooden shingles are exposed to the elements. The two nearby existing structures (the Mavericks Event Center and Mavericks Inn) effectively have no landscape screening and are located on parcels that directly abut the shoreline.

The Community Design Manual requires that development in a community not have conflicting shapes. The LCP additionally requires that the design of buildings use pitched roofs. The proposed design for both buildings includes a slightly, down-curved roof that serves a similar function to a traditional, linear, pitched roof. The curvature of the walls and corners will be obstructed from public view because of the screening provided by existing trees and required landscaping. IP Section 6565.7(k) allows for varying architectural styles, provided that the varied styles are made compatible through the use of similar materials and colors that blend with the natural setting and surrounding development.¹¹ The proposed projects, as mentioned earlier, would use materials and colors that blend with the natural setting and surrounding development. Therefore, the proposed projects are in conformity with LCP policies 8.12, 8.13, and the Community Design Manual. Furthermore, the County is working to preserve the visual quality of the area through an update of its plans for the Princeton area. As the visual environment is considered an important element of local residents' and visitors' experience of Princeton a primary consideration is to maintain "the character-defining qualities of the community such as the eclectic development of the Princeton waterfront-industrial area, surrounding agricultural areas, and the harbor".¹² The design of the proposed structures is additionally consistent with the County's planning vision for the area.

The proposed projects, even where visible, will be visible in the context of other existing structures, and therefore their impacts on coastal views would be minimal. Further, the proposed projects are consistent with the LCP's development standards including required height;

¹¹ Similarly-designed structures have been approved by the County and constructed within the waterfront marine-related industrial zoning area located approximately a quarter-mile westerly of the area. It is important to note that the sites for the proposed subject buildings, unlike those that were approved and constructed further west, do not directly abut the harbor shoreline. The subject proposed structures would be more than 100 feet from the shoreline/edge of the bluff.

¹² *Plan Princeton, Community Plan, Local Coastal Program, and Zoning Regulations Update, Existing Conditions Report (May 2014), Page 1-9.*

setbacks, floor area and maximum parcel coverage, and are located along an urbanized section of the coast adjacent to existing commercial and mixed-use developments (**Exhibit 13**). The structures, as mentioned above, will contain curvilinear walls and a very slightly down-curved roof. The proposed exterior cedar siding is consistent with coastal or nautical-themed developments in the area. Additional measures can be taken so as to reduce the appearance of the bulk and mass of the proposed projects, as required by the LCP. The projects are conditioned to require: 1) landscaping that will soften the view of the buildings as seen from nearby public views (such as from Pillar Point Harbor); 2) downward facing lighting that will not illuminate areas offsite; 3) a non-reflective roof; 4) native tree replacement for any trees removed due to the projects; 5) utilities to be located underground; and 6) exterior materials and colors that blend in with surrounding built and natural environment in order to further ensure consistency with the LCP's visual resource policies and design standards. The Commission imposes **Special Condition 1** to ensure that the approved structures and all the required visual protection measures are adequately depicted on approved plans, submitted to the Executive Director for review prior to issuance of the CDP. Accordingly, as conditioned, the Commission finds the developments consistent with the LCP's requirements regarding visual resources and community character.

Public Access

Coastal Act Section 30604(c) requires that every CDP issued for any development located between the nearest public road and the sea "include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." The proposed projects are located seaward of the first through public road and thus such a finding is required for both CDP actions. Coastal Act Sections 30210 through 30213 and 30221 specifically protect public access and recreation. Coastal Act Section 30240(b) also protects parks and recreation areas, such as the nearby shoreline, West Shoreline Trail, and Pillar Point Harbor area (**Exhibit 11**). These overlapping policies protect the beach (and access to and along the shoreline) and offshore waters for public access and recreation purposes, including lower-cost access and recreational opportunities.

The Princeton shoreline along this section of coast is developed with mixed-use residential and commercial, coastal-related, visitor-serving development. Public access directly to and along the shoreline is not available from the project sites because there are intervening parcels, not owned by the Applicants that are located between each of the subject parcels and the shoreline. Further, public access to the shoreline is provided roughly 100 feet to the north and south at the ends of Broadway and Columbia Avenue. Approximately a quarter-mile up coast from the subject properties is the West Shoreline trail and Pillar Point Marsh, which contains a parking area and several trails, including a trail that leads up coast near the Mavericks surf site (**Exhibit 11**).

The subject project sites cannot provide direct public access to the shoreline, and access to the shoreline is already provided in the vicinity of the approved projects (both up and down coast of the sites) (**Exhibit 11**).

Thus, the Commission finds that the projects are consistent with the public access and recreation policies of the Coastal Act.

Water Quality

The proposed project sites, as mentioned above, are located in a coastal/marine area in close proximity to the coastal waters of Pillar Point Harbor and nearby shoreline habitat. Such coastal areas are used by migratory and water-associated birds, and are “Sensitive Habitats” as defined by LCP Policy 7.1. LCP Policy 7.3 affords the protection of Sensitive Habitats as it prohibits land use or development that would result in significant adverse impacts to this resource. Most importantly development that is conducted in areas that are adjacent to Sensitive Habitats must be sited and designed to avoid/prevent impacts that would result in degradation of Sensitive Habitats. The LCP requires that all uses be compatible with the maintenance of the biologic productivity of such habitats (**Exhibit 9**).

The proposed work would entail the movement of large construction equipment, workers, and other construction material and supplies to, upon and from the properties. Such construction-related activities have the potential to adversely affect nearby coastal resources (i.e., the beach and off-shore resources) as a result of generating debris and dust/particulate matter, and sediments. These impacts can be contained through construction parameters that include placing restrictions and limits on necessary construction activities, such as limiting the times when such activities can take place; the installation of temporary construction fencing to indicate the minimum limits necessary for work; and the implementation of approved BMPs that are designed to protect resources and the environment and to inform the public (by making certain that copies of the CDP and approved construction plans are available for public review at the construction site, good construction housekeeping required, etc.) as required through **Special Condition 3**. In addition **Special Condition 4** require the Applicants to each submit a Site Drainage and Storm Water Management Plan that includes a drainage analysis with a detailed description of the flow of storm water onto, over, and off of the two sites. The analysis shall detail the measures necessary to ensure adequate site drainage, including to a designated, effective infiltration area, landscaped areas, and away from the shoreline. As conditioned, the Commission finds these projects to be consistent with the provisions of the LCP for the protection of Sensitive Habitats; furthermore, the quality of the waters upon which those resources depend will be retained.

Public Services

An area meets the definition of an “urban area” under LCP Policy 1.3a (**Exhibit 9**) if the land is suitable for urban development and is served by sewer and water utilities. Projects proposed must be able to demonstrate an available connection to urban area public services, in order to develop within any urban area. Lack of connection to water service, for example, could present a potential threat to the quality of nearby groundwater and surface waters if proposed new development were allowed to include the drilling of wells or installation of septic systems. The proposed developments are located within the Coastsides County Water District’s public water jurisdiction and the Granada Sanitary District’s public sewer jurisdiction. The Commission has no evidence to suggest that these Districts cannot support the subject relatively small developments, but the availability of connections to water and sewer must be demonstrated prior to issuance of the CDPs. Therefore, the Commission imposes **Special Condition 7** to ensure there are available water and sewer connections for each development that can accommodate the proposed uses. As conditioned, the projects are consistent with the LCP requirement that development in urban areas be served by public services.

Archaeology

No cultural or archaeological resources have been identified at either of the sites to date. However, the Commission imposes **Special Condition 8** to ensure that any archaeological or cultural resources found during construction of either project are appropriately protected. The conditions require the Applicants to discontinue work in the event cultural resources are uncovered during the work on either site, and to take steps to protect such resources, as required by the LCP. Therefore, with regard to archaeological resources, the projects are consistent with the San Mateo County certified LCP.

Future Notice

These approvals are conditioned to require future notice of the terms and conditions of these CDPs via a deed restriction to be recorded on each of the subject lots through **Special Condition 6**, in order to ensure that the current owners and future owners are aware of the CDPs' terms and conditions.

Conclusion – Approval with Conditions

Accordingly, the Commission finds that the projects, as conditioned, are consistent with the certified San Mateo County LCP and the public access and recreation policies of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with CDP applications showing the applications to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The County, acting as the lead CEQA agency, determined that both projects were exempt from environmental review per Section 15303 of CEQA.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The Commission has reviewed the relevant coastal resource issues with the proposed projects, and has identified appropriate and necessary modifications to address adverse impacts to such coastal resources. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

The Commission finds that only as conditioned in these permit actions will the proposed projects avoid significant adverse effects on the environment within the meaning of CEQA. As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects that approval of the proposed projects, as modified, would have on the environment within the meaning of CEQA. If so modified, the proposed projects will not result in any significant environmental effects for

which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

1. San Mateo County certified Local Coastal Program (LCP)
2. Administrative records for San Mateo County CDP Application Number PLN2006-00287 and PLN2006-00522.
3. “50-year erosion study: Princeton Avenue Properties: APNs 047-024-070, -080, Princeton-by-the-Sea, California”, prepared by Sigma Prime Geosciences, Inc., dated March 7, 2013.
4. “Wave Inundation Potential, Next 100 Years: Princeton Avenue Properties: APNs 047-024-070-080, Princeton-by-the-Sea, California”, prepared by Sigma Prime Geosciences, Inc. dated April 23, 2013.
5. Response to Comments: Princeton Avenue Properties, APNs 047-024-070, -080, Princeton-by-the-Sea, California”, prepared by Sigma Prime Geosciences, Inc., dated October 24, 2013.
6. Response to Comments: Princeton Avenue Properties, APNs 047-024-070, -080, Princeton-by-the-Sea, California”, prepared by Sigma Prime Geosciences, Inc., dated May 14, 2014.

REGIONAL MAP

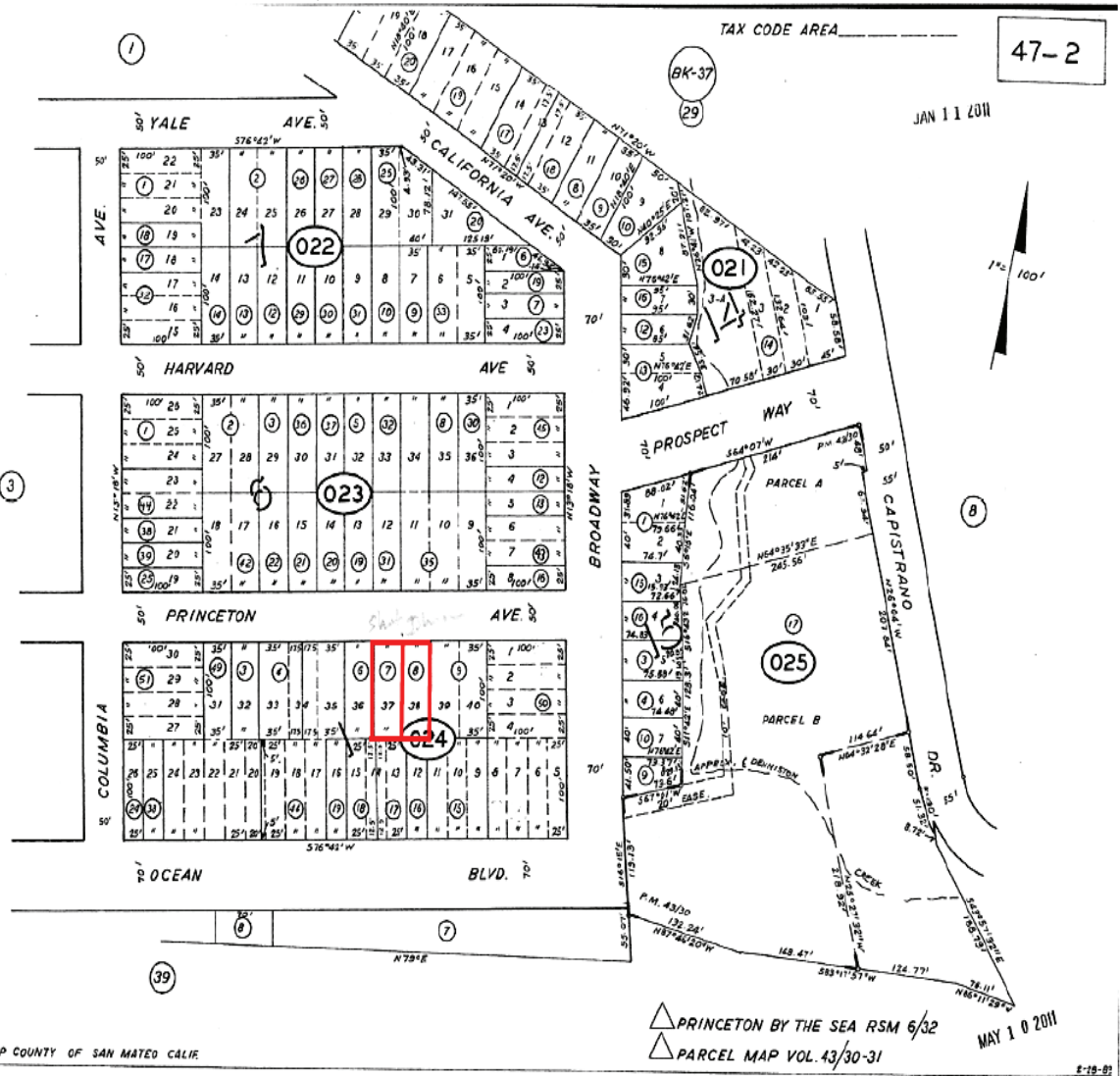


Source: Plan Princeton Existing Conditions Report, May 2014

AERIAL PROJECT AREA



APN MAP

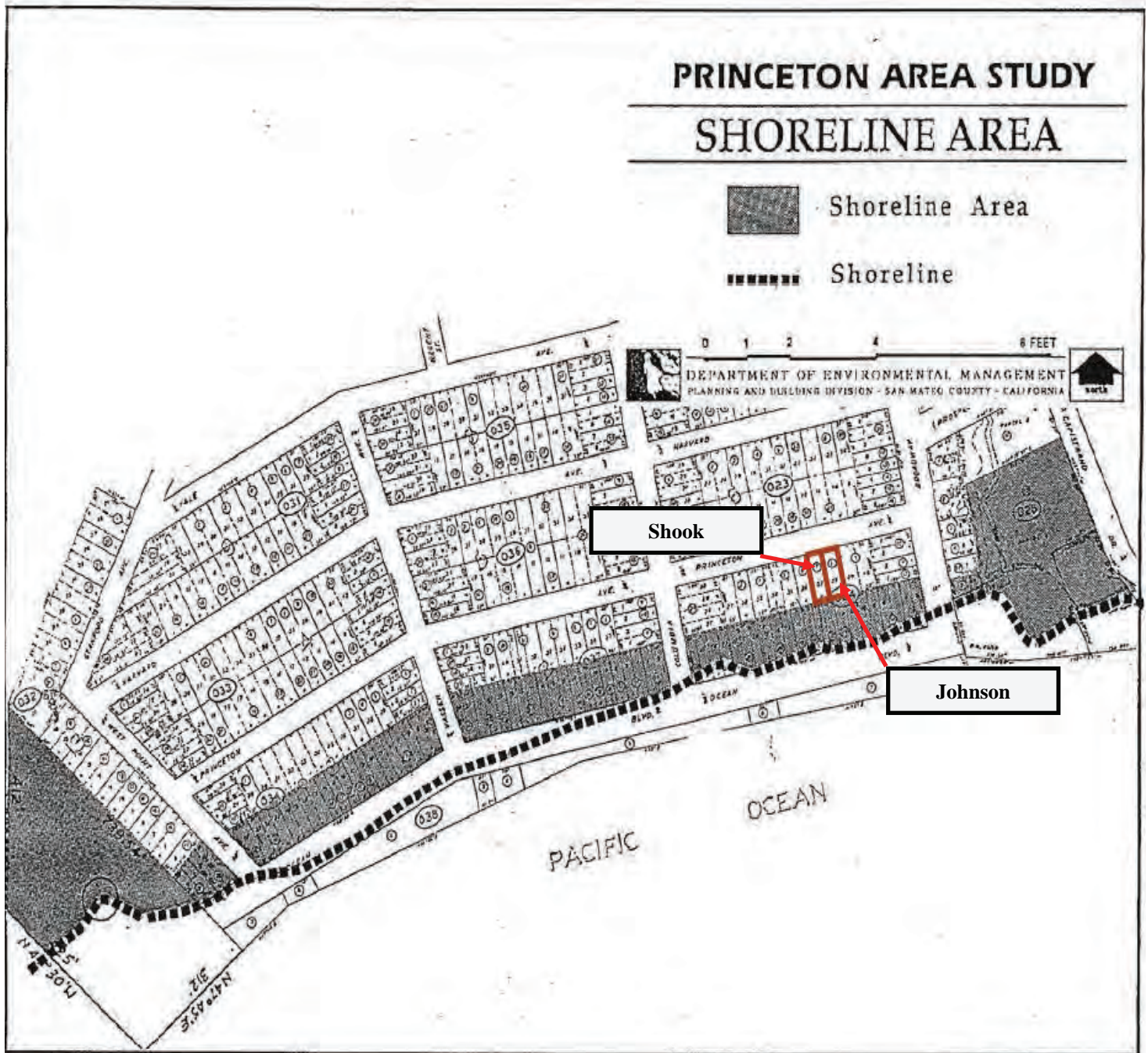


AERIAL
LOCATION OF PROJECT SITES



Not to Scale

SHORELINE AREA MAP





San Mateo County

Planning and Building Department ■ 455 County Center ■ Redwood City
California 94063 ■ Planning: 650/363-4161 ■ Building: 650/599-7311 ■ Fax: 650/363-4849

RECEIVED

March 20, 2009

MAR 24 2009

CALIFORNIA
COASTAL COMMISSION

NOTICE OF FINAL LOCAL DECISION

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

CERTIFIED MAIL

L-SMC-08-191

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

County File No. : PLN2006-00522

Applicant Name: HERRING & WORLEY
Owner Name: JOHNSON MICHAEL F

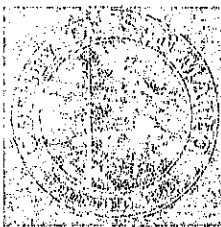
The above listed Coastal Development Permit was conditionally approved by the County of San Mateo on **February 19, 2009**. The County appeal period ended on **March 5, 2009**. Local review is now complete.

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 LISA AOZASA at (650) 363-4161.

LISA AOZASA

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@co.sanmateo.ca.us

www.co.sanmateo.ca.us/planning

Please reply to: Lisa Aozasa
650/363-4852

February 20, 2009

PROJECT FILE

Fred Herring
1741 Broadway
Redwood City, CA 94063

Subject: PLN 2006-00522
Location: 358 Princeton Avenue, Princeton
APN: 047-024-080

On February 19, 2009, the Zoning Hearing Officer considered your request for a Coastal Development Permit, Use Permit, and Design Review, pursuant to Sections 6328, 6500, and 6565.1 of the San Mateo County Zoning Regulations, respectively, to allow the construction of a 2,374 sq. ft. three-story mixed-use building on a 3,500 sq. ft. parcel located at 358 Princeton Avenue in the unincorporated Princeton area of San Mateo County. This project was continued from the November 20, 2008 Zoning Hearing Officer Meeting. 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 **March 5, 2009 at 5:00 p.m.**

This approval is appealable to the California Coastal Commission. Any aggrieved party who has exhausted their local appeals may appeal this decision to the California Coastal Commission within ten (10) working days following the Coastal Commission's receipt of the County's final decision. Please contact the Coastal Commission's North Central Coast District Office at 415/904-5260 for further information concerning the Commission's appeal process. The County and Coastal Commission appeal periods are sequential, not concurrent, and together total approximately one month. A project is considered approved when these appeal periods have expired and no appeals have been filed.

February 20, 2009
Fred Herring
Page 2

If you have any questions concerning this item, please contact the Project Planner above.

Very truly yours,



Matthew Seubert
Zoning Hearing Officer

Zhd0219T_draft

cc: Public Works Department
Building Inspection Section
Assessor's Office
Half Moon Bay Planning Department
Coastside County Water Department
Princeton Citizens Advisory Committee
Lennie Roberts

Michael Johnson
Half Moon Bay Fire District
Granada Sanitary District
California Coastal Commission
Midcoast Community Council
Princeton Homeowners Association

County of San Mateo
Planning and Building Department

FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2006-00522

Hearing Date: February 19, 2009

Prepared By: Colette Meunier, Contract Planner
LSA Associates

Adopted By: Zoning Hearing Officer

Reviewed By: Lisa Aozasa, Senior Planner

FINDINGS

For the Environmental Review, Found:

1. This project has been determined exempt from environmental review per Section 15303 of the California Environmental Quality Act (CEQA), which allows for construction of up to four (4) new, small facilities or structures not exceeding 10,000 sq. ft. in urbanized areas where the use does not involve significant amounts of hazardous substances and where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. A Notice of Exemption will be filed and posted for review.

Regarding the Coastal Development Permit, Found:

2. That the project, as described in the application and accompanying materials required by Zoning Regulations Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County LCP since it complies with all applicable Visual Resources Component policies regarding replacement of vegetation removed with plants suitable to the area and preservation of views through appropriate structure height and location.
3. The project is located between the nearest public road and the sea, or the shoreline of Pescadero Marsh, and conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code) since there are existing shoreline access locations at Broadway, Columbia Avenue, and the strip of beach south of the subject site (Ocean Boulevard).
4. The project conforms to the specific findings required by policies of the San Mateo County LCP, including the Special Design Guidelines for Princeton-by-the-Sea since the proposed building uses natural cedar exterior siding and copper and sloping, curved roofs with a gentle pitch.

Regarding the Use Permit. Found:

5. That the design and operation of the proposed use, as conditioned, will further the purpose of the Coastside Commercial Recreation (CCR) District as stated in Section 6265, since it will meet the service and recreational needs of Coastside visitors and residents by providing a physical/occupational therapy business customarily found in commercial areas that provides for a balanced diversity of uses in keeping with Section 6265.5. The proposed therapy business is also protective of coastal/environmental resources in keeping with Section 6265.7, since it reduces traffic congestion by providing space for a local business to locate on the Coastside. The project, as conditioned in Condition #25, also furthers the purpose of the CCR District in Section 6265.2 in that it is active and pedestrian-oriented, with a ground-floor commercial use with an entrance and windows facing the street, and with parking located behind the building, rather than between the building and the street.
6. The design and operation of the proposed use will conform with the development standards stated in Section 6269 including building height, lot coverage and landscaping.
7. The establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, since it is a relatively low intensity project in a developed area where no sensitive habitat is present, and it is compatible with surrounding land uses and meets all development and design standards.

Regarding the Design Review. Found:

8. That the proposed structure is designed and situated so as to retain and blend with natural vegetation and landforms on the site and to insure adequate space for light and air to itself and adjacent properties, since all setbacks are met and appropriate landscaping is proposed.
9. The grading necessary for the construction of the project blends with the existing level site and does not create problems of drainage or erosion on its site or adjacent property, since the lot is level and minimal grading is proposed.
10. Streams and other natural drainage systems are not altered so as to affect their character and thereby causing problems of drainage, erosion or flooding, since no streams are adjacent to the subject parcel.
11. Structures are located outside flood zones, drainage channels and other areas subject to inundation, since the subject parcel is in Zone C, Areas of Minimal Flooding.
12. Trees and other vegetation land cover are removed only where necessary for the construction of structures or paved areas in order to reduce erosion and impacts on natural drainage channels, and maintain surface runoff at acceptable levels, since replacement trees and an erosion control plan are required as conditions of approval.

13. A smooth transition is maintained between development and adjacent open areas because the site is not adjacent to any open areas and the proposed landscaping is appropriate for this urban setting.
14. Views are protected by the height and location of structures and through the selective pruning or removal of trees and vegetative matter at the end of view corridors, since the project complies with the applicable height limit.
15. Construction on ridgelines blends with the existing silhouette by maintaining natural vegetative masses and landforms and does not extend above the height of the forest or tree canopy, since the subject parcel is not on a ridgeline.
16. Structures are set back from the edge of bluffs and cliffs to protect views from scenic areas below, since the subject parcel is not adjacent to a cliff or bluff.
17. Public views to and along the shoreline from public roads and other public lands are protected, since the project complies with the applicable height limit.
18. Varying architectural styles are made compatible through the use of similar materials and colors that blend with the natural setting and surrounding neighborhoods, since natural cedar shingles and copper trim are proposed.
19. The design of the structure is appropriate to the use of the property and is in harmony with the shape, size and scale of adjacent building in the community, since the proposed building uses natural cedar exterior siding and copper and sloping, curved roofs with a gentle pitch.
20. Overhead utility lines are placed underground where appropriate to reduce the visual impact in open and scenic areas, as required by conditions of approval.
21. The number, location, size, design, lighting, materials, and use of colors in signs are compatible with the architectural style of the structure they identify and harmonize with their surroundings, as required by conditions of approval.
22. Paved areas are integrated into the site, relate to their structure, and are landscaped to reduce visual impact from residential areas and from roadways.

Regarding Significant Tree Removal, Found:

23. That the provisions of the Significant Tree Regulations (San Mateo County Ordinance Code Section 12,000) have been considered and applied as part of the Design Review permit for this project and the proposed removal of two Monterey cypress trees (one on this site, one on the adjacent site) meets the standards for tree removal per San Mateo County Zoning Regulations Chapter 28.1 (Design Review) because the trees must be removed to provide access and parking to and for the project site and because of a condition for replacement of trees on the site.

CONDITIONS OF APPROVAL

1. This approval applies only to the proposal, documents and plans described in this report and submitted to and approved by the Zoning Hearing Officer on February 19, 2009, except as noted in Condition #25 below. Minor revisions or modifications to this project may be made subject to the review and approval of the Community Development Director. Additional improvements or intensification beyond the terms of this approval (physical/occupational therapy business, a parking space, and storage, mechanical and trash areas, mezzanine storage for the therapy business and a third floor studio apartment), shall require an amendment to PLN 2006-00522, payment of applicable fees, and consideration at a public hearing.
2. Any change in use shall require an amendment to the use permit. Amendment to this use permit requires an application for amendment, payment of applicable fees, and consideration at a public hearing.
3. The Coastal Development and Design Review permits shall be valid for one year, in which time the applicant shall be issued a building permit. Any extension of these permits shall require submittal of an application for permit extension at least 30 days prior to the permit's expiration.
4. Any uses on the project site that are not approved will be found in violation of codes. The applicant shall remove any items that are considered a public nuisance and/or an illegal residence or be subject to violation fees.
5. The term of the use permit for the physical/occupational therapy business shall be five (5) years from the date of the effective final decision. Thereafter, the applicant, if desiring to continue the use at this site, shall submit an application to the Planning and Building Department for use permit renewal six (6) months prior to expiration of this permit. If the proposed building has not received a Certificate of Occupancy during the 5-year term of this use permit, the use permit shall be permanently expired and not eligible for renewal.
6. The use permit for the residential use shall be self-renewed on an annual basis without payment of additional fees, if the County Code Compliance Section finds that the applicant's use is in compliance with the terms of the use permit approval. If the applicant's use is in violation of any of the conditions of approval, the County Code Compliance Section shall direct the applicant in writing to apply for a use permit renewal. The applicant shall be required to apply for this renewal within thirty (30) days of the date of said use permit renewal letter. The application shall be subject to all applicable use permit renewal fees at that time. The residential use is limited to the third floor only.
7. Prior to issuance of a building permit, the applicant shall submit approved documentation of water service to the site from Coastside County Water District and sewage disposal from Granada Sanitary District for review and approval by the Community Development Director as part of the building permit submittal.

