

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
PHONE: (415) 904-5200
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV



F11a

A-2-SMC-22-0003 (Suncal Properties SFD)

March 11, 2022

EXHIBITS

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EXHIBITS

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Suncal Properties Single Family Dwelling – PROJECT LOCATION MAP
Unincorporated Moss Beach, San Mateo County



Suncal Properties Single Family Dwelling – SITE PHOTOS
Unincorporated Moss Beach, San Mateo County



Figure 1. Aerial view of subject property facing inland.



Figure 2. View of coastal bluff adjacent to subject property.



Figure 3. Front view simulation of proposed residence.

SITE PLAN KEYNOTES

- 1. LOCATE OFFICIAL LOT LINE CORRESPONDING TO
- 2. SECOND LOT LINE CORRESPONDING TO
- 3. EXISTING LOT CORRESPONDING TO

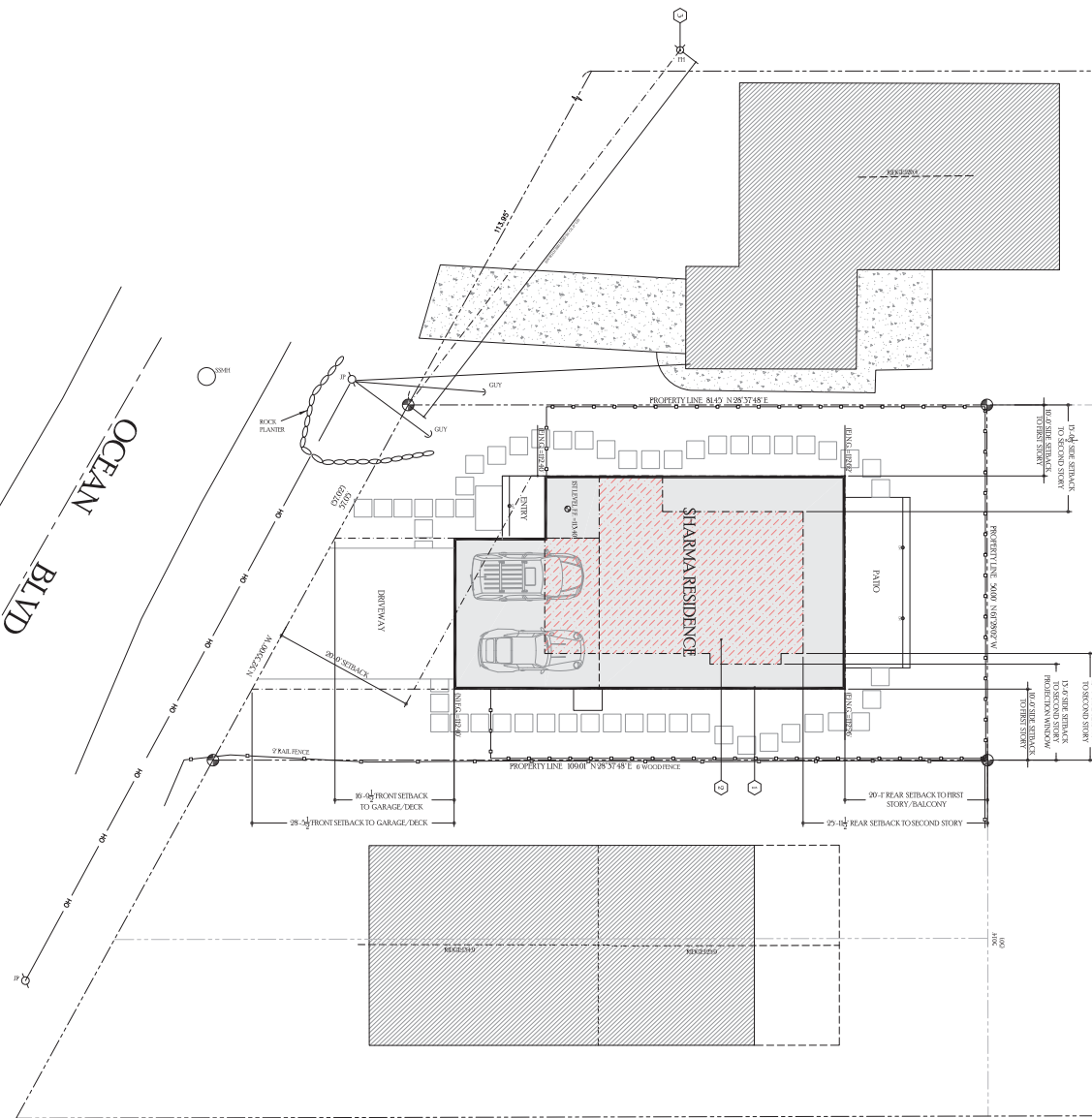
Geuse Conceptual Designs, Inc.
4050 San Antonio Ave., Suite 100
San Antonio, TX 78227
www.geuseconceptual.com