8. A detailed landscaping and irrigation plan shall be submitted as part of the application for building permit. The plan shall be substantially consistent with the preliminary landscaping plan submitted January 13, 2009, except as necessarily modified by compliance with Condition #24 below, and include the quantities and locations of planters and vegetation as shown on the plan, and shall include the number, size and Latin names of all trees and plantings to be planted, and method of irrigation. The submitted plan shall also include at least one 15-gallon size tree that is suitable to the site's coastal location, is drought tolerant, and sited to not cause blockage of views shall be located on site. If additional trees are affected by the widened driveway apron (see Condition No. 22), then additional replacement trees may be required. Tree protection measures must be installed to protect the trees to remain, prior to issuance of a building permit. The landscaping plan shall be reviewed and approved to the satisfaction of the Community Development Director and shall be installed prior to the finalization of this project by the Building Inspection Section.
9. Colors and material samples shall be submitted to the Planning Department at the time of application for a building permit. Approved colors and materials shall be confirmed prior to a final inspection for the building permit.
10. The applicant shall apply for and be issued a building permit prior to the start of construction and develop in accordance with the approved plans as well as install all structures to current building codes.
11. A detailed exterior lighting plan shall be submitted for review and approval by the Community Development Director prior to installation. This lighting plan shall include detail on the proposed wattage of all lighting, glass/design specifications for both street-lights and wall lights. The exterior lighting for the project shall be primarily down lit, with the exception of some up-lighting for landscaping purposes. All lighting shall be designed such that illumination is focused and directed in a manner that provides for circulation and security while reducing the incidence of spillover light onto adjacent properties. If necessary to minimize intrusive light and glare effects, the exterior light fixtures shall be equipped with lenses or hoods or equivalent spillover light and glare control equipment.
12. Plans shall clearly reflect all new utility lines associated with the proposed project to be installed underground.
13. Any proposed signage shall demonstrate compliance with applicable policies/requirements of the County's General Plan, Zoning Regulations and LCP. The applicant shall be responsible for submitting an application for review and approval by the Planning Department prior to any placement/installation of signage at the project site.
14. All activities shall occur within the building and no outdoor storage is permitted.

15. Noise levels produced by proposed grading and construction activities shall not exceed the 80-dBA level at any one moment. Grading and construction activities shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturdays. Grading and construction operations shall be prohibited on Sundays and any national holiday.
16. The applicant shall be responsible for compliance with all Performance Standards as outlined in Section 6270, Performance Standards of the San Mateo County Zoning Regulations.
17. The applicant shall provide "finished floor elevation verification" to certify that the structure is actually constructed at the height shown on the approved 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 the Current Planning Section's 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, and (3) the topmost elevation of the roof.
 - 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, certification on the topmost elevation of the roof is required.
 - f. If the actual floor height 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 Inspection Manager and Community Development Director.
18. The applicant shall submit a sediment and erosion control plan for review and approval prior to issuance of a building permit.

19. The applicant shall follow all San Mateo Countywide STOPPP Recommended Construction Materials Handling and Disposal Practices and prohibit the discharge of all wastes into the storm drain system including but not limited to:
- a. Storm drain inlets shall be protected from sediment-laden runoff to the greatest extent feasible. Storm drain inlet protection devices include sand bag barriers, filter fabric fences, block and gravel filters, and burlap bags filled with drain rock.
 - b. When cleaning sediments from streets, driveways and paved areas on construction sites, dry sweeping methods shall be used where possible. If water must be used to flush pavement, collect runoff to settle out sediments and protect storm drain inlets.
 - c. Site contribution shall not exceed the capacity of the existing stormwater system, to the satisfaction of the City Engineer.
 - d. The applicant shall submit a Stormwater Pollution Prevention Plan for review and approval prior to construction that addresses measures that would be included in the project to minimize and control construction and post-construction runoff.
 - e. All active construction areas shall be watered twice daily or as often as necessary to control dust emissions. Application of non-toxic soil stabilizers on all unpaved access roads, parking areas and staging areas and construction areas shall occur if necessary to control dust emissions.
 - f. All trucks hauling soil, sand, and other loose materials shall be covered and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
 - g. Sweep daily or as often as necessary with water sweepers all paved access roads, parking area, public rights-of-way and staging areas at construction sites to control dust and visible soil material.
 - h. The applicant shall not be permitted to discharge anything other than rainwater into the streets and storm drains.
 - i. The applicant shall seal all floor drains or piping that carry wastewater to storm drains.
 - j. When stripping or cleaning building exteriors with high pressure water, storm drains shall be blocked. Water shall be washed onto a dirt area and spade into soil, or other method of collection approved by the local wastewater treatment authority.
 - k. Filters or equivalent Best Management Practices (BMPs) shall be installed in the driveway storm drains, inspected and cleaned by a contractor at appropriate intervals. The property owner, association or facility operator is responsible for hiring the contractor depending on agreements established during the development process.

20. Prior to the Current Planning Section's approval of the building permit for the proposed project, the applicant shall prepare and record a deed restriction specifying the following:
 - a. The mezzanine level of the building is part of the physical/occupational therapy business to be conducted on the ground floor and shall not be part of the residential use located on the third floor.
 - b. The square footage of the residential use within the building shall not exceed the square footage of the commercial use.
21. The applicant and contractors employed on-site must be prepared to carry out the requirements of California State law with regard to the discovery of historic, cultural or archaeological resources during the course of project construction. In the event that any article of historical or cultural significance is encountered, all ground disturbing work must cease and County Planning notified so that the articles may be suitably protected or flagged for future research. A qualified archaeologist and/or the Native American Heritage Commission may be consulted to recommend subsequent measure for the protection and disposition of significant artifacts.
22. Plans submitted to the Building Inspection Section shall clearly reflect the following details to the satisfaction of the Community Development Director prior to the issuance of a building permit:
 - a. Plans shall clearly reflect all new utility lines associated with the proposed project installed underground.
 - b. Plans shall clearly reflect the details and material of the permeable material proposed for the parking space areas, with the exception of the space(s) located within the building footprint.
 - c. Plans shall show the driveway opening where it meets Princeton Avenue to be at least 24 feet wide, and identify the number and location of trees to be affected. The applicant must then arrange a site visit with Planning, Public Works and Fire District staff to verify in the field the exact location and dimensions for the driveway, so that the impact on the trees can be accurately verified. Some adjustment may be allowed in the location or orientation of the driveway, as necessary to minimize tree removal/trimming, as long as Public Works and Fire District requirements are met.
23. Prior to the issuance of a building permit for the project, the applicant shall submit recorded easement documents to the satisfaction of the Community Development Director or designee demonstrating that APN 047-024-080 has an easement over the portion of APN 047-024-070 for the use of the shared 24-foot wide driveway to provide access to Princeton Avenue.
24. The 24-foot wide shared driveway and the required fire hydrant shall be installed and approved prior to the on-site storage of combustible materials.

25. Prior to the issuance of a Building Permit, the applicant shall submit a revised site plan to the Planning Department showing the building relocated to the front of the lot, with all parking placed behind the building in the rear of the lot (with the exception of the tuck-under parking space located in the rear portion of the ground floor). The proposed entrance shall face the street and have direct access to the street, and although landscaping may be located between the building and the front property line, no parking shall be located between the building and the Princeton Avenue property line. This revised site plan shall be reviewed and approved by the Community Development Director or her (his) designee prior to issuance of a building permit.

Building Inspection Section

26. This building will be required to comply with the County's Green Building Program, County Ordinance No. 04444. The applicant is required to contact the Building Inspection Section at 650/599-7311 prior to submittal in order to understand minimum requirements at time of building permit application.
27. Prior to pouring any concrete for foundations, written verifications from a licensed surveyor will be required confirming that the setbacks, as shown on the approved plans, have been maintained.
28. An automatic fire sprinkler system will be required.
29. If a water main extension, upgrade or hydrant is required, this work must be completed prior to issuance of the building permit or the applicant must submit a copy of an agreement and contract with the water purveyor that will ensure the work will be completed prior to finalizing the permit.
30. A site drainage plan will be required that will demonstrate how roof drainage and site runoff will be directed to an approved location. This plan must demonstrate that post-development flows and velocities to adjoining private property and the public right-of-way shall not exceed those that existed in the pre-developed state.
31. 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.
32. The plans shall demonstrate compliance with Table 5-A of the California Building Code, including openings in commercial buildings are not permitted within 5 feet of a property line and must be protected within 10 feet. Additionally, the walls must be of 1-hour construction within 20 feet of the property line.

Department of Public Works

33. Prior to issuance of a building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the property building per Ordinance #3277.
34. The provision of the San Mateo County Grading Ordinance shall govern all grading on and adjacent to this site. Unless exempted by the Grading Ordinance, the applicant may be required to apply for a grading permit upon completion of the plans and should access construction be required.
35. 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.
36. 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.

Coastside Fire Protection District

37. An approved fire hydrant (Clow 960) must be located a maximum of 250 feet measured by way of drivable access from the proposed project. The hydrant must have a minimum flow of 1,500 gallons per minute at 20 pounds per square inch residual pressure for a minimum of two hours.
38. As per the Coastside Protection Ordinance No. 2007-01, the proposed project must be equipped with an approved NFPA 13 fire sprinkler system throughout. Be advised that the sprinkler system design shall be based on an at least Ordinary-Group 2 classification or higher classification based on stored commodity. Provide information as to commodity. No building permit will be issued until fire sprinkler plans are received, reviewed and approved by the Fire District. Submit your plans under separate fire plan check and permit to the Half Moon Bay Fire Protection District.
39. Along with the automatic fire sprinkler system, this project is required to install all related fire sprinkler hardware (Post-Indicator Valve, Fire Department Connection and Exterior Bell). No building permit will be issued until fire sprinkler plans are received, reviewed and approved by the Fire District. Please submit plans showing the location of all required fire sprinkler hardware to the San Mateo County Building Department.
40. Fire suppression operations involve heavy pieces of apparatus that must set up and operate close to buildings. The applicant must have a maintained all-weather surface road for ingress and egress of fire apparatus. The San Mateo County Department of Public Works and the Coastside Fire District Ordinance 2007-01 shall set road standards. Dead-end roads exceeding 150 feet shall be provided within a turnaround in accordance with Coastside Fire District specifications. Road width shall not be less than 20 feet. Fire

protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed. Such protection shall be installed and made serviceable prior to and during the time of construction and before combustibles are on the project site.

Approved signs and painted curbs or lines shall be provided and maintained to identify fire apparatus access roads and state the prohibition of their obstruction. Fire lanes shall be in accordance with Coastside District specifications. Contact the Fire Prevention Bureau for these specifications. In particular: (a) The driveway shall be red-curbed and posted as a fire lane with no parking allowed. (b) The curb of the driveway at Princeton Avenue shall accommodate the radius turn of the fire apparatus. (c) All road surfaces shall be able to withstand an imposed load of 68,000 pounds.

41. The proposed project will require the installation of "Knox Boxes." Emergency Key Boxes are required when access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving or fire-fighting purposes. The Chief will determine the location for the key box and provide an authorized order form. All security gate systems controlling vehicular access shall be equipped with a "Knox," key operated emergency entry device. The applicant shall contact the Fire Prevention Bureau for specifications and approvals prior to installation.
42. As per Coastside Fire District Ordinance 2007-01, building identification shall be conspicuously posted and visible from the street. (TEMPORARY ADDRESS NUMBERS SHALL BE POSTED PRIOR TO COMBUSTIBLE MATERIAL BEING PLACED ON-SITE.) The letters/numerals for permanent address numbers shall be six inches in height and of a color, which is contrasting with the background. Such letters/numerals shall be automatically illuminated and facing the direction of access.
43. The applicant shall submit a "Hazardous Materials Business Plan" to the County of San Mateo Environmental Health Services Division, located at 455 County Center in Redwood City (UFC 8001.3.2). Control Areas shall be separated from each other by not less than a one-hour fire-resistive occupancy separation (UFC 8001.10.2.1). The number of control areas in buildings or portions of buildings having Group "M" Occupancies and buildings or portions having Group "S" Occupancies with storage conditions in accordance with Uniform Fire Code Section 8001.14 shall not exceed two (UFC 8001.10.2.2). The number of control areas in buildings with other than Group "M" Occupancies or with other Group "S" Occupancy storage conditions shall not exceed four (UFC 8001.10.2.2).
44. As per County of San Mateo Building Standards and the Coastside Fire District Ordinance 2007-01, the roof covering of every new building or structure, and materials applied as part of a roof covering assembly, shall have a minimum fire rating Class "B" or higher as defined in the current edition of the California Building Code.
45. There must be a fire extinguisher for each 3,000 square feet, travel distance not to exceed 75 feet per Title 19, California Code or Regulations, with at least one required per floor or occupancy.

46. Exit doors shall be of the pivoted type or side hinged swinging type. Exit doors shall swing in the direction of exit when serving an occupant load of fifty or more. Special Doors: Revolving, sliding and overhead doors shall not be used as required exits. Power operated doors complying with CBC Standard No. 10-1 may be used for exit purposes. Additional Doors: When additional doors are provided for egress purposes, they shall conform to all the provisions of CBC Chapter 10.
47. Exit doors shall be operable from the inside without the use of a key, special knowledge or effort. Exception: Main exit doors may be equipped with a keyed-locking device if there is a readily visible sign on or adjacent to the door stating, "THIS DOOR TO REMAIN UNLOCKED WHENEVER THE BUILDING IS OCCUPIED." The sign shall be in letters not less than 1-inch in height.
48. Illumination: Signs shall be internally or externally illuminated by two electric lamps or shall be of an approved self-luminous type. Power Supply: Current supply to one of the lamps for exit signs shall be provided by the premises wiring system. Power to the other lamp shall be from storage of batteries or an on-site generator set. Include exist illumination with electrical plans and submit to the San Mateo County Building Inspection Section for review and approval.
49. When required, when more exits from a story are required by Section 1003 of the CBC, exit signs shall be installed at stair enclosures, horizontal exits and other required exits from the story. When two or more exits are required from a room or area, exit signs shall be installed at the required exits from the room or area and where otherwise necessary to clearly indicate the direction of egress. Exception: Main exit doors, which are clearly identifiable as exits (glass door). Show exit plans on plans submitted to the San Mateo County Building Inspection Section for review and approval. When exit signs are required by Section 1013.1 of the CBC, additional approved low-level exit signs, which are internally or externally illuminated, photo-luminescent or self-luminous, shall be provided in all interior rated exit corridors serving guest rooms of hotels in Group R, Division 1 Occupancies, and other occupancies as determined by the code.
50. Any room having an occupant load of 50 or more where fixed seats are not installed, and which is used for classroom, assembly or similar purpose, shall have the capacity of the room posted in a conspicuous place.
51. This project is required to have installed an approved NFPA 72 fire alarm system throughout. The system is to monitor any flow through the required automatic fire sprinkler system, any fire sprinkler valve tamper and all heat and smoke detectors. The system will also include an exterior bell and interior horn/strobes, which are required to be wired to the alarm system and the flow switch for the fire sprinkler system.
52. Exterior bell and interior horn/strobe: These are both required to be wired into the flow switch on the fire sprinkler system. The bell, horn/strobe and flow switch, along with any garage door opener, are to be wired into a separate circuit breaker at the main electrical panel and labeled.

53. Smoke Detectors that are hardwired: As per the California Building Code Section 310.9.1.1, State Fire Marshal Regulations, and Coastside Fire District Ordinance 2007-01, the applicant is required to install State Fire Marshal approved and listed smoke detectors that are hardwired, interconnected, and have battery backup. These detectors are required to be placed in each sleeping room and at a point centrally located in the corridor area giving access to each separate sleeping area. A minimum of one detector shall be placed on each floor. Smoke detectors shall be tested and approved prior to the building final.
54. The following shall be shown on the plans submitted for building permit and installed prior to occupancy: (a) Provide and mount one 2A, 10B:C fire extinguisher at approximately 4 feet above the floor. (b) Provide an additional exit from the third floor residential unit in compliance with California Fire Code 1004.2.3.3, Exception 4. (c) Install smoke alarms in the residential unit in compliance with California Fire Code 310.9.1.
55. The access driveway and the fire hydrant must be installed and approved by the Coastside Fire District prior to on-site storage of combustible materials per California Fire Code.
56. The proposed project will be required to form a Community Facilities District. Please be aware that it takes a minimum of three months to go through the CDF process. An occupancy permit will not be issued until all project conditions of the district are completed. Contact the Fire District Administration Office with questions or to receive detailed information. Only if over 3,000 square feet.

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

PROJECT FILE

DATE: February 19, 2009

TO: Zoning Hearing Officer

FROM: Lisa Aozasa, Project Planner, Telephone 650/363-4825

SUBJECT: Consideration of a Coastal Development Permit, a Use Permit and Design Review, pursuant to Sections 6328, 6500, and 6565.1 of the San Mateo County Zoning Regulations, respectively, to allow the construction of a 2,374 square foot, three-story, mixed-use building on a 3,500 square foot parcel located at 358 Princeton Avenue in the unincorporated Princeton area of San Mateo County. This project is appealable to the California Coastal Commission.

RECEIVED

APR 14 2009

CALIFORNIA
COASTAL COMMISSION

County File Number: PLN 2006-00522 (Johnson/Herring)

PROPOSAL

The applicant is requesting approval of a Coastal Development Permit, Use Permit, and Design Review for construction of a 2,374 square foot, three-story, mixed-use building on a 3,500 square foot existing parcel located on Princeton Avenue between Columbia Avenue and Broadway, and one block inland from Ocean Boulevard (a paper street), in the unincorporated Princeton area of San Mateo County. The new building will accommodate a physical/ occupational therapy business on the ground floor, business-related storage on the mezzanine, and a residence on the top floor. A Use Permit is required for the proposed residential unit and for the therapy business. The proposed development would provide five parking spaces, including one handicapped parking space. Only half of the 24-foot wide driveway is located on the subject property; the other 12 feet is located on the property to the southwest. No trees within the project site will be removed for the project; however, one cypress tree within the Princeton Avenue right-of-way would be removed to accommodate the project driveway, and at least one additional tree on the adjacent property will be removed to accommodate the shared driveway.

RECOMMENDATION

Approve the Coastal Development Permit, Use Permit and Design Review for County File Number PLN 2006-00522, subject to the required findings and conditions of approval listed in Attachment A.

BACKGROUND

Report Prepared By: Colette Meunier, Contract Planner, LSA Associates, Inc.
Colette.Meunier@LSA-assoc.com, Telephone 510/847-9731

Report Reviewed By: Lisa Aozasa, Senior Planner (650/363-4852)

Applicant: Frederick Herr

Property Owner: Michael F. Johnson

Location: Undeveloped parcel located at 358 Princeton Avenue, west of Highway 1/Cabrillo Highway in the unincorporated Princeton-by-the-Sea area of San Mateo County

APN: 047-024-080

Parcel Size: 3,500 square feet

Existing Zoning: CCR/DR/CD (Coastside Commercial Recreation, Combining Design Review District and overlay Coastal Development District)

General Plan Designation: General Industrial (Midcoast Urban)

Existing Land Use: Vacant. The site is being used as a staging area for shoreline repair work on an adjacent parcel.

Water Supply: Coastside County Water District

Sewage Disposal: Granada Sanitary District

Flood Zone: Zone C (Area of Minimal Flooding); Community Panel No. 060311-0113-B, Effective Date: July 5, 1984.

Environmental Evaluation: This project has been determined exempt from environmental review per Section 15303 of the California Environmental Quality Act (CEQA), which allows for construction of up to four (4) new, small facilities or structures not exceeding 10,000 sq. ft. in urbanized areas where the use does not involve significant amounts of hazardous substances and where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. A Notice of Exemption will be filed and posted for review.

Setting: The undeveloped parcel is located in Princeton-by-the-Sea, an unincorporated area of San Mateo County. Moss Beach and Montara lie to the northwest while El Granada and the City of Half Moon Bay lie to the southeast. The subject property is located mid-block between Columbia Avenue and Broadway on the south side of Princeton Avenue, west of the Capistrano Road/Cabrillo Highway intersection. Ocean Boulevard, the next street south of Princeton Avenue, is a paper street without actual paving and is essentially the beach for Pillar Point Harbor. Parcels with frontage on Ocean Boulevard are located between the project site and Ocean Boulevard. There is a group of cypress trees along the parcel's frontage along Princeton Avenue but otherwise the site does not have much vegetation, because of its use as a construction staging area. There are five (5) Monterey cypress trees, defined as Significant Trees by the San Mateo County Ordinance Code, Section 12000, located in the Princeton Avenue right-of-way directly abutting the front of the subject property and the lot immediately to the southwest of the project site. One Monterey cypress tree within the right-of-way is proposed for removal. No trees are proposed for removal on the project site, but at least one additional tree on the adjacent property will be removed to accommodate the shared driveway.

The undeveloped parcel is located in a predominantly developed neighborhood. Development in the vicinity includes Harbor House, a bed-and-breakfast inn, a small conference center, a storage facility and residential uses. The Half Moon Bay Airport is within 1,000 feet of the subject property and is one of the most prominent land uses within the area. However, the subject property is not within the Airport Overlay zone.

DISCUSSION

A. KEY ISSUES

1. Conformance with the County General Plan

The site has a land use designation of "General Industrial" per the County General Plan. Staff has reviewed the proposed project against the applicable policies contained in the County General Plan. Summarized below are the following policies of the General Plan that are relevant to this project and statement of compliance following each.

Chapter 2 - Soil Resources Policies

- ✓ Policy 2.17 - Regulate development to minimize soil erosion and sedimentation.

Response: Some grading and earthwork activities may be necessary for construction. However, the site area of the proposed construction is on a slope of less than 5%, so minimal grading would be required. Upon submittal to the Building Inspection Section for a building permit, the detailed construction drawings would be reviewed for compliance with the San Mateo County Grading Ordinance. In addition, a recommended condition of approval requires that the applicant submit an erosion and sediment control plan prior to issuance of a building permit which would mitigate the impact of any minor earthwork activities conducted.

Chapter 4 - Visual Quality Policies

- ✓ Policy 4.14 - Regulate the appearance of new development to promote and enhance good site design, site relationships and other aesthetic considerations.

Response: The site is currently vacant and is being used temporarily as a construction staging area with some equipment and construction materials stored on-site. The lot is 35 feet by 100 feet and is less than the minimum lot size of 5,000 square feet set out in the development standards for the CCR District. The site would have access over a shared 24-foot driveway which would be located half on the property to the southwest. Therefore, there would be a 12-foot wide setback to the ground floor on one side of the building. The adjacent now undeveloped lot to the northwest is proposed for development which would also have a 12-foot setback to accommodate the shared driveway, creating a 24-foot separation between the buildings at the ground floor level. For the northeasterly side yard, the abutting neighboring use is a parking lot, which would be screened through fencing and the proposed landscaping plan.

There is no singular distinctive architectural style predominant in the neighborhood and other neighboring structures are primarily either two or three stories in height. The proposed design complies with all minimum setback requirements so it would have a consistent site relationship with the adjacent properties. Given the location of the existing Monterey cypress trees fronting the parcel, potential coastal views from parcels directly across the street are currently limited. The trees located in the public right-of-way at the front of the property would also assist in screening the proposed building and associated improvements from Princeton Avenue and neighboring properties across the street.

- ✓ Policy 4.35 - Maintain and, where possible, improve upon the appearance and visual character of development in urban areas and ensure that new development is designed and constructed to contribute to the orderly and harmonious development of the locality.

Response: The proposed improvements would introduce a well-designed structure into the developed neighborhood that is compatible and complementary to the existing mix of architectural styles. As such, the proposal contributes to the aesthetic character of this Princeton-by-the-Sea neighborhood.

Chapter 8 - Urban Land Use

- ✓ Policy 8.29 - Encourage the infilling of urban areas where infrastructure and services are available.

Response: The undeveloped parcel is located in an established, predominantly developed neighborhood. Emergency services, roadway access as well as water and sewer service are available to be provided to the site.

- ✓ Policy 8.34 - Allow uses in zoning districts that are consistent with the overall land use designation.

Response: The parcel has a general plan designation of "General Industrial" and a base zoning designation of Coastside Commercial Recreation (CCR). The uses of a physical/occupational therapy business and a studio apartment unit are consistent with the purpose of the zoning district and compatible with other permitted land uses in the district, thus consistent with the overall land use designation. Please see detailed discussion under Section 3.d., "Conformance with County Zoning Regulations - Use Permit Analysis."

2. Conformance with the Montara-Moss Beach-El Granada Community Plan

Upon review of the applicable provisions of the Montara-Moss Beach-El Granada Community Plan, part of which includes Princeton, staff has determined that the project complies with this Community Plan's policies, including the following:

Commercial Land Use Policy 2.9.a (Commercial Development Buffers) encourages use of the Community Design Manual for new commercial development. The proposed building is consistent in design and scale with other new commercial,

industrial, and residential projects in Princeton. See the detailed discussion under "Conformance with County Zoning Regulations" regarding Design Review.

3. Conformance with the Local Coastal Program

This project is consistent with San Mateo County Local Coastal Program policies with specific discussion of the following policies:

Locating and Planning New Development Component

- ✓ Policy 1.18 (*Location of New Development*) - Direct new development to existing urban areas in order to discourage urban sprawl, maximize the efficiency of public facilities, services, and utilities, minimize energy consumption, protect and enhance the natural environment, and revitalize existing developed areas. Concentrate new development in urban areas by requiring the "infilling" of existing residential subdivisions.

Response: The project is located on a legal, undeveloped parcel within a predominantly developed subdivision and is an infill project. Existing public service and utility infrastructure serve the project vicinity and can be provided to the project site without any substantive revisions or enhancements to do so.

Visual Resources Component

- ✓ Policy 8.10 (*Vegetative Cover*) - Replace vegetation removed with plant materials compatible with the surrounding vegetation and suitable to the climate, soil, and ecological characteristics of the area.

Response: The applicant has submitted a proposed landscaping and irrigation plan and the selected plantings are appropriate for the coastal location of the project. One cypress tree at the front of the property is proposed for removal, but the rest of the existing cypress trees along the property's frontage would be retained and provide significant landscaping benefit. At least one tree 15-gallon size or greater should be planted on-site to replace the tree proposed for removal. A proposed condition of approval requires that the landscape plan be revised to show the replacement tree planted on-site.

- ✓ Policy 8.12 (*General Regulations*) - Apply the Design Review (DR) Zoning District to urbanized areas of the Coastal Zone and employ the design criteria set forth in the Community Design Manual for all new development in urban areas. Locate and design new development and landscaping so that ocean views are not blocked from public viewing points such as public roads and publicly owned lands.

Response: A detailed analysis of the project's compliance with the Design Review (DR) Zoning District is included below under Section 3.b., "Conformance with the County Zoning Regulations - Design Review Analysis." Given the location of the structure on the lot and the parcel itself relative to other abutting, developed prop-

erties and vegetation in the surrounding neighborhood, neither ocean nor ridgeline views would be blocked from public viewing points.

Policy 8.13 (*Special Design Guidelines for Coastal Communities*) -- Require that commercial buildings in Princeton-by-the-Sea be designed to reflect the nautical character of the harbor setting, are of wood or shingle siding, employ natural or sea colors, and use pitched roofs.

Response: Although the proposed design of the building is somewhat unconventional, staff finds that it meets all of the criteria stated above. The roofs are curved and sloping, rather than pitched in the traditional sense, but this has been determined to be consistent with the guidelines in the past in connection with other developments by this architect in the Princeton area.

Shoreline Access Component

- ✓ Policy 10.1 (*Permit Conditions for Shoreline Access*) requires some provision for shoreline access as a condition for granting development permits for any private or public development between the sea and the nearest road.
- ✓ Policy 10.13 (*Commercial and Industrial Areas*) requires the establishment and improvement of vertical (trails) and lateral (shoreline destinations) public access and parking consistent with Policy 10.22(e) as a condition for obtaining a permit for commercial and industrial development along the shoreline, except where the establishment of access would disrupt activities which are essential to public safety.

Response: The project complies with these policies, based on the existing vertical access already provided by Columbia Avenue and Broadway, located west and east of the project site, respectively, both of which originate from Princeton Avenue and end at the harbor's beach and shoreline. The proposed development does not negatively impact vertical access to the beach area, which is defined by Policy 10.3(a) as a reasonably direct connection between the nearest public roadway, and the shoreline, or in this case, the beach.

Lateral shoreline access is also available parallel to and along the full length of the beach, one-half block south of the subject parcel. Lateral shoreline access is defined by Policy 10.3(b) as a strip of land running along the shoreline, parallel to the water and immediately inland from the mean high tide. The strip of beach south of the subject site provides this lateral shoreline access and complies with Policy 10.18 (*Lateral Access (Shoreline Destinations) Without Coastal Bluffs*) which requires provision of access to and along the beach during normal tides, with a right-of-way at least 25 feet in width, between the mean high tide line and the first line of vegetation.

The established shoreline access meets the definition for established access under Policy 10.5, since it is an area where the public's right to use has been legally established through permit conditioning, acquisition, and/or prescriptive rights. Columbia Avenue and Broadway, as public rights-of-way satisfy these criteria, as

does the strip of beach area south of the subject site, which is the Ocean Boulevard right-of-way.

Table 10.6 of the LCP provides site-specific recommendations for shoreline destinations, which in this case specifies that access should be kept open and eventually improved to and along the beach between West Point and Columbia Avenues. Since adequate vertical and lateral access is already established, no further improvements are required.

4. Conformance with County Zoning Regulations

The project is located in the CCR/DR/CD (Coastside Commercial District, Design Review, Coastal Development) Zoning District.

a. Conformance with the Development Standards of the CCR District

The proposed project conforms to the development standards for the Coastside Commercial District, as detailed in the chart below:

DEVELOPMENT REGULATIONS	REQUIRED	PROPOSED
Maximum Height of Structures	36 ft.	32'-2" ft. to highest point of roof ridge
Maximum Lot Coverage	50% of site	32%
Minimum Side Yard Setbacks	Combined total of 15 ft. with a minimum of 5 ft. on any side	Combined total of 17 ft. Northeast yard is 5 ft. Southwest yard is 12 ft.
Minimum Front and Rear Yard Setbacks	None	Front – 34 ft. Rear – 6 ft.
Parking	4 spaces for therapy business 1 space for studio apartment	5 spaces provided

Parking Requirements: Pursuant to Section 6119 of the Zoning Regulations, the proposed mixed-use building requires one parking space for the residential studio unit on the third floor. For the physical therapy business, the parking requirement is 1 parking space for each 200 square feet of gross floor area, excluding basement or storeroom areas. The mezzanine area (408 sq. ft.) is designated for the storage of therapy equipment and could be excluded for the purposes of calculating required parking, but the required parking is met even if it is counted in this case. The ground floor area is 444 square feet for the therapy room. So, for the total square footage of 852 sq. ft., 4.26 parking spaces are required, which is rounded down to 4 required parking spaces. The total required parking is 5 spaces, which would be provided on-site.

Landscaping Requirements: Landscaping is required in yards that abut a public street. There is no required front yard in the CCR District. However, Section 6121.4 requires a 4-foot wide landscape area adjacent to all street rights-of-way. The enlarged site plan on page 3.1 of the plans (Attachment C) correctly shows the required planting strip. Additionally, there are mature cypress trees within

unimproved portion of the Princeton Avenue right-of-way along the parcel's property line.

b. Conformance with the Performance Standards of the CCR District

Uses within the CCR (Coastside Commercial Recreation) District are subject to a series of performance standards per the determination of the Community Development Director. Staff has determined that the proposed mixed-use therapy business and residential unit building would also meet these required performance standards, as follows:

- (1) Noise. No use will be permitted which exceeds the following sound levels more than thirty minutes in any hour:

Time of Day	Level (in dBA) Not To Be Exceeded		
	By More Than 30 Minutes in An Hour	At Any Moment	
7:00 a.m. – 10:00 p.m.	60	70	80
10:00 p.m. – 7:00 a.m.	55	65	75

Response: Given the low intensity nature of the land use (therapy business and a studio apartment) noise generation is anticipated to meet these provisions. A condition has been added to address temporary noise impacts as a result of construction.

- (2) Odor. No use will be permitted which emits an odor or air pollutant, detectable without instruments, beyond the boundaries of the "CCR" District.

Response: Given the low intensity nature of the land use (therapy business and a studio apartment) odor and/or air pollutant generation is anticipated to be nominal.

- (3) Lighting. All lighting, exterior and interior, must be designed and located so as to confine direct rays to the premises.

Response: A condition has been added requiring that a detailed lighting plan be submitted clearly reflecting that all on-site lighting is down lit, non-intrusive and does not produce excessive spillover onto neighboring properties.

- (4) Vibration. No use will be permitted that causes vibration perceptible without instruments on adjoining property, except for a temporary construction operation.

Response: Given the low intensity nature of the land use (therapy business and a studio apartment) long-term vibration generation is anticipated to be nominal.

- (5) Enclosed Uses. All commercial and office uses and their related products must be contained entirely within an enclosed structure, except for outdoor uses, such as boat storage, expressly permitted by an approved use permit.

Response: A condition has been added that all commercial and office uses (and storage of their related products) shall be conducted indoors and screened from public views.

- (6) Trash and Storage. All storage of cartons, containers and trash must be enclosed by a building or wall not less than six (6) feet in height. Trash and stored materials may not be located in front yard setback areas.

Response: Trash and recycling receptacles are proposed to be located in an enclosed area on the left side of the building adjacent to the front parking area. (See enlarged site plan, page 3.1 of Attachment C).

c. Conformance with Design Review Standards

Section 6268 "Design Review" requires that development in the CCR District must comply with the design guidelines and criteria of the Community Design Manual, the Local Coastal Program Visual Resources and Special Communities Component, as well as the provisions as outlined in Chapter 28.1 "Coastside Design Review" of the Zoning Regulations. Please see "Visual Resources Component" analysis under Section A.2, "Conformance with the Local Coastal Program."

The Zoning Hearing Officer must determine that the project meets the following guidelines and standards in order to grant approval (each finding is followed by a statement of compliance). Many of these guidelines were analyzed in previous sections of this report.

- (1) *proposed structures are designed and situated so as to retain and blend with the natural vegetation and landforms of the site and to insure adequate space for light and air to itself and adjacent properties;*

The subject parcel is fairly level with minimal on-site vegetation and is located one-half block inland from the beach. The proposed building is configured as to maintain adequate open space on the property and provide access to light and air for the adjacent lots. The building has only 32% lot coverage where 50% is permitted. The building maintains front and rear yard setbacks of 34 feet and 6 feet, respectively.

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

Minimal grading would be required for the building foundation, utility trenching and grading of the site for proper drainage. On the project

application form, the applicant estimates this building as approximately 50 cubic yards. Also, please see response under Section A.1., "Compliance with the County General Plan," Policy 2.17.

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

There are no stream courses through the project site.

- (4) *structures are located outside flood zones, drainage channels and other areas subject to inundation;*

The project site is not within a standard 100-Year Floodplain but is within a designated 100-Year Flood Hazard Zone (Wave Action). However, this property is located behind the breakwater system surrounding Pillar Point Harbor. The residential unit is proposed for the third story of the building and the County has a tsunami warning system to mitigate the hazard within this zone.

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

Landscaping proposed for the site would meet County requirements for new construction. The cypress trees along the property's frontage on Princeton Avenue would be retained and only would be removed to accommodate the driveway onto the site. There is no significant vegetation within the project site.

- (6) *a smooth transition is maintained between development and adjacent open areas through the use of natural landscaping and plant materials which are native or appropriate to the area;*

The project is not adjacent to open areas. The surrounding parcels are either developed or privately owned vacant parcels not yet developed.

- (7) *views are protected by the height and location of structures and through the selective pruning or removal of trees and vegetative matter at the end of view corridors;*

The proposed building would be developed to a height of 32 feet in compliance with the 36-foot height limit, the shared driveway would provide views across the property toward the shoreline, and the project site is located mid-block and not at the end of a view corridor.

- (8) *construction on ridgelines blends with the existing silhouette by maintaining natural vegetative masses and landforms and does not extend above the height of the forest or tree canopy;*

The project is to be constructed on a flat parcel - not on a ridgeline.

- (9) *structures are set back from the edge of bluffs and cliffs to protect views from scenic areas below;*

The project is to be constructed on a flat parcel and is not adjacent to a bluff or cliff.

- (10) *public views to and along the shoreline from public roads and other public lands are protected;*

Existing views from Princeton Avenue across the project site are already limited by the existing cypress trees located along the property's frontage. The proposed project would create a 24-foot wide driveway which would provide a view corridor across the project site toward the shoreline. The development would not otherwise affect any existing public views.

- (11) *varying architectural styles are made compatible through the use of similar materials and colors which blend with the natural setting and surrounding neighborhoods;*

The architect proposes cedar shingles as the exterior cladding with copper trim both of which would be left natural. These materials are compatible with other structures in the area as well as the natural environment.

- (12) *the design of the structure is appropriate to the use of the property and is in harmony with the shape, size and scale of adjacent buildings in the community;*

The style of the structure is unusual in its use of curvilinear forms. As a structure located near the shoreline, this is an appropriate form of designing with nature. Furthermore, the building materials - cedar shingles and copper trim - are contextually appropriate for the area.

- (13) *overhead utility lines are placed underground where appropriate to reduce the visual impact in open and scenic areas;*

A condition has been included requiring all new utility lines to be placed underground.

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

No signs are proposed in conjunction with this application. Any signs for the site would be required to go through the appropriate sign review process with the County. A condition has been added requiring all new signage to be reviewed and approved to the satisfaction of the Community Development Director prior to installation.

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

Paved areas associated with the project are limited to the amount required to provide parking for the buildings and maneuverability on the site. The project provides approximately 18% of the site as landscaping.

c. Conformance with the Significant Tree Regulations

The project includes the removal of one Monterey cypress tree located along the property's frontage within the Princeton Avenue right-of-way to accommodate the shared driveway for the proposed mixed-use building. However, additional trees may need to be trimmed or removed to accommodate a required driveway apron of at least 24 ft. wide. As a condition of project approval, revised plans must be submitted showing the wider driveway opening and identifying the exact number and location of trees that will be affected. The applicant must then arrange a site visit with Planning, Public Works and Fire District staff to verify in the field the exact location and dimensions for the driveway, so that the impact on the trees can be accurately verified. There may be some adjustment allowed in the location or orientation of the driveway, as necessary to minimize tree removal/trimming. A modified landscape plan must also be submitted with the number of replacement trees to be planted increased as necessary at a 1 to 1 ratio depending on the number of additional trees to be removed, if any. Finally, tree protection measures must be in place during construction to protect existing trees to remain.

Per County Ordinance Code Section 12,020.1, no tree removal permit is required where tree cutting has been authorized by the Zoning Hearing Officer as part of a permit approval process in which the provisions of the Significant Tree Regulations have been considered and applied. In this case, the proposed tree removal has been considered as part of the Coastal Development and Design Review permits required for this project. Section 6565.20 outlines the standards for the protection of trees and vegetation. Subsection (a) provides that a tree cannot be removed unless one of several findings can be made. One of the findings is that "[t]here is no alternative building site for a house, driveway or accessory structure, ..." The subject parcel is only 35 feet wide and a 24-foot wide driveway is necessary to accommodate emergency response vehicles and to provide backup area for parking spaces. The proposed access is shared between two properties, minimizing the total number of driveways, and will be sited to minimize the number of trees proposed for removal to accommodate the driveway. As such, the proposal meets the standards for removing trees only where necessary for construction consistent with Zoning Regulations Chapter

28.1 (Design Review). At least one replacement tree will be required to be planted on-site as a condition of project approval.

d. Conformance with the Use Permit Regulations

The CCR Zoning Regulations require both residential units and "other compatible uses" (additional land uses which are allowed if the Community Development Director determines the proposed use is consistent with the purpose of the district and compatible with other permitted land uses in the district) to obtain a use permit.

While a therapy business is not specifically outlined as a permitted use, staff finds that it is a "compatible use." The therapy use would be compatible with the types of commercial and industrial uses in the vicinity. It complies with the purpose of the zoning district since it contributes to a balanced diversity of uses consistent with the purpose of the CCR District. The purpose of the district is to establish "commercial areas which are primarily oriented toward meeting the service and recreational needs of Coastsiders visitors, boat users and Coastsiders residents seeking recreation; ..." While not a recreational use, visitors to the area may need to continue ongoing therapy while on vacation, and this business would accommodate this need. It would also serve the needs of residents within the community.

The recommended conditions of approval require that the Use Permit for the therapy business be subject to renewal after five years. This will provide an opportunity to review how this business is fulfilling the purposes of the CCR Zoning District of meeting the service needs of visitors coming to the area for recreational purposes.

All uses subject to a use permit within the CCR District must demonstrate compliance with the required findings of Chapter 24 "Use Permit" of the San Mateo County Zoning Regulations, as well as two additional findings as outlined within the CCR Regulations. The Zoning Hearing Officer must make the following required findings in order to grant approval (each finding is followed by a statement of compliance):

For the physical/occupational therapy use, staff finds that the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, result in the significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in said neighborhood because:

- (1) The use would be conducted entirely within a building.
- (2) There is adequate customer parking on-site, and the therapy business would not generate much traffic.

- (3) The hours of operation will ensure that the operation of the business is consistent with commercial activity in the area, and not disruptive to residential uses in the vicinity.

For the residential use, staff finds that the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, result in the significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in said neighborhood because:

- (1) The residential use is located above the first floor of the building.
- (2) The square footage of the residential unit is less than the floor area (42%) of the commercial use in the building (58%).
- (3) The residential use is similar to other residential uses in the area.
- (4) One on-site parking space will be provided for the residential use.

In addition, the Use Permit finding under Chapter 24, Use Permits in the CCR District also require that the following two findings also be made:

The design and operation of the proposed use will further the purpose of this Chapter as stated in Section 6265 because:

- (1) While the therapy business is not a recreational use, it would provide services to visitors, boat users and Coastside residents seeking recreation. These visitors to the area may need to continue ongoing therapy while on vacation, and this business would accommodate this need. It would also serve the needs of residents within the community. The residential use provides housing in the community for people who may provide recreation and services to visitors.
- (2) The proposed development would protect coastal resources because it will not remove any existing trees on-site and will only remove one cypress tree at the property's frontage which is necessary to accommodate the new driveway to serve not only the proposed project site but also the adjacent property to the southwest. The development would also comply with best management practices regarding the treatment of storm water and the proposed landscaping would be consistent with the natural vegetation in the area and would not include any non-native invasive plants.
- (3) The three-story building has a human scale, consistent with the scale of other development in the project vicinity.

The design and operation of the proposed use will conform with the development standards stated in Section 6269 because:

- (1) As detailed in earlier sections of this report, the project demonstrates minimum (and exceeds in some instances) compliance with all development regulations as outlined in Section 6269 of the San Mateo County Zoning Regulations including but not limited to protection of coastal resources and all design standards.
- (2) The 2-foot wide driveway provides for view opportunities through this property to the shoreline.
- (3) The required landscaping is included in the project design.
- (4) The proposed development does not affect coastal access, which is provided by the existing public rights-of-way of Ocean Boulevard, Columbia Avenue and Broadway.
- (5) The development would protect coastal resources because it minimizes tree removal to the one necessary to accommodate the site driveway, and the project site does not contain any significant landforms or vegetation.

Staff finds that all of the required findings to grant the Use Permit for the physical/occupational therapy business and the residential unit can be made and recommends that the Use Permit be approved.

B. REVIEW BY CALIFORNIA COASTAL COMMISSION, MIDCOAST COMMUNITY COUNCIL, AND PRINCETON CITIZEN ADVISORY COUNCIL

No comments were provided by the Coastal Commission, the Midcoast Community Council or by the Princeton Citizen Advisory Committee.

C. ENVIRONMENTAL REVIEW

This project has been determined exempt from environmental review per Section 15303 of the California Environmental Quality Act (CEQA), which allows for construction of up to four (4) new, small facilities or structures not exceeding 10,000 sq. ft. in urbanized areas where the use does not involve significant amounts of hazardous substances and where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. A Notice of Exemption will be filed and posted for review.

D. REVIEWING AGENCIES

1. Building Inspection Section
2. Environmental Health Department
3. Department of Public Works
4. Midcoast Community Council
5. Coastside Fire Protection District
6. California Coastal Commission
7. Coastside County Water District
8. Granada Sanitary District
9. Princeton-by-the-Sea HOA

10. Princeton Citizens Advisory Committee

ATTACHMENTS

- A. Recommend Findings and Conditions of Approval
- B. Vicinity Map
- C. Proposed Plans submitted January 13, 2009

LSA/LAA:cdn -- LSAS1114_WCU.DOC



San Mateo County

Planning and Building Department ■ 455 County Center ■ Redwood City
California 94063 ■ Planning: 650/363-4161 ■ Building: 650/599-7311 ■ Fax: 650/363-4849

RECEIVED

April 3, 2009

APR 03 2009

CALIFORNIA
COASTAL COMMISSION

NOTICE OF FINAL LOCAL DECISION

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

2-SMC-06-144

CERTIFIED MAIL

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

County File No. : PLN2006-00287

Applicant Name: HERRING & WORLEY, INC.
Owner Name: SHOOK JAMES M

The above listed Coastal Development Permit was conditionally approved by the County of San Mateo on **March 19, 2009**. The County appeal period ended on **April 2, 2009**. 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 LISA AOZASA at (650) 363-4161.

LISA AOZASA

Project Planner

Planning & Building Department

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

Mail Drop PLN122
plnbgldg@co.sanmateo.ca.us
www.co.sanmateo.ca.us/planning

Please reply to: Lisa Aozasa
650/363-4852

PROJECT FILE

March 24, 2009

Fred Herring
1741 Broadway
Redwood City, CA 94063

Subject: PLN 2006-00287, **REVISED letter of decision**
Location: 354 Princeton Avenue, Princeton
APN's: 047-024-070

On March 19, 2009 the Zoning Hearing Officer considered your request for a Coastal Development Permit, Use Permit, and Design Review, pursuant to Sections 6328, 6500, and 6565.1 of the County Zoning Regulations, respectively, to allow the construction of a 2,072 sq. ft. three-story mixed-use building on a 3,500 sq. ft. parcel located at 354 Princeton Avenue in the unincorporated Princeton area of San Mateo County. This item was continued from the February 19, 2009 Zoning Hearing Officer Meeting. 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. *A letter of decision dated March 19, 2009 was mailed to interested parties. However, it contained inaccurate information regarding applicable Assessor's Parcel Numbers (APNs). This revised letter of decision is being sent with the correct APN information.*

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 April 2, 2009 at 5:00 p.m.

This approval is appealable to the California Coastal Commission. Any aggrieved party who has exhausted their local appeals may appeal this decision to the California Coastal Commission within ten (10) working days following the Coastal Commission's receipt of the County's final decision. Please contact the Coastal Commission's North Central Coast

March 24, 2009
Fred Herring
Page 2

The County and Coastal Commission appeal periods are sequential, not concurrent, and together total approximately one month. A project is considered approved when these appeal periods have expired and no appeals have been filed.

If you have any questions concerning this item, please contact the Project Planner above.

Very truly yours,



Matthew Seubert
Zoning Hearing Officer
Zhd0319T_5_draft

cc: Public Works Department
Building Inspection Section
Assessor's Office
James Shook
Half Moon Bay Fire District
Granada Sanitary District
Half Moon Bay Planning Department
California Coastal Commission
Coastside County Water Department
Midcoast Community Council
Princeton Citizens Advisory Committee
Princeton Homeowners Association
Lennie Roberts
Chris Mickelsen

County of San Mateo
Planning and Building Department

FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2006-00287

Hearing Date: March 19, 2009

Prepared By: Lisa Aozasa, Project Planner

Adopted By: Zoning Hearing Officer

FINDINGS

For the Environmental Review, Found That:

1. This project has been determined to be exempt from environmental review per Section 15303 of the California Environmental Quality Act (CEQA), which allows for construction of up to four (4) new, small facilities or structures not exceeding 10,000 sq. ft. in urbanized areas where the use does not involve significant amounts of hazardous substances and where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. A Notice of Exemption will be filed and posted for review.

Regarding the Coastal Development Permit, Found That:

2. The project, as described in the application and accompanying materials required by Zoning Regulations Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program (LCP) since it complies with all applicable Locating and Planning New Development Component Policies because the project is an infill project within an existing developed area. The project complies with Visual Resources Component Policies regarding replacement of vegetation removed with plants suitable to the area and preservation of views through appropriate structure height and location.
3. The project is located between the nearest public road and the sea, or the shoreline of Pescadero Marsh, and conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code) and with the Shoreline Access Component of the LCP since there are existing shoreline access locations at Broadway, Columbia Avenue, and the strip of beach south of the subject site (Ocean Boulevard).

4. The style of the structure is unusual in its use of curvilinear forms. As a structure located near the shoreline, this is an appropriate form of designing with nature. Furthermore, the building materials – cedar shingles and copper trim – are contextually appropriate for the area. The project conforms to the specific findings required by policies of the San Mateo County LCP, including the Special Design Guidelines for Princeton-by-the-Sea since the proposed building uses natural cedar exterior siding and curved, sloping roofs with a gentle pitch.

Regarding the Use Permit, Found That:

5. The design and operation of the proposed use, as conditioned, will further the purpose of the Coastside Commercial Recreation District as stated in Section 6265, since it will meet the service and recreational needs of Coastside visitors and residents by providing a design studio office and studio apartment, which are compatible and complementary uses to the area, and by establishing use and development that is active and pedestrian-oriented.
6. The design and operation of the proposed use will conform with the development standards stated in Section 6269 including coastal access, building height, lot coverage and landscaping.
7. The establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, since it is a relatively low intensity project in a developed area where no sensitive habitat is present.
8. The establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood, since it is compatible with surrounding land uses and meets all development and design standards.

Regarding the Design Review, Found That:

9. Proposed structures are designed and situated so as to retain and blend with the natural vegetation and landforms of the site and to ensure adequate space for light and air to itself and adjacent properties, since all setbacks are met and appropriate landscaping is proposed.
10. The grading necessary for the construction of the project blends with the existing level site and does not create problems of drainage or erosion on its site or adjacent property, since the lot is level and minimal grading is proposed.
11. Structures are located outside flood zones, drainage channels and other areas subject to inundation, since the subject parcel is in Zone C, Areas of Minimal Flooding.

12. Trees and other vegetation land cover are removed only where necessary for the construction of structures or paved areas in order to reduce erosion and impacts on natural drainage channels, and maintain surface runoff at acceptable levels, since replacement trees and an erosion control plan are required as conditions of approval.
13. Views are protected by the height and location of structures and through the selective pruning or removal of trees and vegetative matter at the end of view corridors, since the project complies with the applicable height limit.
14. Structures are set back from the edge of bluffs and cliffs to protect views from scenic areas below, since the bluff is approximately 100 feet back from the top of the proposed building.
15. Public views to and along the shoreline from public roads and other public lands are protected, since the project complies with the applicable height limit.
16. Varying architectural styles are made compatible through the use of similar materials and colors that blend with the natural setting and surrounding neighborhoods, since natural cedar shingles and copper trim are proposed.
17. The design of the structure is appropriate to the use of the property and is in harmony with the shape, size and scale of adjacent buildings in the community, since the proposed building uses natural cedar exterior siding and copper, and curved, sloping roofs with a gentle pitch.
18. Overhead utility lines are placed underground where appropriate to reduce the visual impact in open and scenic areas, as required by conditions of approval.
19. The number, location, size, design, lighting, materials, and use of colors in signs are compatible with the architectural style of the structure they identify and harmonize with their surroundings, as required by conditions of approval.
20. Paved areas are integrated into the site, relate to their structure, and are landscaped to reduce visual impact from residential areas and from roadways, since pervious paving material is proposed for the parking spaces to complement existing development and vegetation in the area.

Regarding Significant Tree Removal, Found That:

21. That the provisions of the Significant Tree Regulations (San Mateo County Ordinance Code Section 12,000) have been considered and applied as part of the design review permit for this project and the proposed removal of Monterey cypress tree(s) within the 24-foot wide shared driveway meet(s) the standards for tree removal per San Mateo County Zoning Regulations Chapter 28.1 (Design Review) because the tree(s) must be removed to provide access to the project site.

CONDITIONS OF APPROVAL

Current Planning Section

1. This approval applies only to the proposal, documents and revised plans described in this report and submitted to and approved by the Zoning Hearing Officer on March 19, 2009. Minor revisions or modifications to these projects may be made subject to the review and approval of the Community Development Director. Additional improvements or intensification beyond the terms of this approval or change in use shall require an amendment to PLN 2006-00287, payment of applicable fees, and consideration at a public hearing.
2. The coastal development and design review permits shall be valid for one year, in which time the applicant shall be issued a building permit. Any extension of these permits shall require submittal of an application for permit extension at least 30 days prior to the permit's expiration.
3. Any uses on the project site that are not approved will be found in violation of codes. The applicant shall remove any items that are considered a public nuisance and/or an illegal residence or be subject to violation fees.
4. The term of the use permit for the design studio/office shall be five (5) years from the date of the effective final decision. Thereafter, the applicant, if desiring to continue the use at this site, shall submit an application to the Planning and Building Department for use permit renewal six (6) months prior to expiration of this permit. If the proposed building has not received a Certificate of Occupancy during the 5-year term of this use permit, the use permit shall be permanently expired and not eligible for renewal.
5. The use permit for the studio apartment shall be self-renewed on an annual basis without payment of additional fees, if the County Code Compliance Section finds that the applicant's use is in compliance with the terms of the use permit approval. If the applicant's use is in violation of any of the conditions of approval, the County Code Compliance Section shall direct the applicant in writing to apply for a use permit renewal. The applicant shall be required to apply for this renewal within thirty (30) days of the date of said use permit renewal letter. The application shall be subject to all applicable use permit renewal fees at that time.
6. Prior to the issuance of a building permit, the applicant shall submit documentation demonstrating the availability of water service to the site from Coastside County Water District and sewage disposal from Granada Sanitary District (including securing any necessary variance from the District) for review and approval by the Community Development Director as part of the building permit submittal.

March 24, 2009

Fred Herring

Page 7

7. a. A detailed landscaping and irrigation plan shall be submitted as part of the application for building permit. The plan shall be substantially consistent with the preliminary landscaping plan dated August 4, 2006, and include the quantities and locations of planters and vegetation as shown on the plan, and shall include the number, size and Latin names of all trees and plantings to be planted, and method of irrigation. A statement from the landscape architect/designer shall be submitted certifying that all proposed species to be planted are compatible with the area.
- b. For loss of the cypress tree(s) located within the driveway, replacement trees shall be planted at a 1 to 1 ratio, subject to approval by the Community Development Director.
- c. The detailed landscaping and irrigation plan shall be reviewed and approved to the satisfaction of the Community Development Director and shall be installed prior to the finalization of this project by the Building Inspection Section.
- d. The existing trees in front of the property in the public right-of-way to remain must be protected from construction impacts. Tree protection measures must be in place prior to issuance of a building permit.
8. Colors and material samples shall be submitted to the Planning Department at the time of application for a building permit. Approved colors and materials shall be confirmed prior to a final inspection for the building permit.
9. The applicant shall apply for and be issued a building permit prior to the start of construction and develop in accordance with the approved plans as well as install all structures to current building codes.
10. A detailed exterior lighting plan shall be submitted for review and approval by the Community Development Director prior to installation. This lighting plan shall include detail on the proposed wattage of all lighting, glass/design specifications for both street-lights and wall lights. The exterior lighting for the project shall be primarily down lit, with the exception of some up-lighting for landscaping purposes. All lighting shall be designed such that illumination is focused and directed in a manner that provides for circulation and security while reducing the incidence of spillover light onto adjacent properties. If necessary to minimize intrusive light and glare effects, the exterior light fixtures shall be equipped with lenses or hoods or equivalent spillover light and glare control equipment.
11. Plans submitted to the Building Inspection Section shall clearly reflect the following details to the satisfaction of the Community Development Director prior to the issuance of a building permit:
 - a. Plans shall clearly reflect all new utility lines associated with the proposed project installed underground.