SCALE: 1/8" = 1'-0"
DATE: 01/15/2019

[Signature]



MOSS BEACH



SITE PLAN

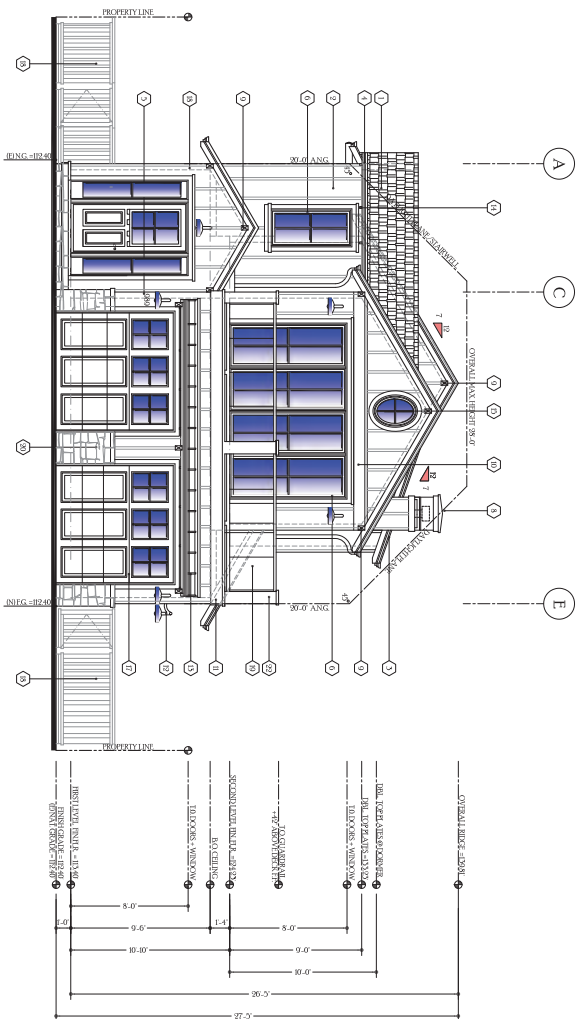
SCALE: 1/8" = 1'-0"

DATE	01/15/2019	ENGINEER	DAVIDSON
PROJECT	NEW RESIDENCE	SCALE	1/8" = 1'-0"
DESIGN	ARCHITECT	REVISION	SP.1
REVISION	NO. 1	DESCRIPTION	

PROJECT NAME:
NEW RESIDENCE
MR. & MRS. SHARMA
MOSS BEACH, CALIFORNIA 94035



NO.	DATE	BY	DESCRIPTION	STATUS
1	01/15/2019	DAVIDSON	PRELIMINARY DESIGN	PENDING
2	01/15/2019	DAVIDSON	FINAL DESIGN	APPROVED
3	01/15/2019	DAVIDSON	CONSTRUCTION	PENDING
4	01/15/2019	DAVIDSON	FINAL DESIGN	APPROVED
5	01/15/2019	DAVIDSON	CONSTRUCTION	PENDING
6	01/15/2019	DAVIDSON	FINAL DESIGN	APPROVED
7	01/15/2019	DAVIDSON	CONSTRUCTION	PENDING
8	01/15/2019	DAVIDSON	FINAL DESIGN	APPROVED
9	01/15/2019	DAVIDSON	CONSTRUCTION	PENDING
10	01/15/2019	DAVIDSON	FINAL DESIGN	APPROVED
11	01/15/2019	DAVIDSON	CONSTRUCTION	PENDING
12	01/15/2019	DAVIDSON	FINAL DESIGN	APPROVED
13	01/15/2019	DAVIDSON	CONSTRUCTION	PENDING
14	01/15/2019	DAVIDSON	FINAL DESIGN	APPROVED
15	01/15/2019	DAVIDSON	CONSTRUCTION	PENDING
16	01/15/2019	DAVIDSON	FINAL DESIGN	APPROVED
17	01/15/2019	DAVIDSON	CONSTRUCTION	PENDING
18	01/15/2019	DAVIDSON	FINAL DESIGN	APPROVED
19	01/15/2019	DAVIDSON	CONSTRUCTION	PENDING
20	01/15/2019	DAVIDSON	FINAL DESIGN	APPROVED



1~PROPOSED-FRONT~WEST ELEVATION

SCALE 1/4"=1'-0"



2~PROPOSED-LEFTSIDE~NORTHELEVATION

SCALE: 1/4"=1'-0"

ELEVATION~KEYNOTES

- [illegible]

Geurse Conceptual Designs, Inc.