- b. Plans shall clearly reflect the details and material of the permeable material proposed for the parking space areas, with the exception of the space located within the building footprint.
 - c. Plans shall show the driveway opening where it meets Princeton Avenue to be at least 24 feet wide, and identify the number and location of trees to be affected. The applicant must then arrange a site visit with Planning, Public Works and Fire District staff to verify in the field the exact location and dimensions for the driveway, so that the impact on the trees can be accurately verified. Some adjustment may be allowed in the location or orientation of the driveway, as necessary to minimize tree removal/trimming, as long as Public Works and Fire District requirements are met.
- 12. Any proposed signage shall demonstrate compliance with applicable policies/requirements of the County's General Plan, Zoning Regulations and LCP. The applicant shall be responsible for submitting an application for review and approval by the Planning Department prior to any placement/installation of signage at the project site.
 - 13. All activities shall occur within the building and no outdoor storage is permitted.
 - 14. Noise levels produced by proposed grading and construction activities shall not exceed the 80-dBA level at any one moment. Grading and construction activities shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturdays. Grading and construction operations shall be prohibited on Sundays and any national holiday.
 - 15. The applicant shall be responsible for compliance with all performance standards as outlined in Section 6270, Performance Standards of the San Mateo County Zoning Regulations.
 - 16. The applicant shall provide "finished floor elevation verification" to certify that the structure is actually constructed at the height shown on the approved 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 grade or to the grade of the site (finished grade).

- c. Prior to the Current Planning Section's 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 Inspection Manager and Community Development Director.
17. The applicant shall submit a sediment and erosion control plan for review and approval prior to the issuance of a building permit.
18. The applicant shall follow all San Mateo Countywide STOPPP Recommended Construction Materials Handling and Disposal Practices and prohibit the discharge of all wastes into the storm drain system including but not limited to:
- a. Storm drain inlets shall be protected from sediment-laden runoff to the greatest extent feasible. Storm drain inlet protection devices include sand bag barriers, filter fabric fences, block and gravel filters, and burlap bags filled with drain rock.
 - b. When cleaning sediments from streets, driveways and paved areas on construction sites, dry sweeping methods shall be used where possible. If water must be used to flush pavement, collect runoff to settle out sediments and protect storm drain inlets.
 - c. Site contribution shall not exceed the capacity of the existing stormwater system, to the satisfaction of the Department of Public Works.

- d. The applicant shall submit a stormwater pollution prevention plan for review and approval prior to construction that addresses measures that would be included in the project to minimize and control construction and post-construction runoff.
 - e. All active construction areas shall be watered twice daily or as often as necessary to control dust emissions. Application of non-toxic soil stabilizers on all unpaved access roads, parking areas and staging areas and construction areas shall occur if necessary to control dust emissions.
 - f. All trucks hauling soil, sand, and other loose materials shall be covered and/or ensure that all trucks hauling such materials maintain at least 2 feet of freeboard.
 - g. Sweep daily or as often as necessary with water sweepers all paved access roads, parking area, public rights-of-way and staging areas at construction sites to control dust and visible soil material.
 - h. The applicant shall not be permitted to discharge anything other than rainwater into the streets and storm drains.
 - i. The applicant shall seal all floor drains or piping that carry wastewater to storm drains.
 - j. When stripping or cleaning building exteriors with high pressure water, storm drains shall be blocked. Water shall be washed onto a dirt area and spade into soil, or other method of collection approved by the local wastewater treatment authority.
 - k. Filters or equivalent Best Management Practices (BMPs) shall be installed in the driveway storm drains, inspected and cleaned by a contractor at appropriate intervals. The property owner, association or facility operator is responsible for hiring the contractor depending on agreements established during the development process.
19. Prior to the Current Planning Section's approval of the building permit for the proposed studio apartment, the applicant shall prepare and record a deed restriction specifying that the square footage of the studio apartment is only permitted on the third floor and shall not exceed the square footage of the commercial use in the building.
20. The applicant and contractors employed on-site must be prepared to carry out the requirements of California State law with regard to the discovery of historic, cultural or archaeological resources during the course of project construction. In the event that any article of historical or cultural significance is encountered, all ground disturbing work must cease and County Planning Department notified so that the articles may be suitably protected or flagged for future research. A qualified archaeologist and/or the Native American Heritage Commission may be consulted to recommend subsequent measure for the protection and disposition of significant artifacts.

21. Prior to the issuance of a building permit for the project, the applicant shall submit recorded easement documents to the satisfaction of the Community Development Director or designee demonstrating that APN 047-024-070 has an easement over the portion of APN 047-024-080 for the use of the shared 24-foot wide driveway to provide access to Princeton Avenue.
22. The 24-foot wide shared driveway and the required fire hydrant shall be installed and approved prior to the on-site storage of combustible materials.
23. Applicant acknowledges that he understands that residents in a predominantly commercial area may from time to time be inconvenienced by neighborhood commercial activities.

Building Inspection Section

24. This building will be required to comply with the County's Green Building Program, County Ordinance No. 04444. The applicant is required to contact the Building Inspection Section at 650/599-7311 prior to submittal in order to understand minimum requirements at time of building permit application.
25. Prior to pouring any concrete for foundations, written verifications from a licensed surveyor will be required confirming that the setbacks, as shown on the approved plans, have been maintained.
26. An automatic fire sprinkler system will be required.
27. 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 that will ensure the work will be completed prior to finalizing the permit.
28. A site drainage plan will be required that will demonstrate how roof drainage and site runoff will be directed to an approved location. This plan must demonstrate that post-development flows and velocities to adjoining private property and the public right-of-way shall not exceed those that existed in the pre-developed state.
29. Sediment and erosion control measures in accordance with the approved sediment and erosion control plan 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.
30. The plans shall demonstrate compliance with Table 5-A of the California Building Code, including openings in commercial buildings are not permitted within 5 feet of a property line and must be protected within 10 feet. Additionally, the walls must be of 1-hour construction within 20 feet of the property line.

Department of Public Works

31. Prior to the issuance of a building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the property building per Ordinance #3277.
32. The provision of the San Mateo County Grading Ordinance shall govern all grading on and adjacent to this site. Unless exempted by the Grading Ordinance, the applicant may be required to apply for a grading permit upon completion of the plans and should access construction be required.
33. Prior to the issuance of a building permit, 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.
34. 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.

Coastside Fire Protection District

35. The project will be required to comply with all Coastside Fire Protection District regulations.
36. Fire sprinklers in each building shall be required. These shall be submitted for a separate fire plan check and permit to the Coastside Fire Protection District.
37. Provide premises identification, numbers to be visible from the access road. The specific location shall be verified with the fire inspector.
38. The 24-foot wide shared driveway shall be red-curbed and posted as a fire lane with no parking allowed.
39. The curbs for the driveway at the intersection with Princeton Avenue shall accommodate the radius turn of the fire apparatus. Curb radius to be verified with the fire inspector. See also Condition 11.d.
40. All driveway surfaces shall be able to withstand the imposed load of 68,000 pounds.
41. Provide a fire hydrant, the location, specification and installation to be verified with the fire inspector.
42. Install smoke alarms in all residences and sleeping rooms in compliance with the California Fire Code.

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

PROJECT FILE

DATE: March 19, 2009

TO: Zoning Hearing Officer

FROM: Lisa Aozasa, Project Planner, Telephone 650/363-4852;
laozasa@co.sanmateo.ca.us

SUBJECT: STAFF REPORT ADDENDUM: Consideration of a Coastal Development Permit, Use Permit and Design Review, pursuant to Sections 6328, 6500, and 6565.1 of the San Mateo County Zoning Regulations, respectively, to allow the construction of a 2,072 sq. ft., 3-story mixed-use building on a 3,500 sq. ft. parcel located at 354 Princeton Avenue in the unincorporated Princeton area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN 2006-00287 (Shook/Herring)

PROPOSAL

The applicant is requesting approval of a Coastal Development Permit, Use Permit, and Design Review for construction of a 2,072 sq. ft., 3-story mixed-use building containing a design studio, storage and one covered parking space on the ground floor, a studio/office on the second floor, and a studio apartment on the third floor. In addition to the parking space on the ground floor of the building, four other parking spaces would be provided to the rear of the building for a total of five parking spaces. Access to the site would be provided by a shared 24-foot wide driveway, half of which would be located on an adjacent parcel to the northeast (APN 047-024-080). This building would be located on a 3,500 sq. ft. parcel with frontage on Princeton Avenue.

RECOMMENDATION

Approve the Coastal Development Permit, Use Permit and Design Review for County File Number PLN 2006-00287, subject to the required findings and conditions of approval listed in Attachment A.

BACKGROUND/DISCUSSION

The Zoning Hearing Officer (ZHO) considered this item at the February 19, 2009 meeting. The item was continued to allow the applicant time to revise the project plans to better meet the purposes of the Coastside Commercial Recreation (CCR) zoning district. Specifically, the ZHO directed the applicant to modify the project so that it more completely fulfills the purpose stated in Zoning Regulations Section 6252.2, which calls for commercial development within the CCR District to be "active and pedestrian oriented, while meeting the need for safe and efficient automobile access and parking."

As recommended at the hearing, the applicant has submitted revised plans that address this concern by replacing two of the three covered parking spaces on the ground floor with active studio/office space that has direct pedestrian access from Princeton Avenue. Although approximately 290 sq. ft. of useable floor space has been added and the total number of parking spaces on site has been reduced from seven to five spaces, the project continues to meet the required parking standards for both the proposed commercial and residential uses, since five spaces are provided where five are required per Zoning Regulations Section 6119. Further, staff finds that the project meets the need for safe and efficient access and parking through use of a driveway that will be partially located on the adjacent parcel and shared by the adjacent project, thereby reducing the number of driveway entrances along Princeton Avenue, and creating a parking area large enough to easily accommodate required parking for both projects and to meet Fire District standards. The location of the parking spaces at the rear of the lot behind the building contributes to the pedestrian-orientation and aesthetic appeal of the project, as viewed from Princeton Avenue. All other applicable development standards (setbacks, height, lot coverage, ratio of commercial to residential space) and design standards continue to be met by the revised project.

At the February 19 hearing, a member of the public also expressed some concern about the project's compliance with the purposes of the CCR District, in that it is not immediately apparent how the proposed design studio/office use meets "the service and recreational needs of Coastsides visitors, boat users and Coastsides residents seeking recreation" per Section 6265.1. Staff finds that the proposal does meet this purpose, because the proposed user for the commercial space is a designer who specializes in designing for transportation vehicles and systems, including boats.

Further staff finds that even a more general design/studio/office use would be consistent with the purposes of the CCR District, since it is consistent with Section 6265.5 which states that the "size of the district permitting, [there should be a] balanced diversity of uses" within the district. The CCR District west of Capistrano Road in Princeton is comprised of approximately 80 existing legal lots. In the interest of creating a vibrant, pedestrian-oriented commercial community that serves Coastsides residents as well as visitors, it is impractical to expect that every one of these lots would be developed with a restaurant, retail shop or small hotel more obviously oriented to serving recreational needs. Section 6265.5 acknowledges this by allowing a diversity of uses that are compatible with other allowed uses in the district, such as the design/studio office use proposed for this project. As such, staff finds that the revised project is consistent with the purposes of the CCR District.

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Revised Project Plans, Received February 23, 2009
- D. ZHO Decision Letter, dated February 20, 2009
- E. Staff Report from February 19, 2009 Zoning Hearing Officer Hearing

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COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

PROJECT FILE

DATE: February 19, 2009

TO: Zoning Hearing Officer

FROM: Lisa Aozasa, Project Planner, Telephone 650/363-4852;
laozasa@co.sanmateo.ca.us

SUBJECT: Consideration of a Coastal Development Permit, Use Permit and Design Review, pursuant to Sections 6328, 6500, and 6565.1 of the San Mateo County Zoning Regulations, respectively, to allow the construction of a 3-story, mixed-use building containing 1,622 sq. ft. on a 3,500 sq. ft. parcel located at 354 Princeton Avenue in the unincorporated Princeton area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN 2006-00287 (Shook/Herring)

PROPOSAL

The applicant is requesting approval of a Coastal Development Permit, Use Permit, and Design Review for construction of a 1,622 sq. ft., 3-story mixed-use building containing three covered parking spaces, storage, mechanical services and a trash enclosure on the ground floor, 706 sq. ft. design studio and office on the second floor, and a 748 sq. ft. studio apartment on the third story. In addition to the three parking spaces on the ground floor of the building, four other parking spaces would be provided to the rear of the building for a total of seven parking spaces. Access to the site would be provided by a shared 24-foot wide driveway, half of which would be located on an adjacent parcel to the northeast (APN 047-024-080). This building would be located on a 3,500 sq. ft. parcel with frontage on Princeton Avenue.

RECOMMENDATION

Approve the Coastal Development Permit, Use Permit and Design Review for County File Number PLN 2006-00287, subject to the required findings and conditions of approval listed in Attachment A.

BACKGROUND

Report Prepared By: Colette Meunier, Contract Planner, LSA Associates, Inc.
Colette.Meunier@LSA-assoc.com, Telephone 510/847-9731

Report Reviewed By: Lisa Aozasa, Senior Planner, Telephone 650/363-4852

Applicant: Frederick Herring

Property Owner: Frederick Herring and James Shook

Location: Undeveloped parcel located at 354 Princeton Avenue, west of Highway 1/Cabrillo Highway in the unincorporated Princeton-by-the-Sea area of San Mateo County.

APN: 047-024-070

Parcel Size: 3,500 sq. ft.

Existing Zoning: CCR/DR/CD (Coastside Commercial Recreation/Design Review/Coastal Development) District

General Plan Designation: General Industrial (Midcoast Urban)

Existing Land Use: Vacant. A portion of the site near Princeton Avenue site is being used as a staging area for shoreline repair work on an adjacent parcel.

Water Supply: Coastside County Water District

Sewage Disposal: Granada Sanitary District

Flood Zone: Zone C (Area of Minimal Flooding); Community Panel No. 060311-0113-B, effective date July 5, 1984.

Environmental Evaluation: This project has been determined exempt from environmental review per Section 15303 of the California Environmental Quality Act (CEQA), which allows for construction of up to four (4) new, small facilities or structures not exceeding 10,000 sq. ft. in urbanized areas where the use does not involve significant amounts of hazardous substances and where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. A Notice of Exemption will be filed and posted for review.

Setting: The undeveloped parcel is located in Princeton-by-the-Sea, an unincorporated area of San Mateo County. Moss Beach and Montara lie to the northwest while El Granada and the City of Half Moon Bay lie to the southeast. The subject property is located mid-block between Columbia Avenue and Broadway on the south side of Princeton Avenue, west of the Capistrano Road/Cabrillo Highway intersection. Ocean Boulevard, the next street south of Princeton Avenue, is a paper street without actual paving and is essentially the beach for Pillar Point Harbor. There are five (5) Monterey cypress trees, defined as Significant Trees by the San Mateo County Ordinance Code, Section 12,000, located in the Princeton Avenue right-of-way directly abutting the front of the subject property and the lot immediately to the northeast of the project site. Additionally, there is one other cypress tree located within the proposed 24-foot wide driveway which is proposed for removal.

The undeveloped parcel is located in a predominantly developed neighborhood. Development in the vicinity includes a vacant parcel (APN 047-024-080), Harbor House – a bed-and-breakfast inn, a small conference center, a storage facility and residential uses. The Half Moon Bay Airport is within 1,000 feet of the subject property and is one of the most prominent land uses within the area. However, the subject property is not within the Airport Overlay zone.

DISCUSSION

A. KEY ISSUES

1. Conformance with the County General Plan

The site has a land use designation of "General Industrial" per the County General Plan. Staff has reviewed the proposed project against the applicable policies contained in the County General Plan. Summarized below are the following policies of the General Plan that are relevant to this project and a statement of compliance following each.

Chapter 2 – Soil Resources Policies

- ✓ Policy 2.17 regulates development to minimize soil erosion and sedimentation.

Response: Some grading and earthwork activities may be necessary for construction. However, the site area of the proposed construction is on a slope of less than 5%, so minimal grading would be required. Upon submittal to the Building Inspection Section for a building permit, the detailed construction drawings would be reviewed for compliance with the San Mateo County Grading Ordinance. In addition, a recommended condition of approval requires that the applicant submit an erosion and sediment control plan prior to the issuance of a building permit which would mitigate the impact of any minor earthwork activities conducted.

Chapter 4 – Visual Quality Policies

- ✓ Policy 4.14 regulates the appearance of new development to promote and enhance good site design, site relationships and other aesthetic considerations.

Response: The site is adjacent to Princeton Avenue and is 35 feet by 100 feet. This site would have access over a shared 24-foot driveway which would be located half on the project site and half on the property to the northeast at 358 Princeton Avenue. Therefore, there would be a 12-foot wide setback to the ground floor of the building. The adjacent undeveloped lot to the southeast would also have a 12-foot setback to accommodate the shared driveway, creating a 24-foot separation between the buildings at the ground floor level, providing views across the property to the shoreline. Landscaping and fencing along the side property boundary nearest Harbor House, the bed and breakfast to the southwest of the project site, would provide screening and separation.

There is no singular distinctive architectural style predominant in the neighborhood and other neighboring structures are primarily either two or three stories in height. The proposed design would comply with all minimum setback requirements so it would have a consistent site relationship with the adjacent properties. Given the location of the existing Monterey Cypress trees along Princeton Avenue, potential coastal views from parcels directly across the street

are currently limited. The trees located in the public right-of-way at the front of the property would also assist in screening the proposed buildings and associated improvements from Princeton Avenue and neighboring properties across the street.

- ✓ Policy 4.35 maintains and, where possible, improves upon the appearance and visual character of development in urban areas and ensures that new development is designed and constructed to contribute to the orderly and harmonious development of the locality.

Response: The proposed improvements would introduce a well-designed structure into the developed neighborhood and be compatible and complementary to the existing mix of architectural styles. As such, the proposal contributes to the aesthetic character of this Princeton-by-the-Sea neighborhood.

Chapter 8 – Urban Land Use

- ✓ Policy 8.29 encourages the infilling of urban areas where infrastructure and services are available.

Response: The undeveloped site is located in an established, predominantly developed neighborhood. Emergency services, roadway access, as well as water and sewer service, are available to be provided to the site.

- ✓ Policy 8.34 allows uses in zoning districts that are consistent with the overall land use designation.

Response: The parcel has a General Plan designation of “General Industrial” and a base zoning designation of Coastside Commercial Recreation (CCR). The uses of a design studio/office and studio apartment are consistent with the purpose of the zoning district and compatible with other permitted land uses in the district, thus consistent with the overall land use designation. Please see detailed discussion under Section 3.d, “Conformance with County Zoning Regulations – Conformance with Use Permit Regulations.”

2. Conformance with the Montara-Moss Beach-El Granada Community Plan

Upon review of the applicable provisions of the Montara-Moss Beach-El Granada Community Plan, part of which includes Princeton, staff has determined that the project complies with this Community Plan’s policies, including the following:

Commercial Land Use Policy 2.9.a (*Commercial Development Buffers*) encourages use of the Community Design Manual for new commercial development. The proposed building is consistent in design and scale with other new commercial, industrial, and residential projects in Princeton. See the detailed discussion under “Conformance with County Zoning Regulations – Conformance with Design Review Regulations,” Section 4.c, below.

3. Conformance with the Local Coastal Program

This project is consistent with San Mateo County Local Coastal Program policies with specific discussion of the following policies:

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, maximize the efficiency of public facilities, services, and utilities, minimize energy consumption, protect and enhance the natural environment, and revitalize existing developed areas. Concentrate new development in urban areas by requiring the “infilling” of existing residential subdivisions.

Response: The project is located on a legal, undeveloped parcel within a predominantly developed subdivision and is an infill project. Existing public service and utility infrastructure serve the project vicinity and can be provided to the project site without any substantive revisions or enhancements to do so.

Most of the existing cypress trees along the property’s frontage will be retained and provide significant landscaping benefit. However, additional trees may need to be trimmed or removed to accommodate a required driveway apron of at least 24 feet wide. As a condition of project approval, revised plans must be submitted showing the wider driveway opening and identifying the exact number and location of trees that will be affected. The applicant must then arrange a site visit with Planning, Public Works and Fire District staff to verify in the field the exact location and dimensions for the driveway, so that the impact on the trees can be accurately verified. There may be some adjustment allowed in the location or orientation of the driveway, as necessary to minimize tree removal/trimming. A modified landscape plan must also be submitted with the number of replacement trees to be planted and increased as necessary at a 1 to 1 ratio depending on the number of additional trees to be removed, if any. Finally, tree protection measures must be in place during construction to protect existing trees to remain.

Visual Resources Component

- ✓ Policy 8.10 (*Vegetative Cover*) replaces vegetation removed with plant materials compatible with the surrounding vegetation and suitable to the climate, soil, ecological characteristics of the area.

Response: There is only one cypress tree on-site and a row of cypress trees within the Princeton Avenue right-of-way across the frontage of the property. The existing cypress tree on-site is proposed for removal. The applicant has submitted a proposed landscaping and irrigation plan and the selected plantings are appropriate for the coastal location of the project. However, the location of the Australian Tea Tree which will replace the one cypress tree to be removed

needs to be shown on the landscape plan, prior to the issuance of building permits.

- ✓ Policy 8.12 (*General Regulations*) applies the Design Review (DR) Zoning District to urbanized areas of the Coastal Zone and employs the design criteria set forth in the Community Design Manual for all new development in urban areas. Locate and design new development and landscaping so that ocean views are not blocked from public viewing points such as public roads and publicly-owned lands.

Response: A detailed analysis of the project's compliance with the Design Review (DR) Zoning District is included below under Section 3.b, "Conformance with the County Zoning Regulations – Conformance with Design Review Standards." Given the location of the structures on the site and the parcels relative to other abutting, developed properties and vegetation in the surrounding neighborhood, neither ocean nor ridgeline views would be blocked from public viewing points.

Shoreline Access Component

- ✓ Policy 10.1 (*Permit Conditions for Shoreline Access*) requires some provision for shoreline access as a condition for granting development permits for any private or public development between the sea and the nearest road.
- ✓ Policy 10.13 (*Commercial and Industrial Areas*) requires the establishment and improvement of vertical (trails) and lateral (shoreline destinations) public access and parking consistent with Policy 10.22(e) as a condition for obtaining a permit for commercial and industrial development along the shoreline, except where the establishment of access would disrupt activities which are essential to public safety.

Response: The project complies with these policies, based on the existing vertical access already provided by Columbia Avenue and Broadway, located west and east of the project site, respectively, both of which extend from Princeton Avenue and end at the harbor's beach and shoreline. The proposed development does not negatively impact vertical access to the beach area, which is defined by Policy 10.3(a) as a reasonably direct connection between the nearest public roadway, and the shoreline, or in this case, the beach.

Lateral shoreline access is also available parallel to and along the full length of the beach, to the south of the subject parcel. Lateral shoreline access is defined by Policy 10.3(b) as a strip of land running along the shoreline, parallel to the water and immediately inland from the mean high tide. The strip of beach south of the subject site provides this lateral shoreline access and complies with Policy 10.18 (*Lateral Access (Shoreline Destinations) Without Coastal Bluffs*), which requires provision of access to and along the beach during normal tides, with a right-of-way at least 25 feet in width, between the mean high tide line and the first line of vegetation.

The established shoreline access meets the definition of established access under Policy 10.5, since it is an area where the public's right to use has been legally established through permit conditioning, acquisition, and/or prescriptive rights. Columbia Avenue and Broadway, as public rights-of-way, satisfy these criteria, as does the strip of beach area south of the subject site, which is the Ocean Boulevard right-of-way.

Table 10.6 of the LCP provides site-specific recommendations for shoreline destinations, which in this case specifies that access should be kept open and eventually improved to and along the beach between West Point and Columbia Avenues. Since adequate vertical and lateral access is already established, no further improvements are required.

4. Conformance with County Zoning Regulations

The project is located in the Coastside Commercial District/Design Review/Coastal Development (CCR/DR/CD) Zoning District.

a. Conformance with the Development Standards of the CCR District

The proposed building conforms to the development standards for the Coastside Commercial District, as detailed in the following chart:

Design Studio/Office and Studio Apartment Mixed-Use Building		
Development Regulations	Required	Proposed
Building Height	A maximum of 36 ft.	32 ft. to highest point of roof ridge
Lot Coverage	A maximum of 50% of site	25%
Side Yard Setbacks	A minimum combined total of 15 ft. with a minimum of 5 ft. on any side	Combined total of 15 ft. Westerly side yard is 5 ft. Easterly side yard is 10 ft.
Front and Rear Yard Setbacks	No minimum or maximum	Front – 4 ft. Rear – 40 ft.
Parking	3 spaces for design office/studio 1 space for studio apartment	7 spaces provided

Parking Requirements: Pursuant to Section 6119 of the Zoning Regulations, this proposed mixed-use building requires one parking space for the residential studio unit on the third floor. For uses not enumerated in Section 6119, the parking requirement is one parking space for each 160 sq. ft. of gross floor area, excluding basement or storeroom areas. The useable second floor area is approximately 500 sq. ft. for which three parking spaces are required. The total required parking is four spaces, and seven spaces would be provided on-site.

Landscaping Requirements: Landscaping is required in yards that abut a public street. There is no required front yard in the CCR District. A landscaped area 4 feet wide across the portion of the frontage of the property not developed as a driveway is proposed (see enlarged site plan, page 3 of Attachment C). Additionally, there are mature cypress trees within the unimproved portion of Princeton Avenue along the parcel's property line.

b. Conformance with the Performance Standards of the CCR District

Uses within the Coastside Commercial Recreation (CCR) District are subject to a series of performance standards per the determination of the Community Development Director. Staff has determined that the proposed use on-site, a design studio/office, would also meet these required performance standards, as follows:

- (1) Noise. No use will be permitted which exceeds the following sound levels more than thirty minutes in any hour:

Time of Day	Level (in dBA) Not To Be Exceeded		
	By More Than 30 Minutes in An Hour		At Any Moment
7:00 a.m. – 10:00 p.m.	60	70	80
10:00 p.m. – 7:00 a.m.	55	65	75

Response: Given the low intensity nature of the land use, noise generation is anticipated to meet these provisions. A condition has been added to address temporary noise impacts as a result of construction.

- (2) Odor. No use will be permitted which emits an odor or air pollutant, detectable without instruments, beyond the boundaries of the "CCR" District.

Response: Given the low intensity nature of the land use, odor and/or air pollutant generation is anticipated to be nominal.

- (3) Lighting. All lighting, exterior and interior, must be designed and located so as to confine direct rays to the premises.

Response: A condition has been added requiring that a detailed lighting plan be submitted clearly reflecting that all on-site lighting is down lit, non-intrusive and does not produce excessive spillover onto neighboring properties.

- (4) Vibration. No use will be permitted that causes vibration perceptible without instruments on adjoining property, except for a temporary construction operation.

Response: Given the low intensity nature of the land use, long-term vibration generation is anticipated to be nominal.

- (5) Enclosed Uses. All commercial and office uses and their related products must be contained entirely within an enclosed structure, except for outdoor uses, such as boat storage expressly permitted by an approved use permit.

Response: A condition has been added that all commercial and office uses (and storage of their related products) shall be conducted indoors and screened from public views.

- (6) Trash and Storage. All storage of cartons, containers and trash must be enclosed by a building or wall not less than six (6) feet in height. Trash and stored materials may not be located in front yard setback areas.

Response: Trash and recycling receptacles are proposed to be enclosed and stored within the enclosed carport structure.

c. Conformance with Design Review Standards

Section 6268 (*Design Review*) requires that development in the CCR District must comply with the design guidelines and criteria of the Community Design Manual and the Local Coastal Program Visual Resources and Special Communities Component, as well as the provisions as outlined in Chapter 28.1 (*Coastside Design Review*) of the Zoning Regulations. Please see "Visual Resources Component" analysis under Section A.2, "Conformance with the Local Coastal Program."

The Zoning Hearing Officer must determine that the project meets the following guidelines and standards in order to grant approval (each relevant finding is followed by a statement of compliance).

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

The subject parcel is fairly level with minimal on-site vegetation. The proposed building is configured as to maintain adequate open space on the property and provide access to light and air for the adjacent lots. The building has only 25% lot coverage where 50% is permitted. Front and rear yard setbacks are proposed where none are required.

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

Minimal grading would be required for the bunding foundation, utility trenching and grading of the site for proper drainage. On the project application form, the applicant estimates this grading as approximately 50 cubic yards. Also, please see response under Section A.1, "Compliance with the County General Plan," Policy 2.17.

- (3) *Structures are located outside flood zones, drainage channels and other areas subject to inundation.*

The project site is not within a standard 100-Year Floodplain but is within a designated 100-Year Flood Hazard Zone (Wave Action). The residential unit is proposed for the third story of the building and the County has a tsunami warning system to mitigate the hazard within this zone. Additionally, the project site is located behind the breakwater for Princeton Harbor.

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

Landscaping proposed for the site would meet County requirements for new construction. The cypress trees along the property's frontage on Princeton Avenue would be retained, unless affected by a widened driveway apron (see Condition 11.d). There is one cypress tree within the project site, located within the proposed driveway area. The applicant is requesting approval for removal of the tree. A replacement tree will be required as part of the required landscape plan.

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

The proposed buildings would be developed to a height of 32 feet in compliance with the 36-foot height limit, the shared driveway would provide views across the property towards the shoreline, and the project site is located mid-block and not at the end of a view corridor.

- (6) *Structures are set back from the edge of bluffs and cliffs to protect views from scenic areas below.*

The proposed building site is about 100 feet from the top of the bank at Ocean Boulevard. Additionally, there is development along the top of bank on properties in the vicinity of the project site. Therefore, the proposed location of the building is acceptable.

- (7) *Public views to and along the shoreline from public roads and other public lands are protected.*

Existing views from Princeton Avenue across the project site are already limited by the existing cypress trees located along the property's frontage. The proposed project would create a 24-foot wide driveway which would provide a view corridor across the project site towards the shoreline. The development would not otherwise affect any existing public views.

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

The architect proposes cedar shingles as the exterior cladding with copper trim both of which would be left natural. These materials are compatible with other structures in the area as well as the natural environment.

- (9) *The design of the structure is appropriate to the use of the property and is in harmony with the shape, size and scale of adjacent building in the community.*

The style of the structure is unusual in its use of curvilinear forms. As a structure located near the shoreline, this is an appropriate form of designing with nature. Furthermore, the building materials – cedar shingles and copper trim – are contextually appropriate for the area.

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

A condition has been included requiring all new utility lines to be placed underground.

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

No signs are proposed in conjunction with this application. Any signs for the site would be required to go through the appropriate sign review process with the County. A condition has been added requiring all new signage to be reviewed and approved to the satisfaction of the Community Development Director prior to installation.

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

Paved areas associated with the project are limited to the amount required to provide parking for the buildings and maneuverability on the site.

d. Conformance with the Significant Tree Regulations

The project includes the potential removal of one Monterey cypress tree located within the driveway. Per County Ordinance Code Section 12,020.1, no tree removal permit is required where tree cutting has been authorized by the Zoning Hearing Officer as part of a permit approval process in which the provisions of the Significant Tree Regulations have been considered and applied. In this case, the proposed tree removal has been considered as part of the coastal development and design review permits required for this project. Section 6565.20 outlines the standards for the protection of trees and vegetation. Subsection (a) provides that a tree cannot be removed unless one of several findings can be made. One of the findings is that "[t]here is no alternative building site for a house, driveway or accessory structure, ..." The project site has only 35 feet of frontage along Princeton Avenue. A shared 24-foot wide driveway is necessary to accommodate emergency response vehicles and to provide backup area for parking spaces. The proposed access is shared between two properties, minimizing the total number of driveways. The cypress tree is located within the shared driveway. The shared driveway cannot be relocated, so the tree will be impacted by the driveway and its removal is reasonable given that additional cypress trees will remain along the property's frontage, and a replacement tree will be required.

e. Conformance with the Use Permit Regulations

The CCR Zoning Regulations require a use permit for the proposed uses on the site:

- The design studio/office may be allowed as "other compatible uses" (additional land uses which are allowed if the Community Development Director determines the proposed use is consistent with the purpose of the district and compatible with other permitted land uses in the district); and
- The studio apartment is defined as "multiple-family dwellings."

The conformance of each of these uses with the provisions of the CCR District and the required use permit findings is discussed in the following paragraphs:

Design Studio/Office: The proposed design studio/office would occupy the second floor of the building closest to Princeton Avenue and provide design services for transportation systems, such as the interiors of rapid transit systems, boat interiors, and so on. There would be relatively few client visits to the site and it would generate little traffic. As part of this mixed-use project, the related design studio/office complements the residential use and is similar to the existing variety of uses in the surrounding neighborhood. While a design studio/office is not specifically outlined as a permitted use, it has been determined to be a "compatible use" in the opinion of the Community Development Director.

The recommended conditions of approval require that the use permit for the design studio/office be subject to renewal after five years. This will provide an opportunity to review how this use is fulfilling the purposes of the CCR Zoning District.

Studio Apartment: The proposed studio apartment would occupy the third floor of the building closest to Princeton Avenue. As part of this mixed-use project, the studio apartment complements the design studio/office use and is similar to the existing variety of uses in the surrounding neighborhood.

The requirements for "Multiple-Family Dwellings" are that the dwelling units must be located above the first floor and that the floor area of the dwelling units does not exceed the floor area of the commercial uses occupying the building. The studio apartment complies with this requirement as it is slightly smaller than the design studio/office located on the second floor, together with the storage area for the commercial use located on the ground floor. The floor area requirement is included as a condition of approval and is recommended to be included in a deed restriction to ensure that future owners of the property are aware of the requirement.

All uses subject to a use permit within the CCR District must demonstrate compliance with the required findings of Chapter 24 (*Use Permit*) of the San Mateo County Zoning Regulations, as well as two additional findings as outlined within the CCR Regulations. The Zoning Hearing Officer must make the following required findings in order to grant approval (each finding is followed by a statement of compliance):

For the design studio/office use, staff finds that the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, result in the significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in said neighborhood because:

- (1) The use would be conducted entirely within a building.
- (2) There is adequate customer parking on-site, and the use would not generate much traffic.
- (3) As part of this mixed-use project, the use complements the existing variety of uses in the surrounding neighborhood.

For the studio apartment use, staff finds that the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, result in the significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in said neighborhood because:

- (1) The residential use is located above the first floor of the building.

- (2) The square footage of the residential unit is less than the floor area of the commercial use in the building.
- (3) The residential use is similar to other residential uses in the area.
- (4) One on-site parking space will be provided for the residential use.

In addition to the use permit finding under Chapter 24, use permits in the CCR District also require that the following two findings also be made:

The design and operation of the proposed use will further the purpose of this chapter as stated in Section 6265 because:

- (1) As part of the mixed-use development, the design studio/office and studio apartment are complementary to visitor-serving and other commercial, industrial, and residential uses in the area.
- (2) The proposed development would protect coastal resources because it will only remove one cypress tree which is necessary to accommodate the new driveway to serve the project. The site will be landscaped including the addition of at least one new tree. The development would also comply with best management practices regarding the treatment of stormwater and the proposed landscaping would be consistent with the natural vegetation in the area and would not include any non-native invasive plants.
- (3) The 3-story building has a human scale, consistent with the scale of other development in the project vicinity.

The design and operation of the proposed use will conform with the development standards stated in Section 6269 because:

- (1) As detailed in earlier sections of this report, the project demonstrates minimum (and exceeds in some instances) compliance with all development regulations as outlined in Section 6269 of the San Mateo County Zoning Regulations including but not limited to protection of coastal resources and all design standards.
- (2) The 24-foot wide shared driveway provides for view opportunities through this property to the shoreline.
- (3) The required landscaping is included in the project design.
- (4) The proposed development does not affect coastal access, which is provided by the existing public rights-of-way of Ocean Boulevard, Columbia Avenue and Broadway.
- (5) The development would protect coastal resources because it minimizes on-site tree removal to the one necessary to accommodate the site

drive , and the project site does not contain y significant landforms or vegetation.

Staff believes that all of the required findings to grant the use permit for the design studio/office business and the residential unit can be made and recommends that the use permit be approved.

B. REVIEW BY CALIFORNIA COASTAL COMMISSION, MIDCOAST COMMUNITY COUNCIL, AND PRINCETON CITIZEN ADVISORY COUNCIL

No comments were provided by the Midcoast Community Council or by the Princeton Citizen Advisory Committee. Ruby Pap, staff with the Coastal Commission, raised the following questions in an e-mail dated August 3, 2006:

How do the uses of the project comply with the visitor-serving purpose of the CCR District?

Response: See the discussion under Section 4, Conformance with County Zoning Regulations – Conformance with Use Permit Regulations.

Given the project's proximity to the shoreline, how does the project preserve the visual character of the area and not obstruct ocean views from public viewing points?

Response: See the discussion under Section 4, Conformance with County Zoning Regulations – Conformance with Design Review Standards.

C. ENVIRONMENTAL REVIEW

This project has been determined exempt from environmental review per Section 15303 of the California Environmental Quality Act (CEQA), which allows for construction of up to four (4) new, small facilities or structures not exceeding 10,000 sq. ft. in urbanized areas where the use does not involve significant amounts of hazardous substances and where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. A Notice of Exemption will be filed and posted for review.

D. REVIEWING AGENCIES

Building Inspection Section
Environmental Health Division
Department of Public Works
Midcoast Community Council
Coastside Fire Protection District
California Coastal Commission
Coastside County Water District
Granada Sanitary District
Princeton-by-the-Sea HOA
Princeton Citizens Advisory Committee

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

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CALIFORNIA
COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name:

Lennie Roberts - Committee for Green Foothills

Mailing Address:

339 La Cuesta

City:

Portola Valley CA Zip Code: 94028

Phone: 650-851-0449

SECTION II. Decision Being Appealed

1. Name of local/port government:

San Mateo County

2. Brief description of development being appealed:

Construction of a
2,374 square foot, three-story mixed-use building
on a 3,500 square foot parcel located between
the first public road and the sea.

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

358 Princeton Avenue, Princeton, San Mateo Co.
APN 017-024-080

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
☒ 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-09-006

DATE FILED:

4/1/09

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:

February 19, 2009

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

PLN 2006-00522

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:

Fred Herring
1741 Broadway
Redwood City, CA 94063

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) Chris Mickelsen: (adjacent property owner)
P.O. Box 3234
Half Moon Bay, CA 94019
- (2) Please see County Files

(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.

Please see Attached

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.

Committee for Green Foothills
Lennie Roberts, Legislative Advocate

Signature of Appellant(s) or Authorized Agent

Date: 4/1/09

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: _____

page 1

Summary of Reasons for Appeal – by Committee for Green Foothills

San Mateo County File No. PLN 2006-00522

Applicant/Owner: Frederick Herring/Michael F. Johnson

Location: 358 Princeton Avenue, Princeton, San Mateo County

APN: 047-024-080

The Coastal Development Permit (CDP) for this project, as approved by the San Mateo County Zoning Hearing Officer, does not comply with the County certified Local Coastal Program. In particular, the project is not in compliance with the County's LUP Shoreline Access and Visual Resources Components, as well as the Coastside Commercial Recreation (CCR) District Zoning Regulations and the Design Review Standards. Additionally, the required Findings regarding public access and public recreation under Chapter 3 of the Coastal Act cannot be made.

Project Description: The project is a 2,374 sq. ft. three-story mixed use building on a 3,500 sq. ft. parcel located on Princeton Avenue between Columbia Avenue and Broadway. The parcel is between the first public road and the sea. (Please note that the Vicinity Map attached to the Staff Report is incorrect. The subject parcel - APN 047-024-080 is located adjacent to and immediately to the East of the parcel indicated on the Vicinity Map.)

Shoreline Access Component

The proposed project is located between the first public road – Princeton Avenue - and the sea – in this case, Pillar Point Harbor. As such, it must make some provision for shoreline access under both the Coastal Act Section 30212 and the County LCP.

Policy 10.1 Permit Condition for Shoreline Access states: "Require some provision for shoreline access as a condition of granting development permits for any public or private development permits (except as exempted by Policy 10.2) between the sea and the nearest road. The type of provision, the location of the access and the amount and type of improvements required shall be consistent with the policies of this component."

Policy 10.13 Commercial and Industrial Areas states: "Require the establishment and improvement of vertical (trails) and lateral (shoreline destinations) public access and parking consistent with Policy 10.22(e) as a condition for obtaining a permit for commercial and industrial development along the shoreline, except where the establishment of access would disrupt activities which are essential to public safety."

The County erroneously found that the project complied with these policies, stating in the Staff Report that there is "existing vertical access already provided by Columbia Avenue and Broadway, which originate from Princeton Avenue and end at the harbor's beach and shoreline". There is no vertical access due to the bluffs in this area and a ten foot drop from Columbia and a fifteen foot drop from Broadway to the beach below. There is rip-rap that has been placed along the bluff at the end of these streets. There is no improved

access to the beach. The County also found that there is lateral access along the beach to the south (n.b., this is actually to the east). Further, the County asserts without providing any supporting documentation that there is both vertical and lateral “established access” to the beach in this area through permit conditioning, acquisition, and/or prescriptive rights. The County Parks and Recreation Department has prepared a plan for shoreline access at the end of Broadway, and there is some funding for access in this area held by the County, but it has not been implemented. Clearly, the public access policies of the LCP and Coastal Act have not been complied with.

Visual Resources Component/ Coastside Design Review Standards

The proposed project is a three-story structure with a curved roof and outward curving walls on the north side (towards Princeton Ave.) and south (towards the ocean). Its futuristic, topheavy design is not in keeping with the Visual Resources Component (Policy 8.13) and Design Review Standards (Section 6268) of the LCP.

Policy 8.13.b.(1) Special Design Guidelines for Coastal Communities, Commercial Development states: “Design buildings which reflect the nautical character of the harbor setting, are of wood or shingle siding, employ natural or sea colors, and use pitched roofs.”

Chapter 28.1 of the Zoning Regulations - Coastside Design Review (DR) District, Standards for Review, states in relevant part:

“The Design Review Officer shall find that the proposal conforms with the following guidelines and standards before issuance of a permit:”

(4) “Structures are located outside flood zones....” The project site is within a designated 100 year Flood Hazard Zone. New information regarding sea level rise has not been considered. The non-coastal related commercial use is proposed to be located on the ground floor.

(10) “Public views to and along the shoreline from public roads and other public lands are protected....” The County did not analyze public views from the shoreline, and erroneously stated that because of existing cypress trees along Princeton Avenue, views of the project are limited. It is likely that construction of the 24 foot driveway will require removal of one cypress tree, which will increase public views of the structure, and which will in turn block views of the coast through the trees.

(12) “The design of the structure is appropriate to the use of the property and is in harmony with the shape, size and scale of adjacent buildings in the community.” The adjacent building to the east is a two-story craftsman style conference center. The adjacent building to the west (beyond one intervening vacant lot, which is also being proposed for development with a similar futuristic design), is a two-story Cape Cod style Bed and Breakfast. Both adjacent structures have clean, simple lines and pitched roofs. The proposed project’s 32-foot high, three-story building with futuristic curvilinear roofline is NOT in harmony with the shape or size of these attractive adjacent buildings.

Coastside Commercial Recreation (CCR) Zoning Regulations

The purpose of the CCR District (in relevant part) is to limit and control the use and development of land designated CCR in order to establish commercial areas which:

- (1) are primarily oriented toward meeting the service and recreational needs of Coastside visitors, boat users and Coastside residents seeking recreation;
- (2) are active and pedestrian-oriented, while meeting the need for safe and efficient automobile access and parking;
- (3) have an intimate, human scale;
- (4) have a unified design theme appropriate to their location;
- (5) ...have a balanced diversity of uses...(listed in Section 6266 following)
- (6) provide public access to nearby coastal areas; and
- (7) protect coastal resources

The allowable uses in the CCR District are restricted to uses that are consistent with visitor serving uses. The proposed physical/occupational therapy business is not consistent with the purpose of the CCR District. The County staff erroneously determined that it would be a "compatible use", on the basis that some visitors to the coast might possibly need ongoing physical or occupational therapy while on vacation. This is an unlikely possibility, and there is no reasonable or foreseeable need for such a visitor service. Using the same logic, the County could also determine that medical and dental offices are visitor serving. The proposed residential use is incompatible with the purpose of the CCR district. Visitor serving uses and water-related uses in this zoning district can subject residents to inconveniences such as noise, glare, odors, etc. that can result in complaints brought against the other permitted uses. Allowance of residential uses fundamentally changes the character of the zoning district; already other mixed use structures in this zoning district have been marketed as high-end residential buildings.

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE

46 FREMONT STREET, SUITE 2000

SAN FRANCISCO, CA 94106-2219

VOICE (415) 904-5200 FAX (415) 904-5400

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APR 15 2009

CALIFORNIA
COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: Lennie Roberts Committee for Green Foothills

Mailing Address: 334 La Cuesta

City: Portola Valley CA Zip Code: 94028 Phone: 650-854-0947

SECTION II. Decision Being Appealed

1. Name of local/port government: San Mateo County
2. Brief description of development being appealed: Construction of a 1,622 sq. ft. three-story mixed-use building on a 3.5 ac sq. ft. parcel located between the first public road and the sea.
3. Development's location (street address, assessor's parcel no., cross street, etc.):
354 Princeton Avenue, Princeton, San Mateo Co.
APN 047-024-070
4. Description of decision being appealed (check one.):
☐ Approval; no special conditions
☒ 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-09-008
DATE FILED: April 15, 2009
DISTRICT: North Central Coast Dist.

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:

March 19, 2009

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

PLN 2006-00287

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:

Fred Herring
1741 Broadway
Redwood City, CA 94063

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)

Chris Mickelson (adjacent property owner)
P.O. Box 3234
Half Moon Bay, CA 94019

(2)

please also see County files

(3)

(4)

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

SECTION IV. Reasons Supporting This Appeal

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- 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.
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- 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.

please see Attached

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.

Committee for Green Foothills
Lennin Zolty *Legislative Advocate*

Signature of Appellant(s) or Authorized Agent

Date: 4/11/09

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: _____

Summary of Reasons for Appeal – by Committee for Green Foothills

San Mateo County File No. PLN 2006-00287

Applicant/Owner: Frederick Herring/Frederick Herring and James Shook

Location: 354 Princeton Avenue, Princeton, San Mateo County

APN: 047-024-070

The Coastal Development Permit (CDP) for this project, as approved by the San Mateo County Zoning Hearing Officer, does not comply with the County certified Local Coastal Program. In particular, the project is not in compliance with the County's LUP Shoreline Access and Visual Resources Components, as well as the Coastside Commercial Recreation (CCR) District Zoning Regulations and the Design Review Standards. Additionally, the required Findings regarding public access and public recreation under Chapter 3 of the Coastal Act cannot be made.

Project Description: The project is a 1,622 sq. ft. three-story mixed use building on a 3,500 sq. ft. parcel located on Princeton Avenue between Columbia Avenue and Broadway. The parcel is between the first public road and the sea.

Shoreline Access Component

The proposed project is located between the first public road – Princeton Avenue - and the sea – in this case, Pillar Point Harbor. As such, it must make some provision for shoreline access under both the Coastal Act Section 30212 and the County LCP.

Policy 10.1 Permit Condition for Shoreline Access states: "Require some provision for shoreline access as a condition of granting development permits for any public or private development permits (except as exempted by Policy 10.2) between the sea and the nearest road. The type of provision, the location of the access and the amount and type of improvements required shall be consistent with the policies of this component."

Policy 10.13 Commercial and Industrial Areas states: "Require the establishment and improvement of vertical (trails) and lateral (shoreline destinations) public access and parking consistent with Policy 10.22(e) as a condition for obtaining a permit for commercial and industrial development along the shoreline, except where the establishment of access would disrupt activities which are essential to public safety."

The County erroneously found that the project complied with these policies, stating in the Staff Report that there is "existing vertical access already provided by Columbia Avenue and Broadway, which originate from Princeton Avenue and end at the harbor's beach and shoreline". There is no vertical access due to the bluffs in this area and a ten foot drop from Columbia and a fifteen foot drop from Broadway to the beach below. There is rip-rap that has been placed along the bluff at the end of these streets. There is no improved access to the beach. The County also found that there is lateral access along the beach to the south (n.b., this is actually to the east). Further, the County asserts without providing any supporting documentation that there is both vertical and lateral "established access"

to the beach in this area through permit conditioning, acquisition, and/or prescriptive rights. The County Parks and Recreation Department has prepared a plan for shoreline access at the end of Broadway, and there is some funding for access in this area held by the County, but it has not been implemented. Clearly, the public access policies of the LCP and Coastal Act have not been complied with.

Visual Resources Component/ Coastsides Design Review Standards

The proposed project is a three-story structure with a curved roof and outward curving walls on the north (towards Princeton Ave.) and south (towards the ocean). Its futuristic, top-heavy design is not in keeping with the Visual Resources Component (Policy 8.13) and Design Review Standards (Section 6268) of the LCP.

Policy 8.13.b.(1) Special Design Guidelines for Coastal Communities, Commercial Development states: "Design buildings which reflect the nautical character of the harbor setting, are of wood or shingle siding, employ natural or sea colors, and use pitched roofs." The curvilinear roof is not in compliance with the requirement to use pitched roofs.

Chapter 28.1 of the Zoning Regulations - Coastsides Design Review (DR) District, Standards for Review, states in relevant part:

"The Design Review Officer shall find that the proposal conforms with the following guidelines and standards before issuance of a permit:"

(4) "Structures are located outside flood zones...." The project site is within a designated 100 year Flood Hazard Zone. New information regarding sea level rise has not been considered. The non-coastal related commercial use is proposed to be located on the ground floor.

(10) "Public views to and along the shoreline from public roads and other public lands are protected...." The County did not analyze public views from the shoreline, and erroneously stated that because of existing cypress trees along Princeton Avenue, views of the project are limited. It is likely that construction of the 24 foot shared driveway to serve this site will require removal of one cypress tree within the County Right of Way in front of the adjacent site (PLN 2006-00522 - Herring Johnson) which will increase public views of this structure, and the adjacent structure. These 32 foot high structures, located just four feet from the front property line, will in turn block ocean views through the trees. The project requires removal of a 36" Cypress tree located near the rear of the property - this may not be necessary given the revisions to the project.

(12) "The design of the structure is appropriate to the use of the property and is in harmony with the shape, size and scale of adjacent buildings in the community." The adjacent building to the west is a two-story Cape Cod style Bed and Breakfast. The adjacent building to the east (beyond one intervening vacant lot, which was approved by the County under PLN 2006-00522 for development with a similar 32 foot high mixed use building incorporating similar futuristic design, also appealed to the CCC by Committee for Green Foothills) is a two-story craftsman style conference center. Both adjacent structures have clean, simple lines and pitched roofs. The proposed project's 32-

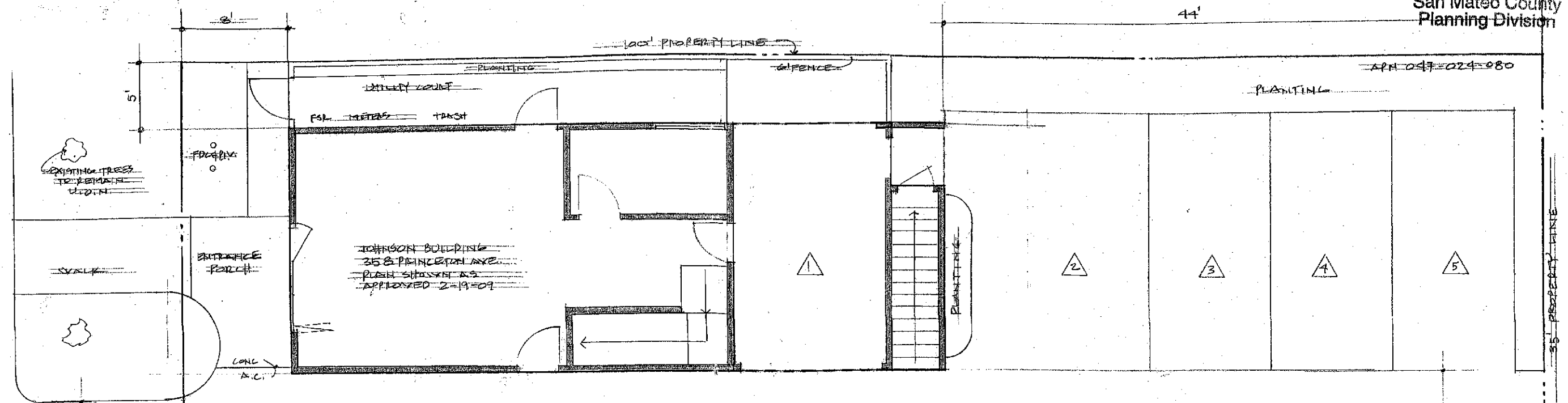
feet high, three-story building with futuristic curvilinear roofline is NOT in harmony with the shape or size of these attractive adjacent buildings.

Coastside Commercial Recreation (CCR) Zoning Regulations

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- (4) have a unified design theme appropriate to their location;
- (5) ...have a balanced diversity of uses...(listed in Section 6266 following)
- (6) provide public access to nearby coastal areas; and
- (7) protect coastal resources

The allowable uses in the CCR District are restricted to commercial uses that are primarily oriented toward meeting the service and recreational needs of Coastside visitors, boat users and Coastside residents seeking recreation. The proposed design studio and office use is not a permitted use, and does not support the required Findings for the Use Permit that it will "further the purpose" of the CCR District, as required by Section 6267 2.a. of the Zoning Regulations. The County erroneously determined that the design studio and office would be a "compatible use", based on the Applicant's assertion that Mr. Shook's design business, which specializes in the design of mass transit systems and vehicles, has also designed the interiors of boats. The web site for Shook Design (attached) indicates the company specializes in Product Design with special emphasis on automotive and passenger transportation equipment; however, there are no examples of boat design. An international product design business does not have any relationship to the service and recreational needs of Coastside visitors, boat users, and residents, and does not further the purpose of the CCR district. The proposed residential use is similarly incompatible with the purpose of the CCR district. Visitor serving uses and marine-related uses in this zoning district can subject residents to inconveniences such as noise, glare, odors, etc. that can result in complaints regarding the other permitted uses. Allowance of residential uses fundamentally changes the character of the zoning district; already other mixed use structures in this zoning district and the adjacent Waterfront district have been marketed as high-end residential buildings. Condition 23 states: "Applicant acknowledges that he understands that residents in a predominantly commercial area may from time to time be inconvenienced by neighborhood commercial activities", but there is no requirement for this statement to be recorded on the deed and run with the land, and as such is unenforceable.

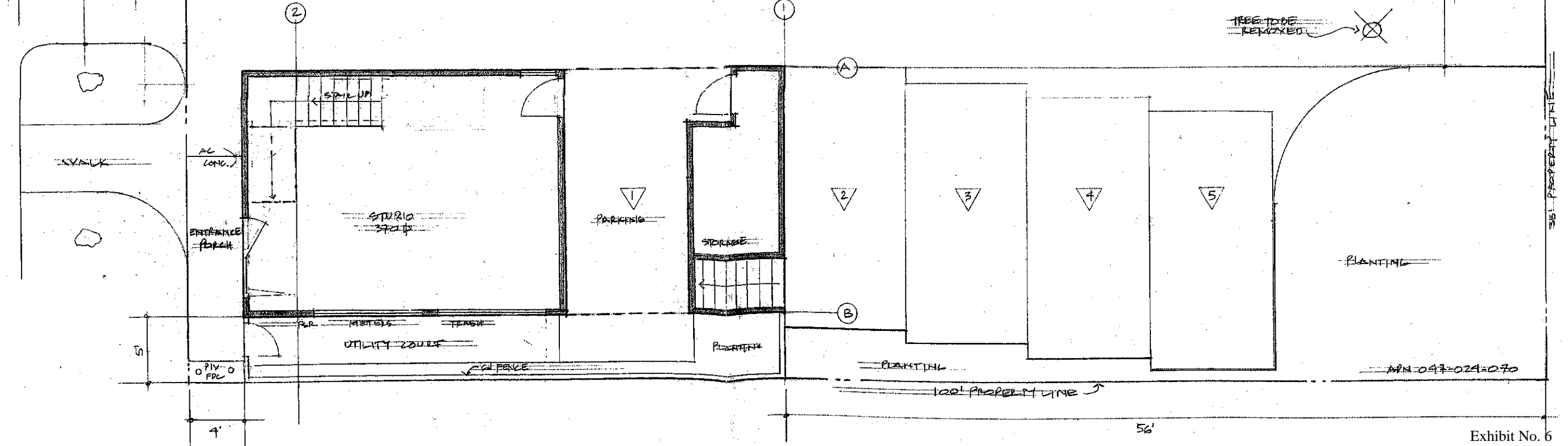


REVISED SITE PLAN - JOHNSON BUILDING

1/4" = 1' = 2" 358 PRINCETON AVE.