Durlingboro, California 94004
tel: 650.703.6197
email: l@nurse@gmail.com

EDUCATION NUMBER: 800 800 8000

3



MOSS BEACH

[illegible]

A pie chart showing the distribution of the population by region. The chart is divided into four segments: North (30%, red), East (30%, green), South (30%, blue), and West (10%, yellow). The segments are labeled with their respective region names and percentages.

NEW RESIDENCE
for
MR. + MRS. SHARMA
989 OCEAN BLVD.
MOSS BEACH, CALIFORNIA 94038

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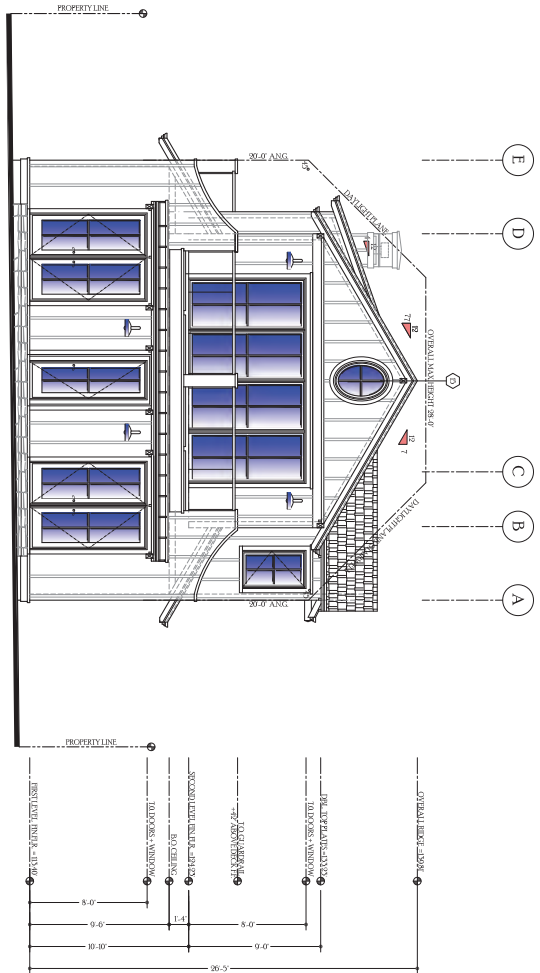
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ELEVATION-KEYNOTES

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3-PROPOSED-REAR-EAST ELEVATION

SCALE: 1/4"=1'-0"



4-PROPOSED-RIGHTSIDE-SOUTH ELEVATION

SCALE: 1/4"=1'-0"



MOSS BEACH

NEW RESIDENCE

MR. & MRS. SHARMA

MOSS BEACH, CALIFORNIA 94035

DATE: 08/11/2022

DESIGNER: [Signature]

SCALE: AS SHOWN

REVISION: [Signature]

REVISION: [Signature]

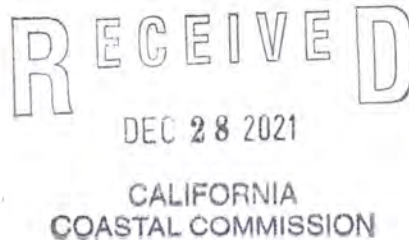
DATE: 08/11/2022

DESIGNER: [Signature]

SCALE: AS SHOWN

REVISION: [Signature]

REVISION: [Signature]



12/20/2021

NOTICE OF FINAL LOCAL DECISION

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

CERTIFIED MAIL

California Coastal Commission
North Central Coast District Office
Attn: Erik Martinez
455 Market Street, Suite 300
San Francisco, CA 94105

County File No.: PLN2020-00043
Owner: SUNCAL PROPERTIES & INVESTMENTS PARTNERSHIP LLC
Applicant: Raj Sharma

The above listed Coastal Development Permit was conditionally approved by the County of San Mateo on December 8, 2021. The County appeal period ended on December 20, 2021. Local review is now complete.

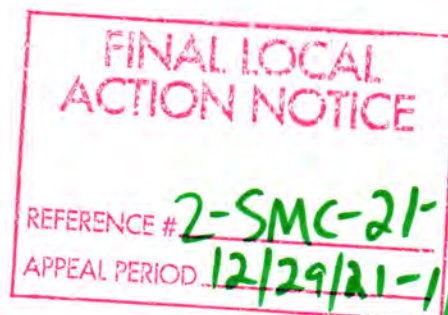
The permit **IS** appealable to the California Coastal Commission.

If you have any questions about this project, please contact Kanoa Kelley at kkelley@smcgov.org

Sincerely,

Kanoa Kelley
Project Planner

Enclosure: Final Decision Letter



COUNTY OF SAN MATEO
PLANNING AND BUILDING

455 County Center, 2nd Floor
Redwood City, CA 94063
650-599-7310 T
www.planning.smcgov.org

December 8, 2021

Raj Sharrma
25800 Industrial Blvd. G-360
Hayward CA, 94545

Sent via email: RAJ75_SHARMA@YAHOO.COM

Dear Mr. Sharma:

Subject: **LETTER OF DECISION**
File Number: PLN2020-00043
Address: Located off Ocean Boulevard between Precita Avenue. and Bernal Av.
APNs: 037-278-090

On December 8, 2021, the San Mateo County Planning Commission considered a Coastal Development Permit, Design Review Non-Conforming Use Permit, and Variance, to allow the construction of a new 1,861 sq. ft. single-family residence with an attached two-car garage (423 sq. ft.), with a reduced front setback to 14 feet, 8 inches where 20 feet is required, and an increase in allowed site coverage from 25% to 32% on a substandard 4,761 sq. ft. legal parcel located on Ocean Boulevard in the unincorporated Moss Beach area. The project includes a sewer mainline extension along Ocean Avenue, between Bernal Avenue and Precita Avenue. The Coastal Development Permit is appealable to the California Coastal Commission.

Based on information provided by staff and evidence presented at the hearing, the Planning Commission approved the Coastal Development Permit, Design Review, Non-Conforming Use Permit, and Variance, County File Number PLN 2020-00043, by adopting the required findings and conditions of approval listed in Attachment A.

Any interested party aggrieved by the determination of the Planning Commission has the right of appeal to the Board of Supervisors within ten (10) business days from such date of determination. The appeal period for this matter will end at **5:00 p.m. on December 21, 2021.**

The approval of this project is appealable to the California Coastal Commission. Any aggrieved person may appeal this decision to the California Coastal Commission within 10 working days following the Coastal Commission's receipt of the notice of Final Local 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.



Please direct any questions to Project Planner Kanoa Kelly at kkelley@smcgov.org. Please provide feedback, please visit the Department's Customer Survey at the following link: <http://planning.smcgov.org/survey>.

Sincerely,

Janneth Lujan
Planning Commission Secretary

cc: Department of Public Works
Building Inspection Section
SUNCAL PROPERTIES & INVESTMENTS PARTNERSHIP LLC
Barry Seal Cove MB

County of San Mateo
Planning and Building Department

ACTION, FINDINGS, AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2020-00043 Hearing Date: December 8, 2021

Prepared By: Kanoa Kelley, Project Planner For Adoption By: Planning Commission

FINDINGS

Regarding the Environmental Review, Found:

1. That the project is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15303(a), which exempts the construction of a single-family residence in an urbanized area. The parcel will be served by all public services.

Regarding the Coastal Development Permit, Found:

2. That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program as described in Section A.2 of this staff report related to Locating and Planning New Development, Sensitive Habitats, Shoreline Access, and Hazards Components.
3. Where the project is located between the nearest public road and the sea, or the shoreline of Pescadero Marsh, that the project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code).

The project site is located between the first public road and the sea. The site is surrounded by existing development, located on the east side of Ocean Boulevard, and does not have direct access to the sea due to steep cliffs west of Ocean Boulevard. Additionally, the siting of the project does not impede bluff access to the west of Ocean Boulevard. Therefore, development of the parcel is in conformance with public access policies and will not block or impede access to local beaches or recreation areas.

4. That the project conforms to specific findings required by policies of the San Mateo County Local Coastal Program with regard to Locating and Planning New Development, Sensitive Habitats, Shoreline access, and Hazards Components.

The project incorporates conditions to comply with erosion control requirements and the design is consistent with Coastside Design Review standards for single-family

residential buildings. The project is not in or near a sensitive habitat area and conforms with the land use and density designations of the General Plan and Local Coastal Program. Furthermore, the project has been reviewed and conditionally approved by the geotechnical review section.

5. That the number of building permits for construction of single-family residences other than for affordable housing issued in the calendar year does not exceed the limitations of LCP Policy 1.23. San Mateo County is not projected to exceed the 40 unit maximum for the 2021 Calendar year.

Regarding the Design Review. Found:

6. Section 6565.20 (C) SITE PLANNING AND STRUCTURE PLACEMENT b. Grading Standards:

The proposed design requires minimal grading. The proposed design limits grading to the footprint of the structure and its immediate vicinity.

7. Section 6565.20 (D) ELEMENTS OF DESIGN; 3. Roof Design a. Massing and Design of Roof Forms Standard:

The proposed roof design provides visual interest and articulation with use of primary and secondary roof forms. The proposed primary roof material is non-reflective material and color.

8. Section 6565.20 (D)1 (b) NEIGHBORHOOD SCALE; (1) New and enlarged homes should respect the scale of the neighborhood through building dimensions, shape and form, façade articulation, or architectural details that appear proportional and complementary to other homes in the neighborhood.