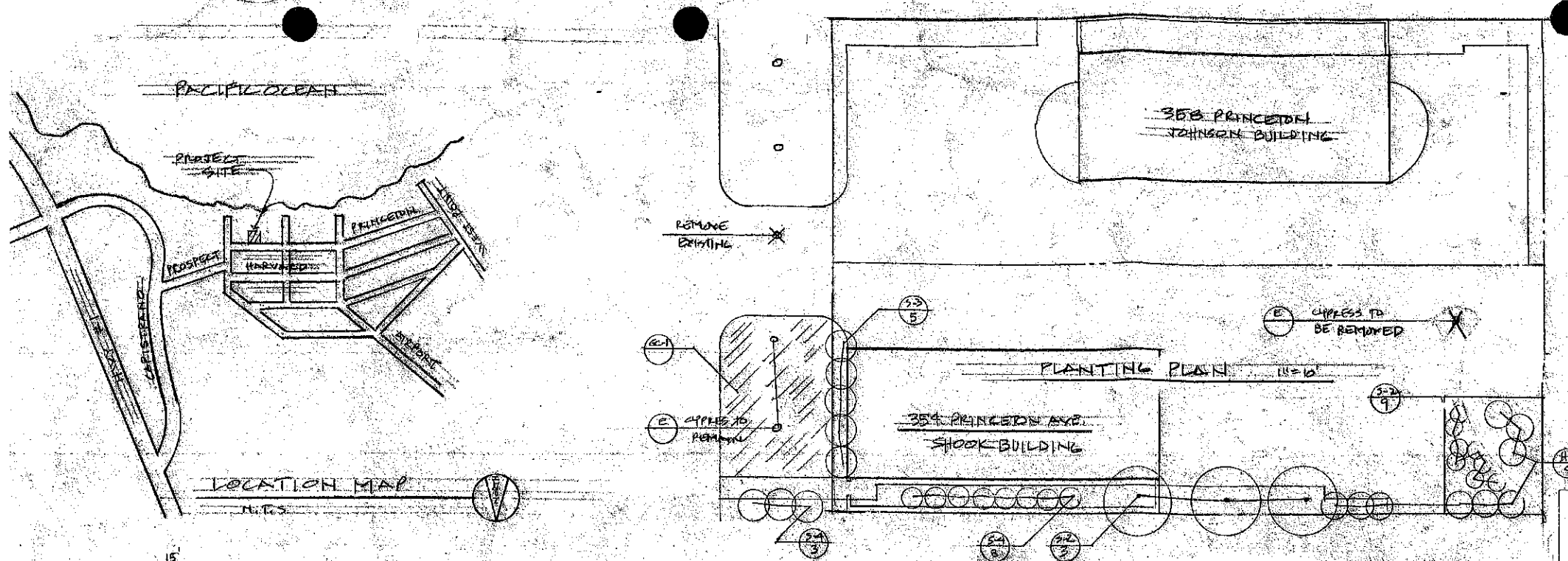
EDGE OF TRAVELLED WAY

FINISH SIDEWALK LOCATION
AS DETERMINED ON SITE
BY SAN MATEO COUNTY
OFFICIALS

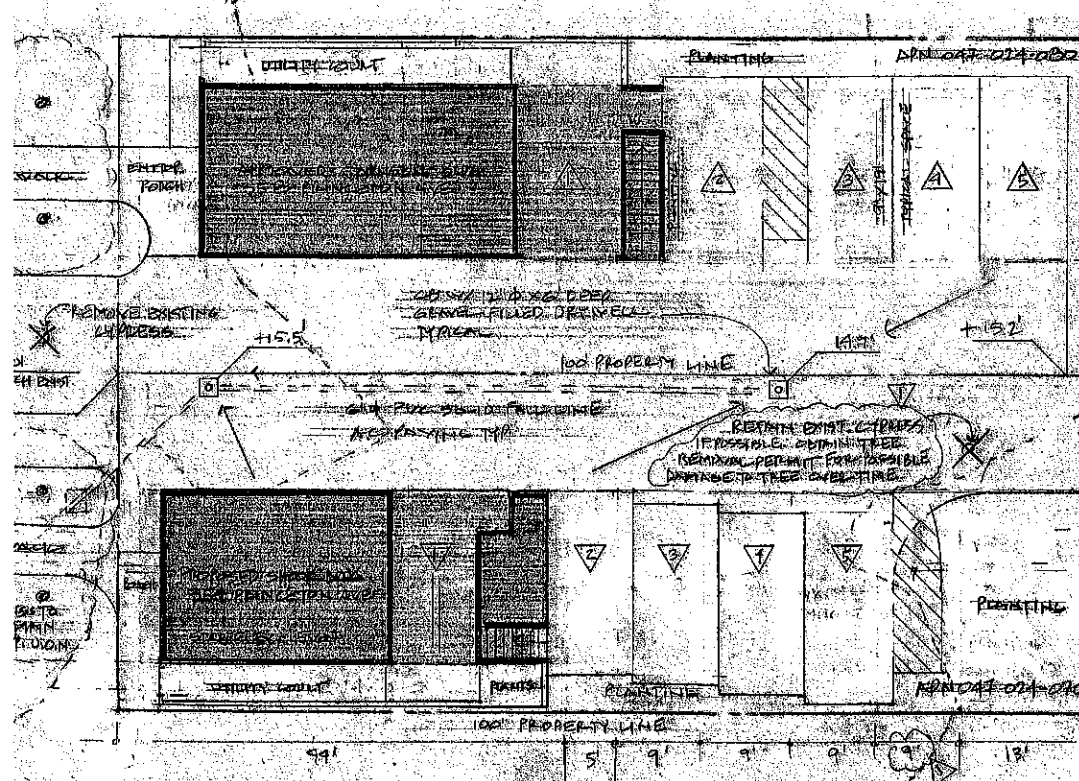


REVISED GROUND FLOOR & SITE PLAN - SHOOK BUILDING

1/4" = 1' = 2" 354 PRINCETON AVE.



PLANT LIST		
TREES:		
P-1	LEPTOSPERMUM LAEVIATUM AUSTRALIAN TEE TREE	15 GAL.
SHRUBS:		
S-1	CEANOTHUS G. 'SANTA ANA' MASS IN GROUPS OF THREE	5 GAL.
S-2	ALBUTUS UNED. 'COMPACTA' DYKE STRAWBERRY TREE	15 GAL.
S-3	AUNE ARBORESCENS	1 GAL.
S-4	LAURATEA A. 'BAMBLEY PARK'	5 GAL.
HERBS:		
H-1	TUNIPERUS CHINENSIS KAMZURE (TONGGOS)	5 GAL.
H-2	PAPRILORIS INIZIA GUSSE Z. INDIA HAWTHORN	1 GAL.
GROUND COVER:		
G-1	LIMNOMIA PETERII (SALICE) SEIK LARKENBOM	1 GAL.

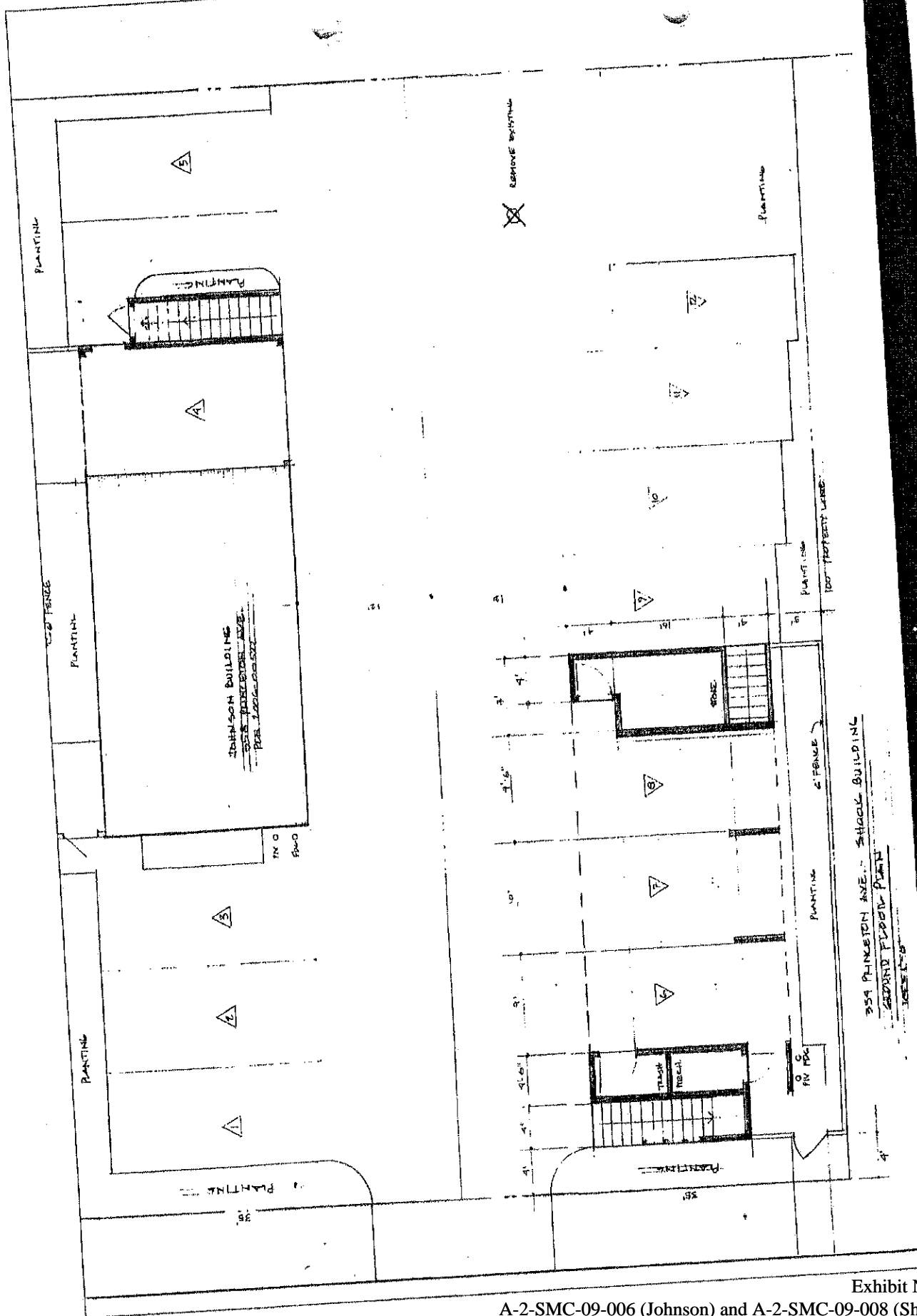


INDEX TO DRAWINGS	
SHEET #	DESCRIPTION
COVER	PHOTO OF MODELS - SHOOK BUILDING V. ADJACENT JOHNSON BUILDING
1	PHOTO - MODEL OF SHOOK BUILDING
2	PROTECT DATA, LOCATION MAP, PLANTING PLAN, PLANT LIST, GENERAL SITE PLAN
3	GROUND FLOOR PLAN
4	MAIN FLOOR PLAN, ROOF PLAN EXTERIOR ELEVATIONS
5	TOP FLOOR PLAN, BUILDING SECTION, EXTERIOR ELEVATIONS
5.1	VERTICAL CONTROL PLANS

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FEB 23 2009
San Mateo County
Planning Division

PROTECT DATA	
PROPERTY:	
354 PRINCETON AVE.	
PRINCETON - BY-THE-SEA	
AP. 042-024-070	
PLOT COVERAGE:	
858 ID. BLD. FOOTPRINTS CHANGE = 24.57.	
35000 LOT AREA	
FLOOR AREA:	
GROUND FLOOR	156
MAIN FLOOR	706
COMMERCIAL SUBTOTAL	1162
TOP FLOOR STR. RESID.	718
TOTAL FLOOR AREA =	1910.0
COVERED PARKING AREA	162.0
BUILDING SETBACKS: ROOF	
FRONT (NORTH)	0'
SIDE (WEST)	5'
REAR (SOUTH)	0'
SIDE (EAST)	10'
BUILDING HEIGHT	
32' MAX. PROPOSED ≤ 36' PERMITTED	
SEEDING: MINIMAL < 150 C.Y.P.S.	
CLEVEL PARCEL	
PARKING: 5 SPACES WHERE 5 REQD	

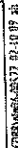
354 PRINCETON AVE., SHOOK BUILDING, PRINCETON-BY-THE-SEA, CA



Attachment: Ground Floor Plan C

San Mateo County Zoning Hearing Officer's Meeting

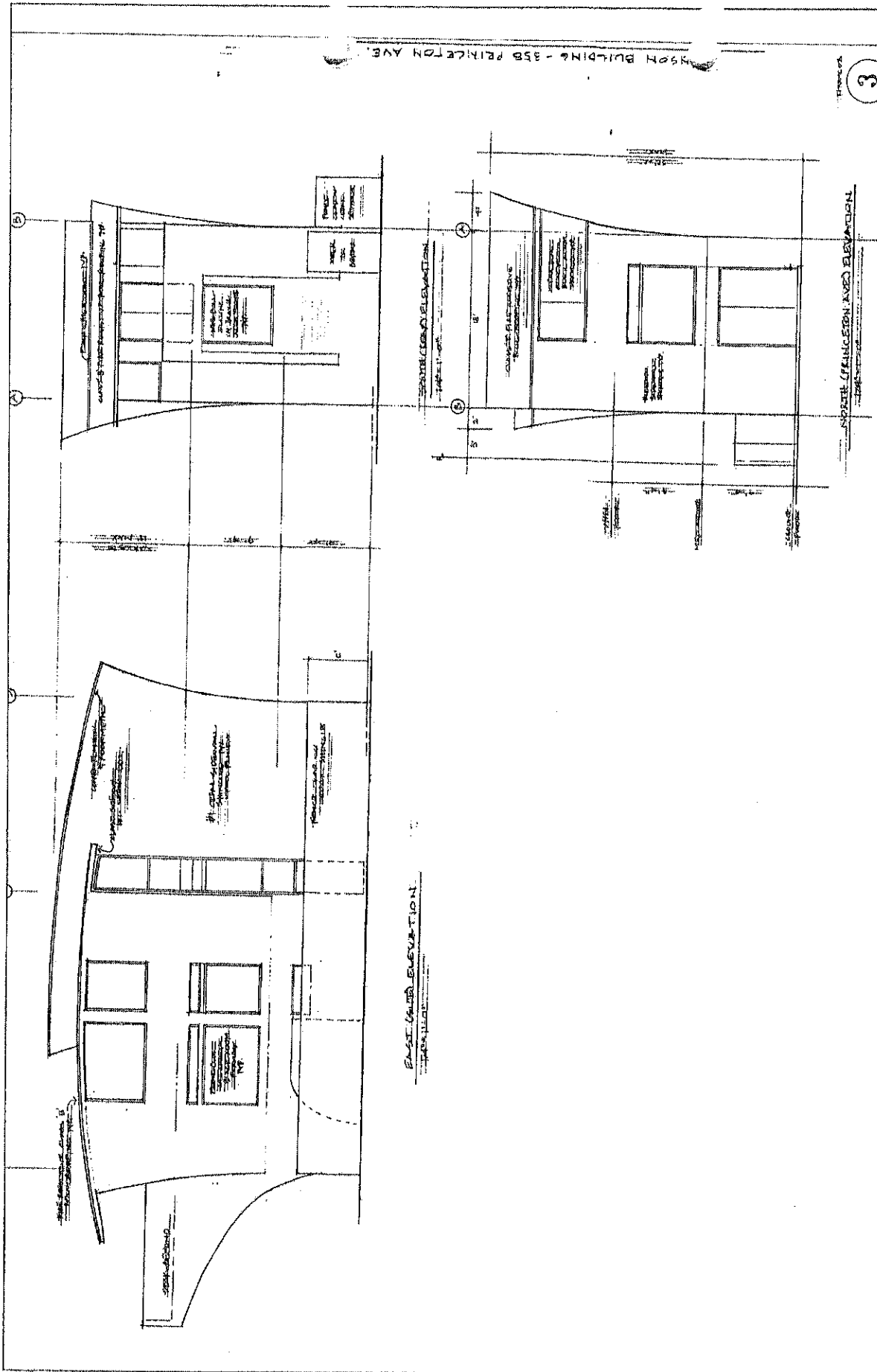
Owner/Applicant: Fred Herring
File Numbers: PLN 2006-00522



Attachment:

Owner/Applicant: Fred Herring

File Numbers: **PLN 2006-00522**



San Mateo County Zoning Hearing Officer's Meeting

Owner/Applicant: Fred Herring

File Numbers: PLN 2006-00522

Attachment: Elevation

C



Attachment: Roof Plan

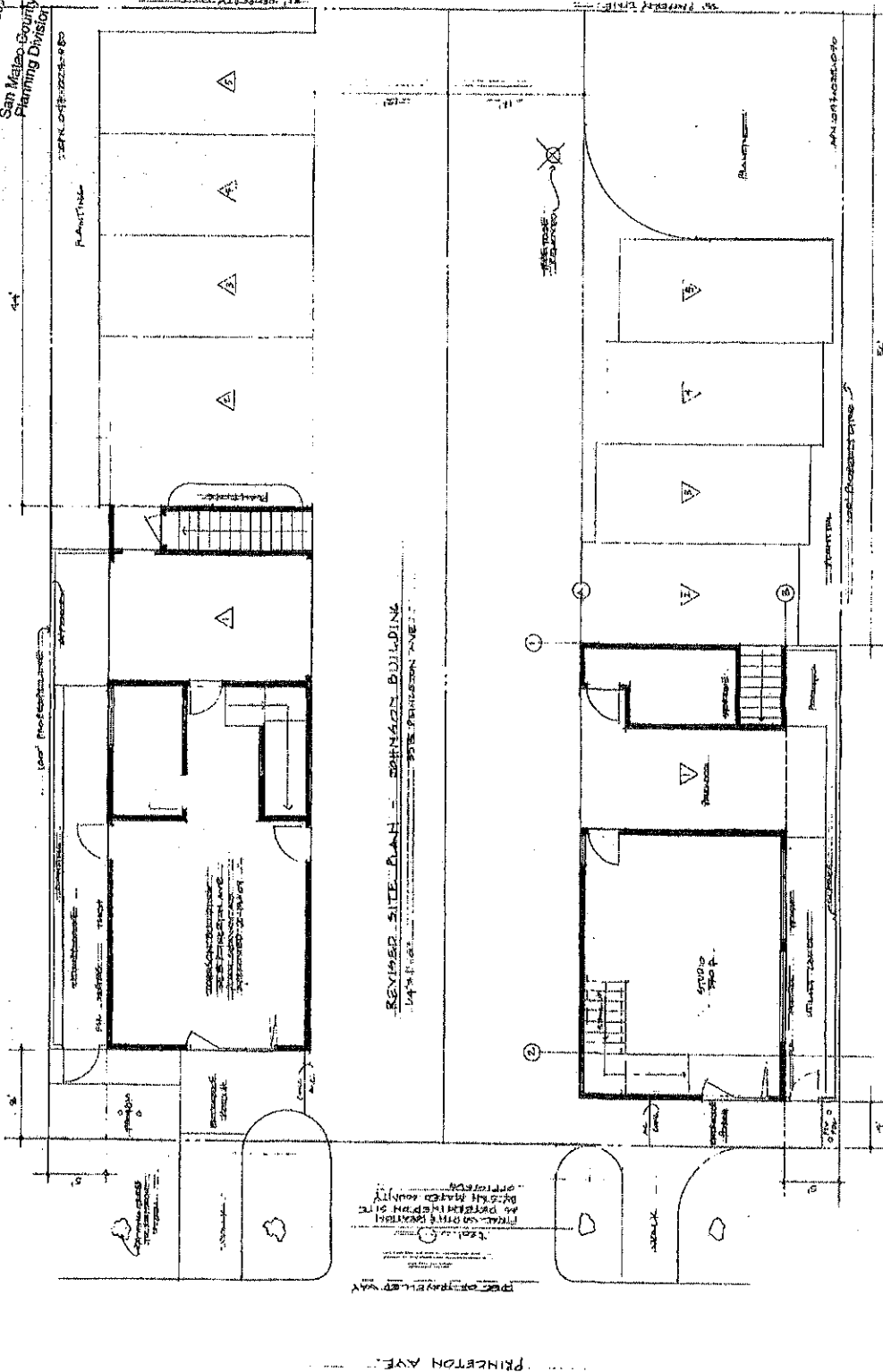
File Numbers: **PLN 2006-00522**

RECEIVED

FEB 23 2009

San Mateo County
Planning Division

PLAN 006-00287-000



REVISED SITE PLAN - JOHNSON BUILDING

REVISED GROUND FLOOR & SITE PLAN - SHOOK BUILDING

COMMIT @ 2009 - HERRING & WORLEY INC - 1741 BROADWAY, REDWOOD CITY, CA 94063 - (650) 361-1441

San Mateo County Zoning Hearing Officer's Meeting

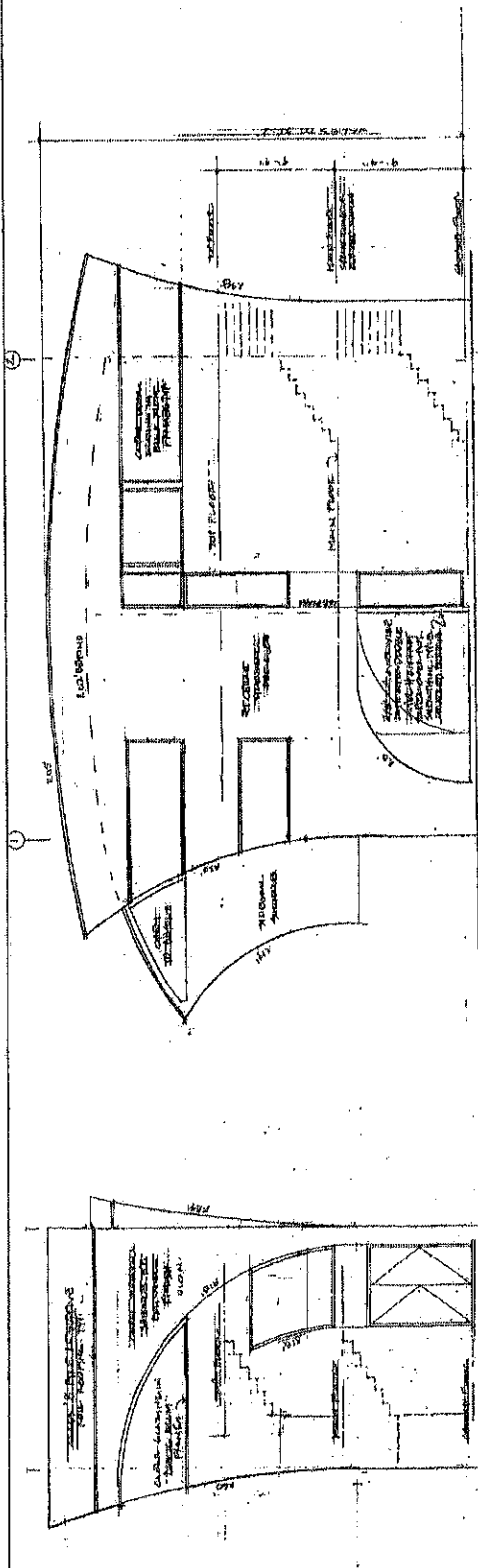
Applicant: Herring & Worley, Inc.

Attachment: Ground Floor Plan

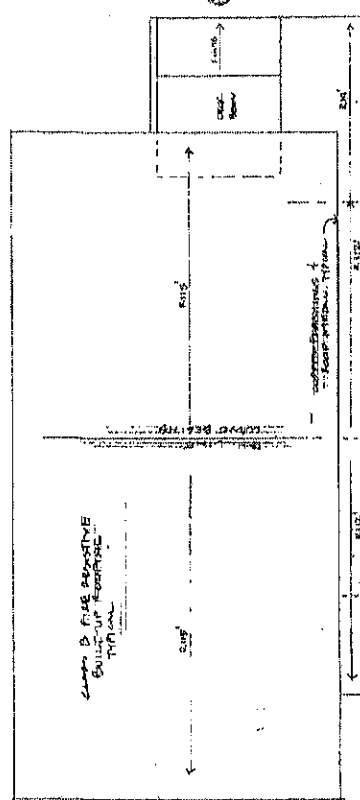
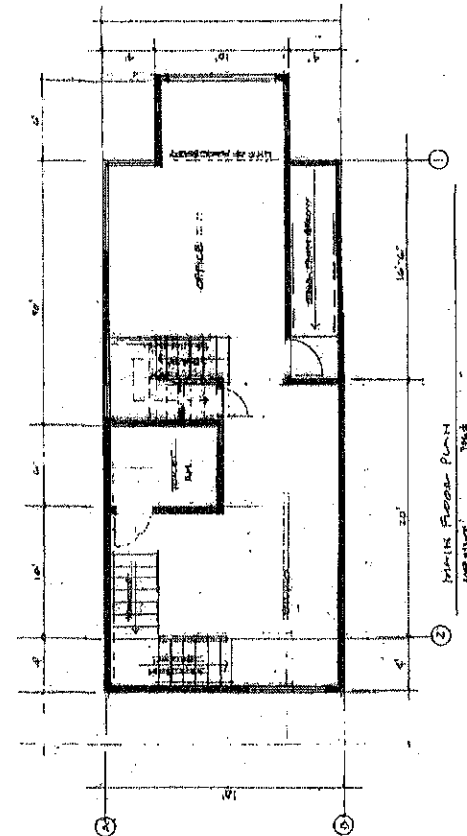
File Numbers: PLN 2006-00287

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006-00287-000



RECEIVED
 FEB 23 2009
 San Mateo County
 Planning Division



San Mateo County Zoning Hearing Officer's Meeting

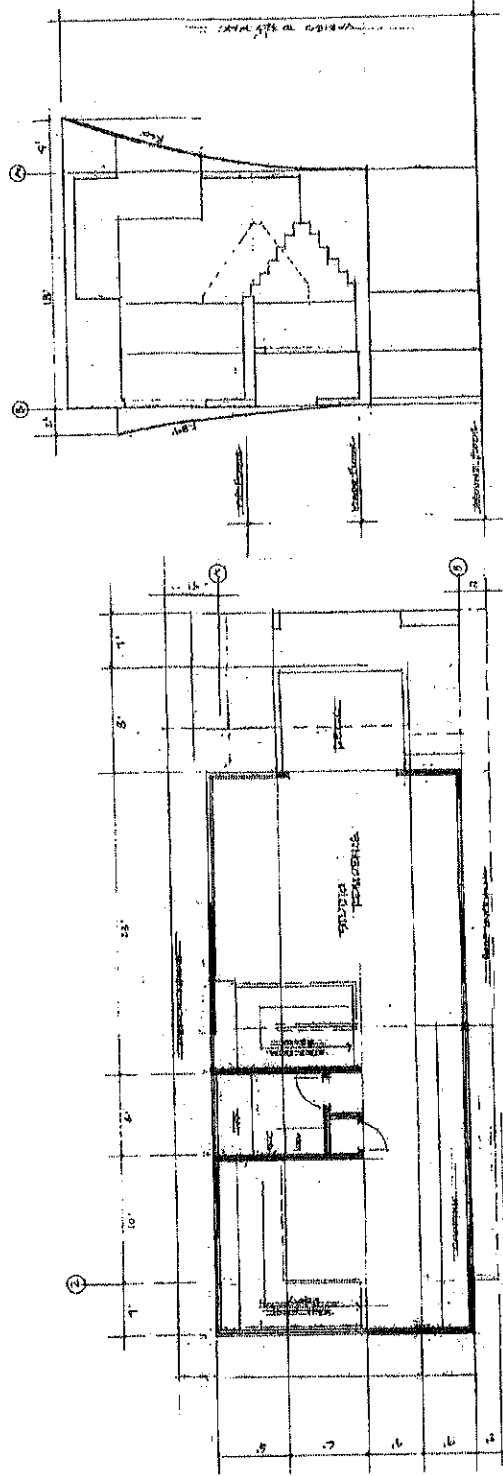
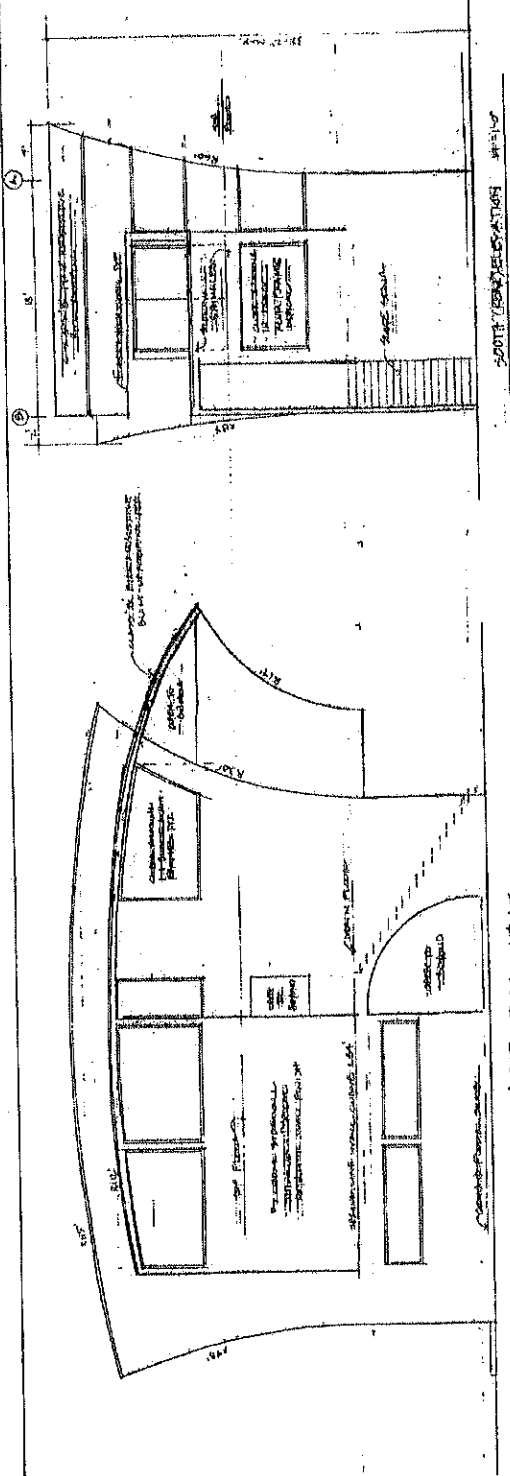
Applicant: Herring & Worley, Inc.