The revised design has balanced and appropriate proportions of the massing. Changes to the rooflines and second floor footprint provide articulation and reduce the apparent scale of the home.

9. Section 6565.20 (D)2 (a) ARCHITECTURAL STYLE; (1) Use an architectural style and design elements that complement the predominant style of nearby homes, only when such homes conform with the design standards. Likewise, avoid the architectural styles and design elements of nearby homes when such homes do not conform with the design standards. Where no predominant architectural style can be defined, encourage compatibility through the use of similar building shapes, exterior materials or (2) Architectural styles that complement the coastal, semi-rural, diverse small-town character of the area, such as coastal craftsman are encouraged. Contemporary and uncommon styles can be compatible if building shapes, and materials are carefully chosen to complement other homes in the neighborhood.

The revised design has been refined to demonstrate a clear architectural style with details that complement the neighboring homes.

10. Section 6565.20 (D)2 (b) OPENINGS (1) Select windows and doors that are compatible with the dominant types on the house and in the neighborhood; when

assessing compatibility consider the size and proportions of the openings, materials, and style or detailing.

The window design has been simplified and has a cohesive and balanced composition for the Architectural style of the home.

Regarding the Non-Conforming Use Permit, Found:

11. That 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, or be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

This project was reviewed and conditionally approved by all applicable agencies including the Building Inspection Section and Coastsides Fire Protection District. With the exception of the front setback and the site coverage, the project complies with all other S-105 District Development Standards. The development of the parcel and encroachment of the front left corner of the garage into the front setback would not be detrimental to the general public safety and no coastal resources are impacted by the development.

12. That the proposed development is proportioned to the size of the parcel on which it is being built.

The proposed development is a two-story, 2,284 square-foot-single-family home which complies with density, floor area, and height requirements of the S-105 District. The development has been found to be compatible with the neighborhood in both scale and design, as concluded by the Coastsides Design Review Committee, and is well suited to the substandard parcel.

13. That all opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven to be infeasible.

The two adjacent parcels at 961 Ocean Boulevard and 999 Ocean Boulevard are developed with existing single-family homes under separate ownership. The parcel (APN 037-278-070) located to the rear of the subject parcel is not available for purchase and is currently under construction for a new single-family residence. Therefore, there is not an opportunity in this area to purchase additional vacant space for the purposes of a merger.

14. That the proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible.

The proposed development is seeking relief from the front setback and site coverage requirements only. The project is compliant with all other zoning regulations such as parking, density, floor area, and height. The CDRC has recommended approval for the design.

15. That the Non-Conforming Use Permit approval does not constitute a granting of special privileges.

The Non-conforming Use Permit does not constitute the granting of special privileges as the same consideration may be granted to any other party seeking to develop a similar substandard lot.

Regarding the Variance, Found:

16. The parcel's location, size, shape, topography and/or other physical conditions vary substantially from those of other parcels in the same zoning district or vicinity.

The parcel is 76 percent smaller than the required lot size for the S-105 Zoning District of which requires a minimum lot size of 20,000 square feet. The parcel size differs substantially from the parcels in the same zoning district.

17. Without the Variance, the landowner would be denied the rights and privileges that are enjoyed by other landowners in the same zoning district or vicinity.

Without the Variance the property owner would not be able to develop the lot as proposed. The proposed site coverage is within the range of other developments in the area. The Variance is required to utilize the parcel to its full extent, comply with design standards, and mitigate the restrictions on the parcel due to its diminutive size.

18. The Variance does not grant the landowner a special privilege which is inconsistent with the restrictions placed on other parcels in the same zoning district or vicinity.

The Variance does not constitute the granting of special privileges as the same consideration may be granted to any other party seeking to develop a similar substandard lot in the area.

19. The Variance authorizes only uses or activities which are permitted by the zoning district.

The Variance authorizes only a single-family dwelling on the residentially zoned parcel.

20. The Variance is consistent with the objectives of the General Plan, the Local Coastal Program (LCP) and the Zoning Regulations.

The Variance will allow the orderly development of a vacant lot in an urbanized area that will comply with all development standards with the exception of lot coverage and front setback requirements. The increase in site coverage will allow the design of the home to be compliant with coastal design standards, as supported by the Coastside Design Review Committee's recommendation for approval, ensuring a design that is harmonious with and enhances the community of Moss Beach. The project is consistent with the goals and objectives of the General Plan, LCP, and Zoning Regulations, as discussed in the staff report.