File Numbers: PLN 2006-00287

Attachment: Main Floor Plan

"C"

RECEIVED
 FEB 23 2003
 San Mateo County
 Planning Division



BUILDING SECTION

San Mateo County Zoning Hearing Officer's Meeting

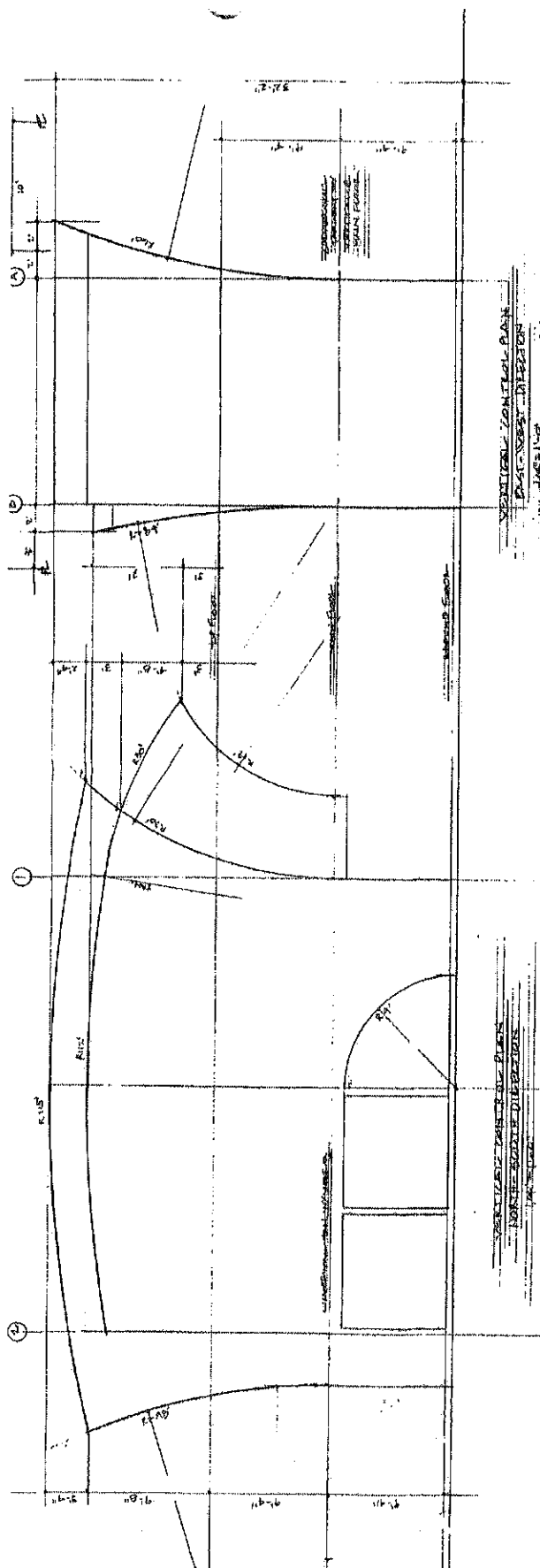
Applicant: **Herring & Worley, Inc.**

File Numbers: **PLN 2006-00287**

Attachment: **Elevation**

"C"

003-jan-4-2007 03:11:00



San Mateo County Zoning Hearing Officer's Meeting

Applicant: **Herring & Worley, Inc.**

File Numbers: PLN 2006-00287

Attachment: Vertical Control Plan

11

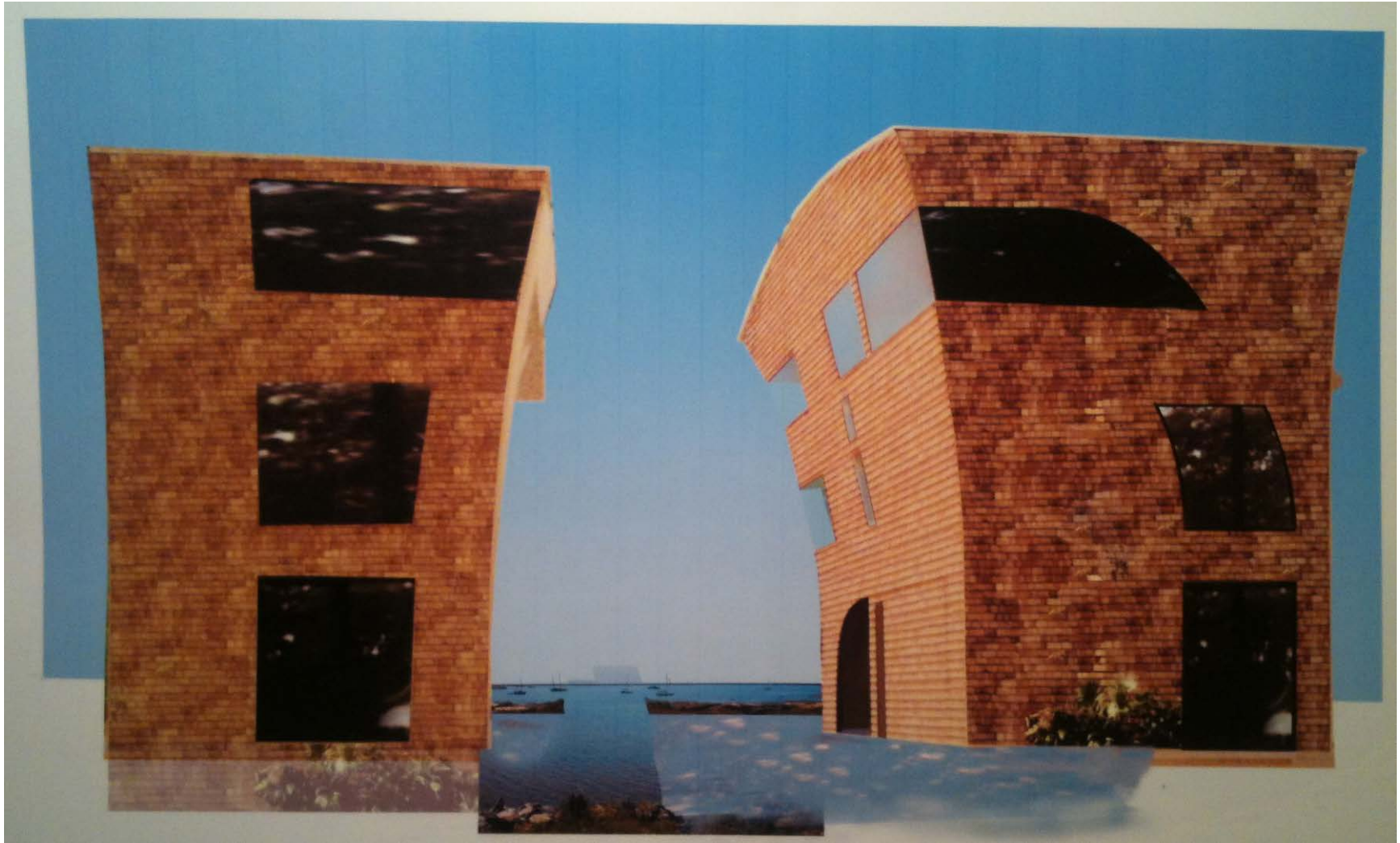


Exhibit No. 8
A-2-SMC-09-006 (Johnson) and A-2-SMC-09-008 (Shook)
Visual Simulations
Page 1 of 2

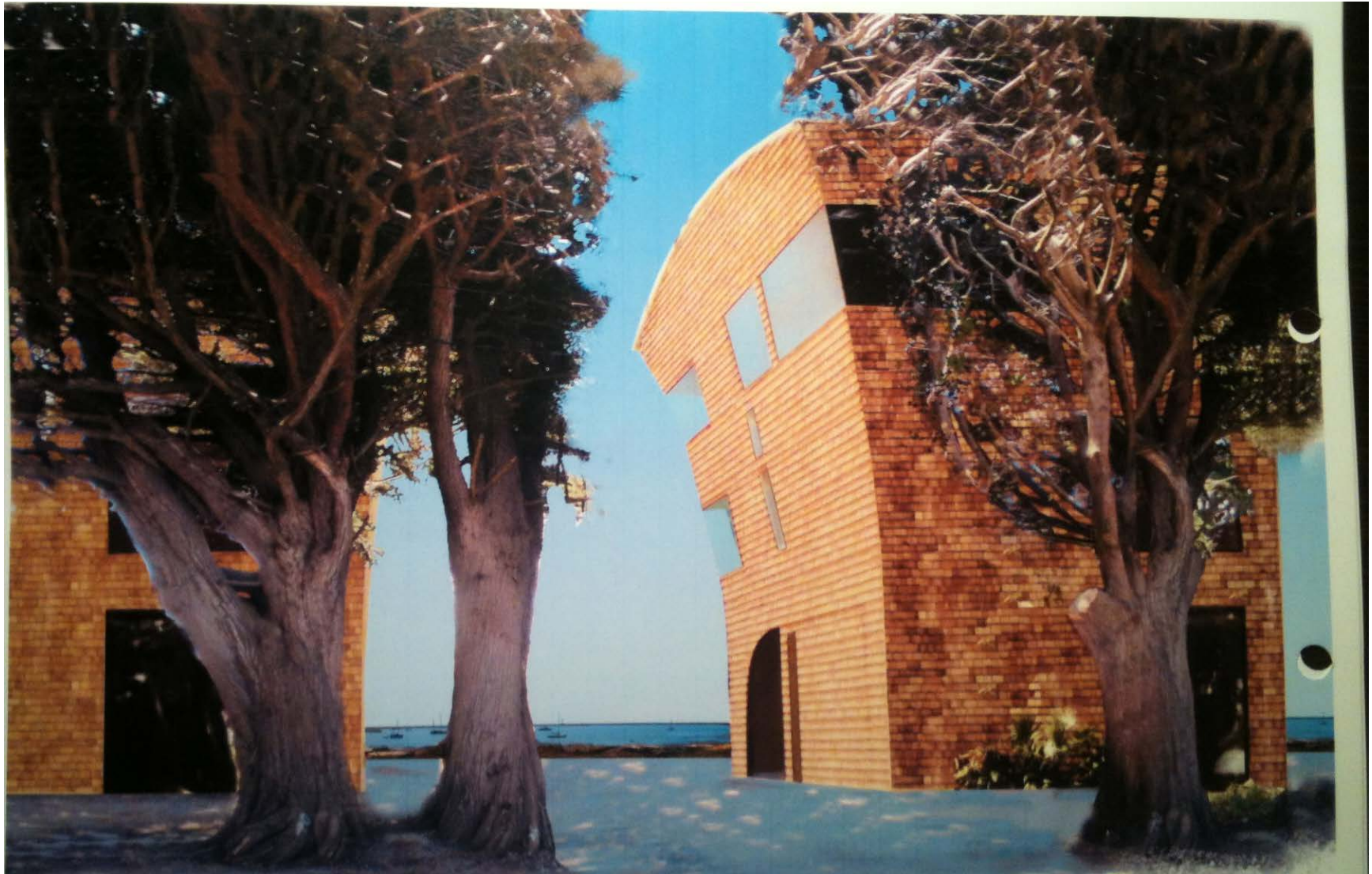


Exhibit No. 8
A-2-SMC-09-006 (Johnson) and A-2-SMC-09-008 (Shook)
Visual Simulations
Page 2 of 2

Applicable LCP and Coastal Act Policies

Location of Development Policies

LCP Policy 1.3 (Definition of Urban Areas) states:

a. Define urban areas as those lands suitable for urban development because the area is either: (1) developed, (2) subdivided and zoned for development at densities greater than one dwelling unit/5 acres, (3) served by sewer and water utilities, and/or (4) designated as an affordable housing site in the Housing Component.

Hazards Policies

LCP Policy 9.3 (Regulation of Geologic Hazard Areas) states:

Apply the following regulations of the Resource Management (RM) Zoning Ordinance to designated geologic hazard areas:

- a. Section 6324.6 - Hazards to Public Safety Criteria.*
- b. Section 6326.2 - Tsunami Inundation Area Criteria.*
- c. Section 6326.3 - Seismic Fault/Fracture Area Criteria. Require geologic reports prepared by a certified engineering geologist consistent with "Guidelines for Geologic/Seismic Reports" (CDMG Notes #37) for all proposed development.*
- d. Section 6326.4 - Slope Instability Area Criteria.*

9.10 Geological Investigation of Building Sites

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

“Hazards areas” and “hazards” are defined as those geotechnical hazards shown on the current Geotechnical Hazards Synthesis Maps of the General Plan and the LCP Hazards Maps. A copy of the report of all geologic investigations required by the California Division of Mines and Geology shall be forwarded to that agency.

9.11 Shoreline Development

Locate new development (with the exception of coastal-dependent uses or public recreation facilities) in areas where beach erosion hazards are minimal and where no additional shoreline protection is needed.

Visual Resources Policies

LCP Policy 8.4 (Cliffs and Bluffs) states, in part:

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

LCP Policy 8.5 (Location of Development) states, in part:

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

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

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

[...]

LCP Policy 8.12 (General Regulations) states:

- a. Apply the Design Review (DR) Zoning District to urbanized areas of the Coastal Zone.*
- b. Employ the design criteria set forth in the Community Design Manual for all new development in urban areas.*
- c. Locate and design new development and landscaping so that ocean views are not blocked from public viewing points such as public roads and publicly-owned lands.*

LCP Policy 8.13 (Special Design Guidelines for Coastal Communities) states, in part:

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

b. Princeton-by-the-Sea (1) Commercial Development: Design buildings which reflect the nautical character of the harbor setting, are of wood or shingle siding, employ natural or sea colors, and use pitched roofs.

LCP Policy 7.1 (Definition of Sensitive Habitats) states:

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

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

LCP Policy 7.2 (Designation of Sensitive Habitats) states:

Designate sensitive habitats as including, but not limited to, those shown on the Sensitive Habitats Map for the Coastal Zone.

LCP Policy 7.3 (Protection of Sensitive Habitats) states:

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.

Coastal Act Policies:

Section 30210 Access; recreational opportunities; posting

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 Development not to interfere with access

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 New development projects

(a) *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

(b) *For purposes of this section, "new development" does not include:*

(1) *Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.*

(2) *The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.*

(3) *Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.*

(4) *The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.*

(5) *Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.*

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) *Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.*

Section 30213 Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Section 30221 Oceanfront land; protection for recreational use and development

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30240 Environmentally sensitive habitat areas; adjacent developments

[...]

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The County's LCP includes strong policies regarding public access and recreation:

LCP Policy 10.1 (Permit Conditions for Shoreline Access) states:

Require some provision for shoreline access as a condition of granting development permits for any public or private development permits (except as exempted by Policy 10.2) between the sea and the nearest road. The type of provision, the location of the access and the amount and type of improvements required shall be consistent with the policies of this component.

10.13 Commercial and Industrial Areas

Require the establishment and improvement of vertical (trails) and lateral (shoreline destinations) public access and parking consistent with Policy 10.22(e) as a condition for obtaining a permit for commercial and industrial development along the shoreline, except where the establishment of access would disrupt activities which are essential to public safety.

11.2 Definition of Commercial Recreation Facilities

Define commercial recreation facilities as developments serving primarily a recreation function which are operated by private business for profit and are exclusively available to the general public. Commercial recreation facilities include, but are not limited to, beaches, stables, golf courses, specialty stores and sporting equipment sales and rentals.

LCP Policy 11.7 (Urban Areas) states:

a. Permit visitor-serving and commercial recreation facilities to locate within enclosed buildings in areas designated as Coastsides Commercial Recreation and Neighborhood Commercial.

b. Designate areas as Coastsides Commercial Recreation on the Land Use Map which are: (1) near or along the shoreline, (2) already developed with visitor-oriented commercial facilities, and (3) separated from neighborhood-oriented commercial areas, or (4) subdivided land in Princeton west of Denniston Creek if (a) additional land area is needed to support coastal-dependent, commercial fishing and recreational boating activities, (b) permitted development is directly supportive of these activities (those projects which provide lower cost restaurants, overnight accommodations and other required services are preferred), and (c) a deed restriction which provides notice that adjacent marine related industrial uses have priority in this area and

that new CCR uses may be subject to inconvenience arising from the reasonable execution of such activities is obtained as part of the permit process.

c. Permit uses in Coastsides Commercial Recreation areas which (1) serve primarily visitors or boating and fishing, (2) contribute to the creation of a coastally related commercial area or would uniquely enhance coastal recreation at that location, and (3) are pedestrian or boat oriented. Such facilities include: restaurants, public restrooms, hotels, motels, sporting goods sales and rentals, specialty shops, ship chandleries, fish processing and buying, harbor administration, and marine supply stores.

d. Apply Coastsides Commercial District zoning regulations in such designated areas.

e. Permit public recreation facilities in urban areas.

Zoning Regulations/Implementation Plan (IP)

IP SECTION 6265. PURPOSE

The purpose of the Coastsides Commercial Recreation

District is to limit and control the use and development of land designated as commercial recreation in the Local Coastal Program in order to establish commercial areas which:

- 1. are primarily oriented toward meeting the service and recreational needs of Coastsides visitors, boat users and Coastsides residents seeking recreation;*
- 2. are active and pedestrian-oriented, while meeting the need for safe and efficient automobile access and parking;*
- 3. have an intimate, human scale;*
- 4. have a unified design theme appropriate to their location;*
- 5. size of the district permitting, have a balanced diversity of uses, within the limits of Section 6266(a);*
- 6. provide public access to nearby coastal areas; and*
- 7. protect coastal resources.*

IP SECTION 6266. DEFINITIONS.

[...]

8. Indoor Retail Sales, Rental and Repair Establishments (2.05.10)

Commercial establishments which serve the general public that are engaged in the sale, rental and/or repair of goods, merchandise and equipment with all storage of such items within a fully enclosed, covered building.

[...]

15. Multiple-Family Dwellings - Mixed Use (1.04.20)

Single or multiple dwelling units, located above the first floor of the main building on the parcel. The floor area of the dwelling units shall not exceed the floor area of the commercial uses occupying the building.

16. Other Compatible Uses (10.01.10)

Additional land uses may be allowed if the Planning Director determines that the proposed use is consistent with the purpose of the district and compatible with other permitted land uses in the district.

IP SECTION 6267. USES PERMITTED.

1. A use permit, as provided in Chapter 24 of this Part, shall be required for specified uses in the “CCR” District. The requirement for a use permit shall apply to all new construction or upon alteration of, addition to, or change in occupancy or use of, a structure legally in existence prior to adoption of this Chapter.

2. The granting of a use permit as required in Section 6267(a) shall be based on the following required findings, in addition to those specified in Chapter 24 of this Part:

a. The design and operation of the proposed use will further the purpose of this Chapter as stated in Section 6265.

b. The design and operation of the proposed use will conform with the development standards stated in Section 6269.

3. Prior to granting a use permit for any parcel, the granting authority may require the owner of that parcel to submit a site plan for all lands owned or controlled by the owner, in total or in part, in the same CCR District. The site plan shall be reviewed and approved by the granting authority prior to approval of any use permit for property shown thereon. The site plan shall show ultimate development plans including: property lines; streets, parking, pedestrian and bicycle facilities; building sites and all proposed structures; reserved open space; coastal access routes; and major natural and manmade landscape features. In subsequent use permit applications, the owner or his/her successors in interest shall make reference to the approved site plan and explain any proposed changes to it...
[...]

D. RETAIL SALES, RENTAL AND REPAIR ESTABLISHMENTS MODULE (TSW-2)

[...]

2. Indoor Retail Sales, Rental and Repair Establishments (limit at 2,500 sq. ft. floor area per establishment) (2.05.10)

Use not allowed in Shoreline Area

Use allowed in Inland Area

[...]

G. MULTIPLE-FAMILY DWELLINGS - MIXED USE MODULE (RES-5)

Multiple-Family Dwellings - Mixed Use (1.04.20)

Use allowed in Shoreline Area

Use allowed in Inland Area

[....]

M. OTHER COMPATIBLE USES MODULE (OCU-1)

Other Compatible Uses (10.01.10)

Use allowed in Shoreline Area

Use allowed in Inland Area

[...]

SECTION 6268. DESIGN REVIEW.

Design Review ("DR") district regulations, as set forth in Chapter 28.1 of this Part, shall apply in all "CCR" Districts. Development must comply with the design guidelines and criteria of the Community Design Manual and the Local Coastal Program Visual Resources and Special Communities Component.

SECTION 6269. DEVELOPMENT STANDARDS.

All new development must meet the following minimum standards. Where appropriate, more restrictive requirements may be imposed as a condition of use permit approval.

1. Coastal Access. All development between the mean high tide line and the nearest public road must comply with the requirements of the Local Coastal Program Shoreline Access Component. In addition, as a condition of use permit approval, all development in the CCR District may be required to provide easements or dedicated right-of-ways for trails or pathways connecting upland areas to established shoreline access points, or as part of a trail or pathway included in the Local Coastal Program Recreation and Visitor Serving Facilities Component or Bikeways Plan.

2. Protection of Coastal Resources. Development shall be located and designed so as to provide maximum feasible protection of coastal resources, including, but not limited to, marine views, significant natural landforms, major vegetation and marine, estuarine and riparian habitats. To achieve this objective, development must comply with the requirements of the Local Coastal Program Sensitive Habitats and Visual Resources Components. Appropriate restrictions, such as increased setbacks, reduced height limits and reduced lot coverage, may be imposed as conditions of use permit approval.

3. Building Height Limit. The maximum building height is thirty-six (36) feet, except when a lower limit is imposed in accordance with this Chapter, and except in areas east of Denniston Creek, where the maximum building height shall be twenty-eight (28) feet from the natural or finished grade, whichever is lower. Height is measured from finished grade to the highest point of the roof.

4. Lot Coverage. Not more than fifty (50) percent of the building site may be covered by buildings.

5. Yards Required. Side yard setbacks: A combined total of fifteen (15) feet with a minimum of five (5) feet on any side is required.

6. *Siting. Structures and parking areas must be sited in a manner which maximizes public views of, and access to, the shoreline or ocean.*

7. *Landscaping. Landscaping must be provided in the following areas:*

- a. Yards. All yards abutting a public street, except that portion necessary for driveways and sidewalks. All landscaping must be cared for and maintained in a clean and neat condition.*
- b. Parking Areas. In accordance with Chapter 3 of this Part, where Chapter 3 would require more than 10 off-street parking spaces for development within a 1/4 mile along the nearest public road from an established shoreline access, a minimum of twenty (20) percent of these parking spaces shall be available for shoreline access parking between 10:00 a.m. and 4:00 p.m. Signs shall be posted designating spaces available for shoreline access parking.*
- c. Additional Landscaping Requirements. In certain cases, landscaping may be required as a condition of use permit approval in order to: (a) provide a buffer between dissimilar uses, (b) screen equipment or materials stored out of doors, or (c) enhance the appearance of buildings.*

8. *Loading. Where feasible, a loading bay for loading and unloading may be required on site in order to minimize traffic hazards and congestion on roadways.*

SECTION 6324.6. HAZARDS TO PUBLIC SAFETY CRITERIA.

(a) Reasonable and appropriate setbacks from hazardous areas shall be provided within hazardous areas defined within the Conservation, Open Space, Safety, and Seismic Safety Elements of the San Mateo County General Plan.

(b) No development shall disrupt the natural erosion and transport of sand or other beach material from coastal watersheds into the coast's littoral circulation system where such disruption will significantly accelerate shoreline erosion.

(c) Notwithstanding the permitted development density under this Ordinance, areas shall not be used for placement of structures: 1) which are severely hazardous to life and property due to soils, geological, seismic, hydrological, or fire factors; 2) whose development would pose a severe hazard to persons or property outside the proposed development; or 3) for which elimination of such hazards would require major modification of existing land forms, significant removal or potential damage to established trees or exposure of slopes which cannot be suitably revegetated.

(d) No noxious chemical, petroleum or other flammable liquids, or other potentially hazardous materials shall be stored or manufactured in any hazard area as defined in Section 6326.

(e) No electric substations, domestic water pumping facilities, sewage treatment, pumping, or disposal facilities shall be located in any hazards areas indicated in Section 6326 unless the County Engineer certifies that direct damage or indirect threat to public health and safety would be unlikely in the event of occurrence of the designated hazard(s).