CONDITIONS OF APPROVAL

Current Planning Section

1. The project shall be constructed in compliance with the plans reviewed by the Coastsides Design Review Committee and approved by the Planning Commission on December 8, 2021. Any changes or revisions to the approved plans shall be submitted to the Community Development Director for review and approval prior to implementation. Minor adjustments to the project design may be approved by the Design Review Officer if they are consistent with the intent of and are in substantial conformance with this approval. Alternatively, the Design Review Officer may refer consideration of the revisions to the Coastsides Design Review Committee, with applicable fees to be paid.
2. The final approval of the subject permits shall be valid for five (5) years from the date of final approval, in which time a valid building permit shall be issued for the work and a completed inspection (to the satisfaction of the Building Official) shall have occurred within one (1) year of the associated building permit's issuance. This approval may be extended by a 1-year increment with submittal of an application for permit extension and payment of applicable extension fees sixty (60) days prior to the expiration date.
3. The project shall adhere to the following as conditioned by the Coastsides Design Review Committee:
 - a. The planting plan and irrigation plan prepared by Taproot Garden Design, from the original submittal date of March 11, 2021, shall be included without changes.
 - b. One exterior sconce shall be provided for each garage door. The exterior sconce between the garage doors shall be removed on the 3-D renderings and any other drawings.
4. The applicant shall provide "finished floor elevation verification" to certify that the structure is 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 near the construction site.
 - a. The applicant shall maintain the datum point so that it will not be disturbed by the proposed construction activities until final approval of the building permit.
 - b. This datum point and its elevation shall be shown on the submitted site plan. This datum point shall be used during construction to verify the elevation of the finished floors relative to the existing natural or to the grade of the site (finished grade).
 - c. Prior to Planning approval of the building permit application, the applicant shall also have the licensed land surveyor or engineer indicate on the construction

plans: (1) the natural grade elevations at the significant corners (at least four) of the footprint of the proposed structure on the submitted site plan, and (2) the elevations of proposed finished grades.

- d. In addition, (1) the natural grade elevations at the significant corners of the proposed structure, (2) the finished floor elevations, (3) the topmost elevation of the roof, and (4) the garage slab elevation must be shown on the plan, elevations, and cross-section (if one is provided).
 - e. Once the building is under construction, prior to the below floor framing inspection or the pouring of the concrete slab (as the case may be) for the lowest floor(s), the applicant shall provide to the Building Inspection Section a letter from the licensed land surveyor or engineer certifying that the lowest floor height, as constructed, is equal to the elevation specified for that floor in the approved plans. Similarly, certifications on the garage slab and the topmost elevation of the roof are required.
 - f. If the actual floor height, garage slab, or roof height, as constructed, is different than the elevation specified in the plans, then the applicant shall cease all construction and no additional inspections shall be approved until a revised set of plans is submitted to and subsequently approved by both the Building Official and the Community Development Director.
 - g. A survey verification letter will be required during the construction phase of this project. Once the building permit has been issued and the forms have been set, the surveyor of record shall field measure the setback dimensions of the set forms from applicable property lines and compose a survey verification letter, with stamp and signature, of the field measurements to be submitted to the Planning and Building Department for review and approval.
5. The applicant shall include an erosion and sediment control plan to comply with the County's Erosion Control Guidelines on the plans submitted for the building permit. This plan shall identify the type and location of erosion control measures to be installed upon the commencement of construction in order to maintain the stability of the site and prevent erosion and sedimentation off-site.
6. Approved erosion and sediment control measures shall be installed prior to beginning any work and maintained throughout the term of the building 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.
7. The applicant is responsible for ensuring that all contractors minimize the transport and discharge of pollutants from the project site into water bodies by adhering to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," below.
- a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and April 30. Stabilizing shall include both proactive measures, such as the placement of hay bales or coir netting, and passive measures, such as revegetating disturbed areas with plants propagated from seed collected in the immediate area.

- b. Storing, handling, and disposing of construction materials and wastes properly, so as to prevent their contact with stormwater.
 - c. Controlling and preventing the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.
 - d. Using sediment controls or filtration to remove sediment when dewatering site and obtaining all necessary permits.
 - e. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
 - f. Delineating with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.
 - g. Protecting adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
 - h. Performing clearing and earth-moving activities only during dry weather.
 - i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.
 - j. Limiting construction access routes and stabilizing designated access points.
 - k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
 - l. The contractor shall train and provide instruction to all employees and subcontractors regarding the construction best management practices.
8. To reduce the impact of construction activities on neighboring properties, comply with the following:
- a. All debris shall be contained on-site; a dumpster or trash bin shall be provided on site during construction to prevent debris from blowing onto adjacent properties. The applicant shall monitor the site to ensure that trash is picked up and appropriately disposed of daily.
 - b. The applicant shall remove all construction equipment from the site upon completion of the use and/or need of each piece of equipment which shall include but not be limited to tractors, back hoes, cement mixers, etc.
 - c. The applicant shall ensure that no construction-related vehicles shall impede through traffic along the right-of-way. All construction vehicles shall be parked on-site outside the public right-of-way. There shall be no storage of construction vehicles in the public right-of-way.

9. All new power and telephone utility lines from the street or nearest existing utility pole to the main dwelling and/or any other structure on the property shall be placed underground.
10. Noise sources associated with demolition, construction, repair, remodeling, or grading of any real property shall be limited to the hours from 7:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 5 p.m., Saturdays. Said activities are prohibited on Sundays, Thanksgiving, and Christmas (San Mateo County Ordinance Code Section 4.88.360).
11. The exterior colors and materials as approved by the Planning Commission shall be implemented. Color verification shall occur in the field after the applicant has applied the approved materials and colors but before a final inspection has been scheduled.
12. The applicant shall include a copy of the approval letter with conditions of approval on the top pages of the building plans.
13. The applicant shall demonstrate compliance with the Water Efficient Landscape Ordinance (WELO) and provide the required forms at the Building Permit stage.
14. The Permittee shall remove or relocate, in part or in whole, the development authorized by this CDP, including, but not limited to, the residential buildings and other development authorized under this CDP, when any government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to coastal hazards and that there are no measures that could make the structures suitable for habitation or use without the use of a shoreline protective device; or in the event that coastal hazards eliminate access for emergency vehicles, residents, and/or guests to the site due to the degradation and eventual failure of Ocean Boulevard as a viable roadway. The County of San Mateo shall not be required to maintain access and/or utility infrastructure to serve the approved development in such circumstances. Development associated with removal or relocation of the residential buildings or other development authorized by this CDP shall require Executive Director approval of a plan to accommodate same prior to any such activities. In the event that portions of the development fall into the ocean or the beach, or to the ground, before they are removed or relocated, the Permittee shall remove all recoverable debris associated with the development from such areas, and lawfully dispose of the material in an approved disposal site, all subject to Executive Director approval.
15. The Permittee: assumes the risks to the Permittee and the properties that are the subject of this CDP of injury and damage from such hazards in connection with this permitted development; unconditionally waives any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; indemnifies and holds harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the CDP 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; accepts full responsibility for any adverse effects to property caused by the permitted project; acknowledges

and agrees that the boundary between public land (tidelands) and private land may shift with rising seas, the structure may eventually be located on public trust lands, and the development approval does not permit encroachment onto public trust land; and that any future encroachment must be removed unless the Coastal Commission determines that the encroachment is legally permissible pursuant to the Coastal Act and authorizes it to remain, and any future encroachment would also be subject to the State Lands Commission's (or other trustee agency's) leasing approval.

16. Disclosure documents related to any future marketing and/or sale of the condominiums, including but not limited to marketing materials, sales contracts, and similar documents, shall notify potential buyers of the terms and conditions of this CDP, including explicitly the coastal hazard requirements of **Special Condition 14**. A copy of this CDP shall be provided in all real estate disclosures.
17. **PRIOR TO ISSUANCE OF THE CDP**, the Permittee shall submit to the Executive Director for review and approval documentation demonstrating that the landowners have executed and recorded against the parcels governed by this CDP a deed restriction, in a form and content acceptable to the Executive Director:
 - a. Indicating that, pursuant to this CDP, 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.
 - b. Imposing the terms and conditions of this CDP as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of all of the 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.

Building Inspection Section

18. A building permit is required for this project. The applicant shall apply for a building permit and shall adhere to all requirements from the Building Inspection Section, the Geotechnical Section, the Department of Public Works, and the Coastside Fire Protection District. No site disturbance shall occur, including any grading, until a building permit has been issued.

Geotechnical Section

19. A Geotechnical Report shall be submitted at the Building Permit stage. The report shall be updated to the current locally adopted building code Significant grading profiles, grading proposals, foundation design recommendations, retaining wall design recommendations, and basement design recommendations, if any, shall be provided in the geotechnical report at the Building Permit stage. For a vacant site, the Geotechnical Report shall provide sufficient soil investigation data to evaluate the

potential hazards, for example, expansive soils, soil corrosivity, weak soil strength, and liquefaction. If any hazards are found, mitigation shall be provided in foundation design and grading proposal.

Department of Public Works

20. Prior to the issuance of the Building permit, the applicant shall submit a driveway "Plan and Profile," to the Department of Public Works, showing the driveway access to the parcel (garage slab) complying with County Standards for driveway slopes (not to exceed 20 percent) and to County Standards for driveways (at the property line) being the same elevation as the center of the access roadway. When appropriate, as determined by the Department of Public Works, this plan and profile shall be prepared from elevations and alignment shown on the roadway improvement plans. The driveway plan shall also include and show specific provisions and details for both the existing and the proposed drainage patterns and drainage facilities.
21. 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. Applicant shall contact a Department of Public Works Inspector 48 hours prior to commencing work in the right-of-way.
22. Prior to the issuance of the Building Permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance No.3277.