(f) No land shall be developed which is held unsuitable by the Planning Commission for its proposed use for reason of exposure to fire, flooding, inadequate

drainage, soil and rock formations with severe limitations for development, susceptibility to mudslides or earth slides, severe erosion potential, steep slopes, inadequate water supply or sewage disposal capabilities, or any other feature harmful to the health, safety or welfare of the future residents or property owners of the proposed development or the community-at-large. To determine the appropriateness of development the following shall be considered:

- 1. The danger to life and property due to the designated hazards caused by excavation, fill, roads, and intended uses.*
- 2. The danger that structures or other improvements may slide or be swept onto other lands or downstream to the injury of others.*
- 3. The adequacy of proposed water supply and sanitation systems, and the ability of those systems to prevent disease, contamination and unsanitary conditions during or following a hazardous event or condition.*
- 4. The susceptibility of the proposed facility and its contents to potential damage, and the effect of such damage to the property.*

SECTION 6326.2. TSUNAMI INUNDATION AREA CRITERIA.

The following criteria shall apply within all areas defined as Tsunami Inundation Hazard Areas:

(a) The following uses, structures, and development shall not be permitted: publicly owned buildings intended for human occupancy other than park and recreational facilities; schools, hospitals, nursing homes, or other buildings or development used primarily by children or physically or mentally infirm persons.

(b) Residential structures and resort developments designed for transient or other residential use may be permitted under the following circumstances:

- 1. The applicant submits a report prepared by a competent and recognized authority estimating the probable maximum wave height, wave force, run-up angle, and level of inundation in connection with the parcel or lot upon which the proposed development is to be located.*
- 2. No structure covered by this section shall be allowed within that portion of the lot or parcel where the projected wave height and force is fifty (50) percent or more of the projected maximum, unless: (a) the highest projected wave height above ground level at the location of the structure is less than six (6) feet, (b) no residential floor level is less than two (2) feet above that wave height, and (c) the structural support is sufficient to withstand the projected wave force.*
- 3. No structure covered by this section shall be allowed within that portion of the lot or parcel where the projected wave height and force is less than fifty (50) percent of the projected maximum unless the requirements of subsection b, 2), (a), and (c) are satisfied and the residential flood level is at least one (1) foot above the highest projected level of inundation.*

4. Permission under this subsection shall not be granted if the Planning Commission determines that sufficient data, upon which the report required by subsection 1) must be based, is unavailable and cannot feasibly be developed by the applicant.

SECTION 6565.17. STANDARDS FOR DESIGN IN OTHER AREAS. The following design standards shall apply in other areas zoned Design Review.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 6825.3 COASTAL HIGH HAZARD AREAS

Coastal High Hazard Areas are located within Areas of Special Flood Hazard established in Section 6824.2. These areas have special flood hazards associated with high velocity waters from coastal and tidal inundation and tsunamis. A permit for development in a Coastal High Hazard Area may be issued in accordance with the procedures established in Section 6826 provided:

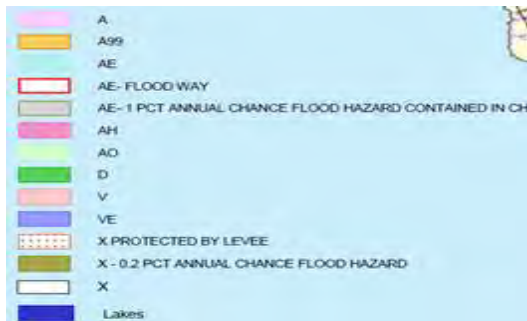
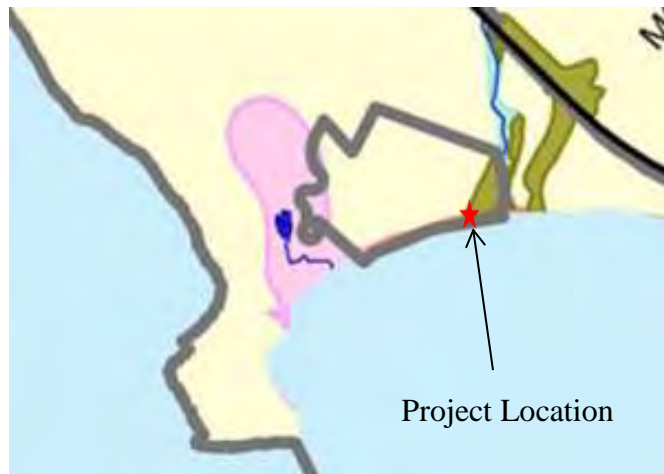
(a) All buildings or structures shall be located landward of reach of the mean high tide.

(b) Man-made alteration of sand dunes which would increase potential flood damage is prohibited.

(c) The development is in compliance with applicable Standards of Construction contained in Section 8131, the Standards of Manufactured Homes contained in Section 8132, the Standards for Coastal High Hazard Areas in Section 8133 and the Standards for Water Supply and Sewage Systems contained in Section 8309 of the San Mateo County Ordinance Code, Building Regulations.

(d) The use is consistent with the General Plan and permitted by the zoning district in which the use is to be located or conducted, and all required permits and approvals are obtained.

FEMA Flood Hazard Map for Johnson and Shook Project Location



PLACE HOLDER - FEMA Flood Hazard Map



COASTAL ACCESS AT COLUMBIA



**COASTAL TRAIL LOOKING SOUTH
FROM PROSPECT WAY**



COASTAL TRAIL
SEGMENT LOCATED ALONG PROSPECT WAY



**BEACH ACCESS OFF OF COASTAL TRAIL
SEGMENT LOCATED ALONG PROSPECT WAY**



COASTAL ACCESS AT BROADWAY







LAND USE MAP

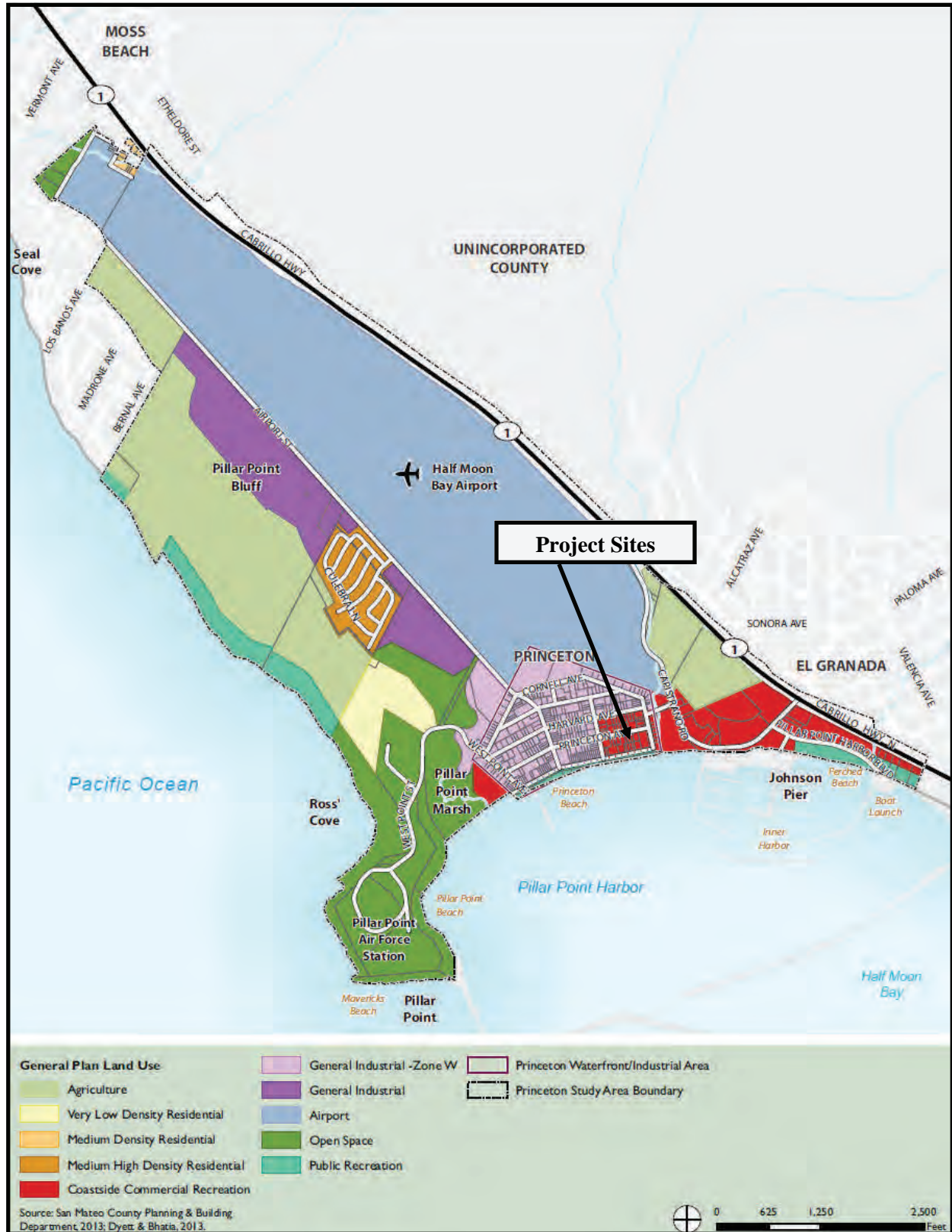


Exhibit No. 14
A-2-SMC-09-006 (Johnson) and A-2-SMC-09-008 (Shook)
Land Use Map

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
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SAN FRANCISCO, CA 94105
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**Memorandum****August 13, 2014**

To: Commissioners and Interested Parties

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

Re: *Additional Information for Commission Meeting
Friday, August 15, 2014*

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>	<u>Page</u>
F10a & F10b	A-2-SMC-09-006 Michael F. Johnson/ A-2-SMC-09-008 James M. Shook	Staff Report Addendum	
F10a & F10b	A-2-SMC-09-006 Michael F. Johnson/ A-2-SMC-09-008 James M. Shook	Correspondence, Lennie Roberts	1-6
		Ex Parte Communication, Lennie Roberts	7
		Correspondence, Fredrick L. Herring	8-10
F11a	2-14-0214 Marin Co. (DPW)	Correspondence, Ernest Klock	11
		Correspondence, Jennifer Blackman	12



COMMITTEE FOR
GREEN FOOTHILLS

F10a ? F10b

August 4, 2014

Item F.10.a. and b.
Support Staff with additional
conditions

Steve Kinsey, Chair and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Appeals of Johnson/Herring and Shook/Herring projects in Princeton: A-2-SMC-009-006, and -008

Dear Chair Kinsey and Members of the Commission,

Committee for Green Foothills (CGF) is the Appellant for the above-referenced Appeals. On behalf of CGF, I write in support of the Staff Recommendation for finding that the Appeals raise a Substantial Issue. CGF also supports the Conditional Approval of these two projects, with two suggested modifications pertaining to Visual Resources, as detailed below.

As designed, the proposed buildings do not comply with LCP IP Section 6565.17(L) that requires that the design of structures harmonize with the shape, size, and scale of surrounding development. The modern, futuristic design of the two buildings, which may be entirely appropriate in other zoning districts, are singularly inconsistent with the nautical theme of other buildings in the Coastside Commercial Recreation (CCR) zoning district in Princeton. The tall, top-heavy three-story buildings appear precariously ready to topple over, due to the curved, outward flare of the exterior walls. The project should be redesigned to eliminate the outward, flared curved walls.

The proposed curved roofs are also notably out of place and jarringly inconsistent with the attractive pitched roofs of the nautical themed buildings in the same block along Princeton Avenue. LCP Policy 8.13 (b) (1) specifically requires pitched roofs for commercial development in Princeton; therefore the project should be redesigned to eliminate the curved roofs.

While the existing mature Monterey Cypress trees will partially screen the proposed buildings, these trees are nearing the end of their life (as have many in this area of the coast), and when they are gone, there will be insufficient screening. In order to maintain adequate screening of the buildings it is important to ensure that any diseased, declining, and/ or dead Cypress trees are replaced in the future.

Addition to Condition 1.d. Exterior Design: To protect public views from Princeton Avenue toward the shoreline, to ensure that the buildings are compatible with the architecture of the Maverick's Event Center, Maverick's B&B, and the Kissick building, which are all in this same block, and to ensure compliance with the LCP requirement for pitched roofs in the Coastside Commercial District, CGF requests that Condition of Approval 1.d. Exterior Design be revised to require elimination of the proposed curved walls and roofs and instead use vertical walls and pitched roofs to comply with LCP Policy 8.13 (b) (1) and IP Section 6365.17(L). and to ensure compatibility with the nautical theme of other buildings in this block of Princeton.

COMMITTEE FOR
GREEN FOOTHILLS

3921 E. Bayshore Road
Palo Alto, CA 94303

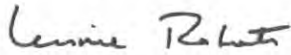
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www.GreenFoothills.org

Addition to Condition 1.c: Landscaping: CGF also requests that Condition of Approval 1.c. Landscaping be revised to require that any on-site Cypress trees that die or are removed for any reason in the future shall be replaced on a 2:1 ratio on site, similar to the replacement condition for the one Cypress tree that must be removed from the public ROW.

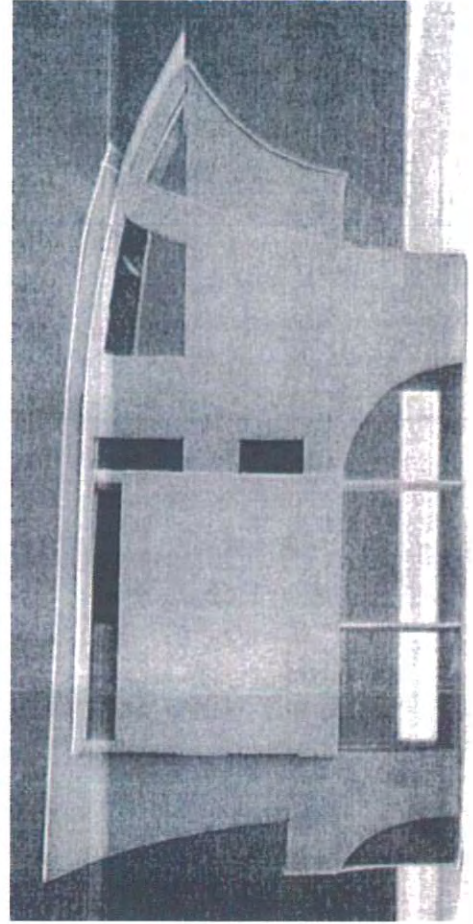
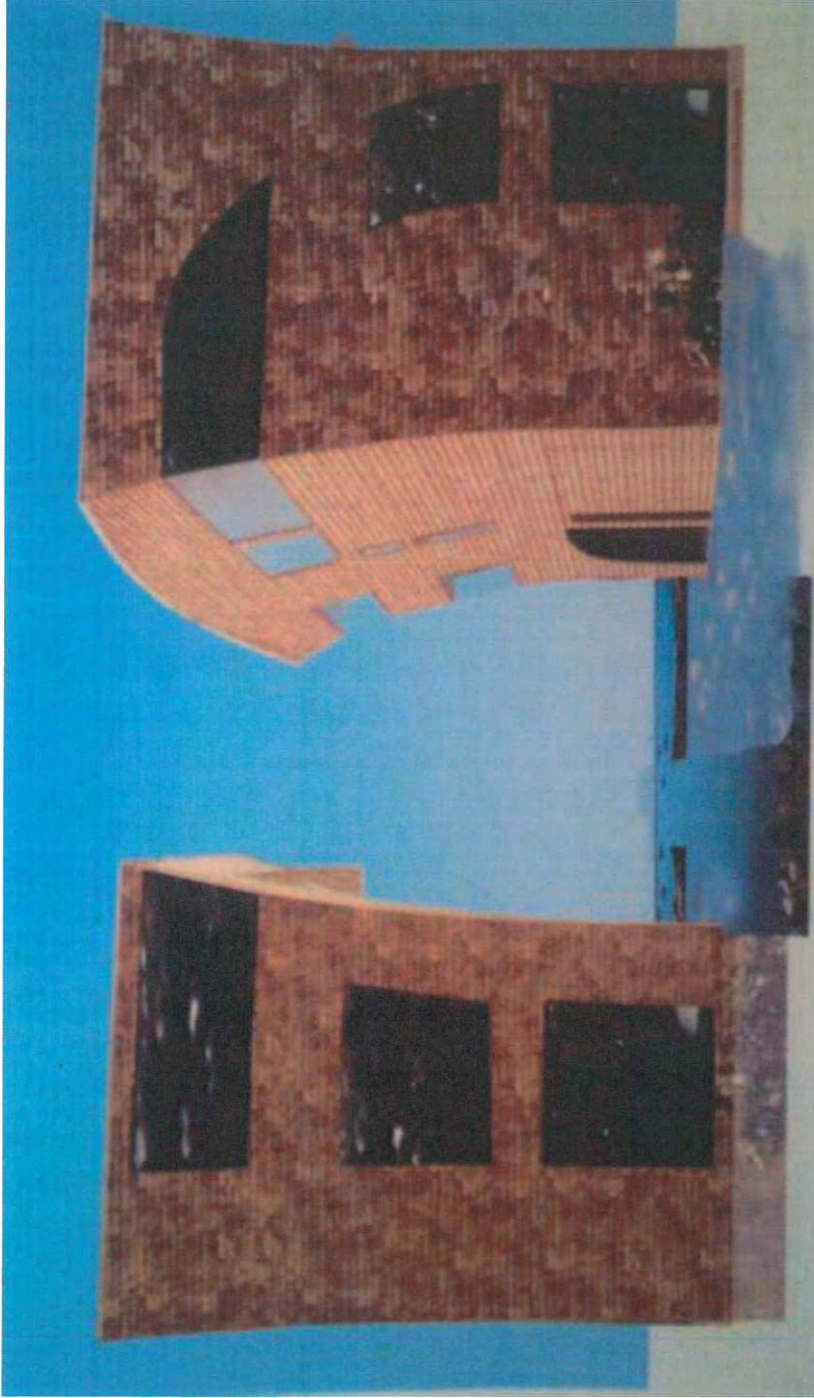
Thank you for consideration of these requests that will help ensure the two proposed buildings comply with the Visual Resources Component of the San Mateo County LCP.

Sincerely,



Lennie Roberts, San Mateo County Legislative Advocate

Attachment: Herring Architecture Shook Johnson visuals and photos of adjacent buildings



A-2-SMC-09-006 (Johnson)
A-2-SMC-09-008 (Shook)
Fred Herring, Architect

Surrounding existing buildings

Johnson/Shook project



Kissick
multi-use

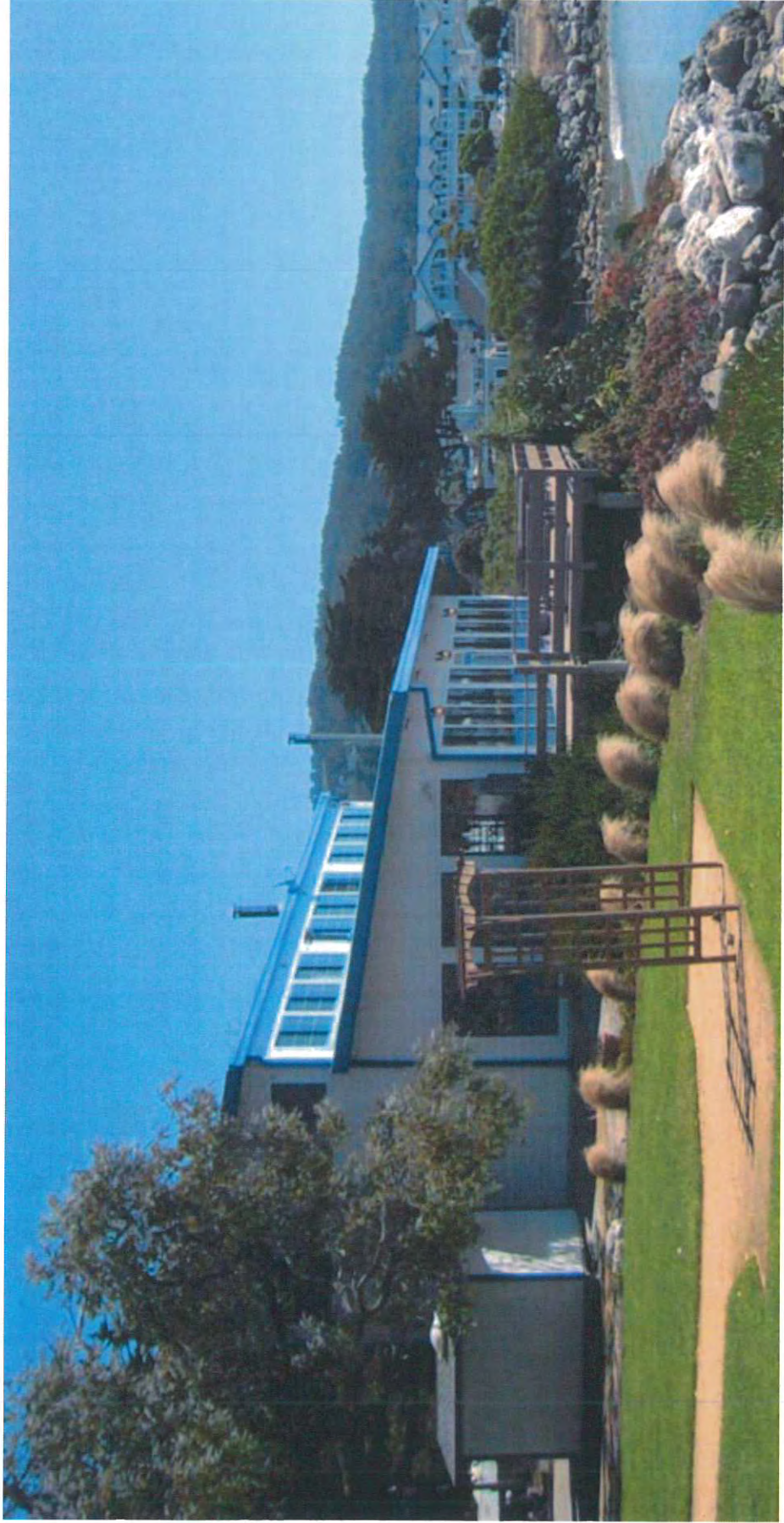
Mavericks
B&B

Mavericks
Event Center

Mavericks B&B – immediately west



Mavericks Event Center – immediately east



F10a ; F10b

DISCLOSURE OF EX PARTE COMMUNICATIONS

Date and time of receipt of communication:

August 4, 2014 at 10:30 a.m.

Location of communication:

Redwood City

Type of communication:

In person

Person(s) in attendance at time of communication:

Lennie Roberts

Person(s) receiving communication:

Carole Groom

Name or description of project:

Items No. F10a & b – Appeal No. A-2-SMC-09-006 (Johnson) and Appeal No. A-2-SMC-09-008 (Shook)

Detailed substantive description of the content of communication:

Ms. Roberts indicated that she is in agreement with staff's recommendation of approval with conditions. She also indicated that she will request a further condition of approval regarding the architectural design because she maintains that the proposed design is not consistent with LCP requirements of pitched roofing and the design needing to be consistent with the neighborhood.

All materials provided have also been provided to Coastal Commission staff.

Date: Aug 4 2014

Signature of Commissioner: Carole Groom

F10a; F10b

August 12, 2014

California Coastal Commission
Attn: Ms. Renee Ananda
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Dear Ms. Ananda:

RE: Shook and Johnson Project Appeal Hearing August 15, 2014; Items #F.10 a. & b.
Response to Appellant's Letter of August 4, 2014

Thank you for sending us Ms. Roberts' letter of August 4, 2014. In connection with issues raised in that letter, I ask that you note:

1. We agree with Ms. Roberts' suggestion that Condition of Approval #1C (landscaping) be modified to require 2 for 1 replacement of any existing Cypress trees removed to allow construction of the proposed buildings and associated parking areas.

2. We believe that Ms. Roberts' hyperbolic descriptions of proposed buildings ("modern, futuristic") of their setting ("nautical themed buildings") and of the visual impact of these small structures ("ready to topple over") are inaccurate and overstated. In these regards, it should be noted:

a. The proposed buildings are small (1,622 square feet and 1,910 square feet) and are clad in materials (cedar shingles) which do not accentuate building forms. All proposed roof planes are "pitched" in accord with LCP AND CCR requirements. The issue of pitched (i.e., sloped) as opposed to flat, gabled, hipped or shed roof forms was asked and answered at multiple San Mateo County Public Hearings. County and CCC staff agree that proposed roof planes are pitched and appropriate in this location.

b. Describing adjacent buildings as "nautically themed" is inaccurate. Any structure with a gable roof is not by definition "nautical" in appearance. Painting that same building gray does not increase its seaworthiness! Many of the more recently constructed buildings in Princeton have a curved (boat-like) profiles. Compatibility with other local buildings (many designed by our firm) is ensured by the acceptance of the staff's recommendation that the Johnson and Shook buildings be approved as designed.

Please forward this response to Ms. Roberts' comments to your colleagues and to each member of the Commission.

I look forward to Friday's Hearing and to seeing our work on these long delayed projects proceed to the preparation of construction documents. Thank you for your continuing attention to these projects.

Yours truly,

HERRING & WORLEY, INC.

By Fredrick L. Herring

cc: Mr. Jim Shook
Mr. Michael Johnson

Enclosure: Copy of Ms. Roberts' Letter of 8/4/2014

August 4, 2014

Steve Kinsey, Chair and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Item F.10.a. and b,
Support Staff with additional
conditions

Re: Appeals of Johnson/Herring and Shook/Herring projects in Princeton: A-2-SMC-009-006, and -008

Dear Chair Kinsey and Members of the Commission,

Committee for Green Foothills (CGF) is the Appellant for the above-referenced Appeals. On behalf of CGF, I write in support of the Staff Recommendation for finding that the Appeals raise a Substantial Issue. CGF also supports the Conditional Approval of these two projects, with two suggested modifications pertaining to Visual Resources, as detailed below.

As designed, the proposed buildings do not comply with LCP IP Section 6365.17(L) that requires that the design of structures harmonize with the shape, size, and scale of surrounding development. The modern, futuristic design of the two buildings, which may be entirely appropriate in other zoning districts, are singularly inconsistent with the nautical theme of other buildings in the Coastside Commercial Recreation (CCR) zoning district in Princeton. The tall, top-heavy three-story buildings appear precariously ready to topple over, due to the curved, outward flare of the exterior walls. The project should be redesigned to eliminate the outward, flared curved walls.

The proposed curved roofs are also notably out of place and jarringly inconsistent with the attractive pitched roofs of the nautical themed buildings in the same block along Princeton Avenue. LCP Policy 8.13 (b) (1) specifically requires pitched roofs for commercial development in Princeton; therefore the project should be redesigned to eliminate the curved roofs.

While the existing mature Monterey Cypress trees will partially screen the proposed buildings, these trees are nearing the end of their life (as have many in this area of the coast), and when they are gone, there will be insufficient screening. In order to maintain adequate screening of the buildings it is important to ensure that any diseased, declining, and/ or dead Cypress trees are replaced in the future.

Addition to Condition 1.d. Exterior Design: To protect public views from Princeton Avenue toward the shoreline, to ensure that the buildings are compatible with the architecture of the Maverick's Event Center, Maverick's B&B, and the Kissick building, which are all in this same block, and to ensure compliance with the LCP requirement for pitched roofs in the Coastside Commercial District, CGF requests that Condition of Approval 1.d. Exterior Design be revised to require elimination of the proposed curved walls and roofs and instead use vertical walls and pitched roofs to comply with LCP Policy 8.13 (b) (1) and IP Section 6365.17(L), and to ensure compatibility with the nautical theme of other buildings in this block of Princeton.

COMMITTEE FOR
GREEN FOOTHILLS

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Palo Alto, CA 94303

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650.968.8431 fax

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Addition to Condition 1.c: Landscaping: CGF also requests that Condition of Approval 1.c. Landscaping be revised to require that any on-site Cypress trees that die or are removed for any reason in the future shall be replaced on a 2:1 ratio on site, similar to the replacement condition for the one Cypress tree that must be removed from the public ROW.

Thank you for consideration of these requests that will help ensure the two proposed buildings comply with the Visual Resources Component of the San Mateo County LCP.

Sincerely,



Lennie Roberts, San Mateo County Legislative Advocate

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