Drainage Section

23. The following will be required at the building permit stage:
 - a. A final, full drainage report prepared by a registered Civil Engineer.
 - b. A final grading and drainage plan stamped and signed by a registered Civil Engineer.
 - c. An updated C3 and C6 Checklist, if changes to impervious areas have been made during the design phase.

Montara Water and Sanitary District

24. The applicant is required to obtain Sewer Permits prior to issuance of the building permit. A sewer mainline extension will be required, and a Sewer grinder pump may be required. Sewer Connection Fees must be paid prior to issuance of the connection permit.
25. The applicant is required to obtain a Domestic Water Connection Permit prior to issuance of the building permit. The connection fee for domestic water must be paid prior to issuance of the connection permit. Water mainline extension may be required.
26. Connection to the Montara Water and Sanitary District's fire protection system is required. A Certified Fire Protection Contractor must certify adequate fire flow

calculations. Connection fees for the fire protection system is required. The connection charge must be paid prior to issuance of a Private Fire Protection permit.

Coastside Fire Protection District

27. Fire Department access shall be to within 150 feet of all exterior portions of the facility and all portions of the exterior walls of the first story of the buildings as measured by an approved access route around the exterior of the building or facility. Access shall be a minimum of 20 feet wide, all weather capability, and able to support a fire apparatus weighing 75,000 lbs. Where a fire hydrant is located in the access, a minimum of 26 feet is required for a minimum of 20 feet on each side of the hydrant. This access shall be provided from a publicly maintained road to the property. Grades over 15 percent shall be paved and no grade shall be over 20 percent. When gravel roads are used, it shall be class 2 base or equivalent compacted to 95 percent. Gravel road access shall be certified by an engineer as to the material thickness, compaction, all weather capability, and weight it will support.
28. All buildings that have a street address shall have the number of that address on the building, mailbox, or other type of sign at the driveway entrance in such a manner that the number is easily and clearly visible from either direction of travel from the street. New residential buildings shall have internally illuminated address numbers contrasting with the background so as to be seen from the public way fronting the building. Residential address numbers shall be at least six feet above the finished surface of the driveway. An address sign shall be placed at each break of the road where deemed applicable by the San Mateo County Fire Department. Numerals shall be contrasting in color to their background and shall be no less than 4 inches in height and have a minimum 1/2-inch stroke. Remote signage shall be a 6-inch by 18-inch green reflective metal sign.
29. Contact the Fire Marshal's Office to schedule a Final Inspection prior to occupancy and Final Inspection by a Building Inspector. Allow for a minimum of 72 hours notice to the Fire Department at 650/ 573-3846.
30. A fire flow of 500 gpm for 2 hours with a 20-psi residual operating pressure must be available as specified by additional project conditions to the project site. The applicant shall provide documentation including hydrant location, main size, and fire flow report at the building permit application stage. Inspection is required prior to Fire's final approval of the building permit or before combustibles are brought on site.
31. Any chimney or woodstove outlet shall have installed onto the opening thereof an approved (galvanized) spark arrestor of a mesh with an opening no larger than 1/2-inch in size or an approved spark arresting device. Maintain around and adjacent to such buildings or structures a fuelbreak/firebreak made by removing and cleaning away flammable vegetation for a distance of not less than 30 feet and up to 100 feet around the perimeter of all structures or to the property line, if the property line is less than 30 feet from any structure. This is not a requirement nor an authorization for the removal of live trees. Remove that flammable portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe, or within 5 feet of any portion of any building or structures. Remove that dead or dying portion of any tree which extends over the roof line of any structure. An interior and exterior audible alarm activated by automatic

fire sprinkler system water flow shall be required to be installed in all residential systems. All hardware must be included on the submitted sprinkler plans.

32. An approved Automatic Fire Sprinkler System meeting the requirements of NFPA-13D shall be required to be installed for your project. Plans shall be submitted to the San Mateo County Building Inspection Section for review and approval by the authority having jurisdiction.
33. A statement that the building will be equipped and protected by automatic fire sprinklers must appear on the title page of the building plans.

KAK:cmc – KAKFF0879_WCU.DOCX

Appeal of local CDP decision

Page 2

1. Appellant information:

Name: Lennie Roberts - Green Foothills
Mailing address: 339 La Cuesta Dr, Portola Valley, CA 94028
Phone number: 650-854-0449 (home/office)
Email address: lennie@greenfoothills.org

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☒ Submitted comment ☒ Testified at hearing ☐ Other

Describe: Submitted two comment letters and
commented at the two public hearings
on 9-22-2021 and 12-8-2021

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: _____

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: San Mateo County charges an
appeal fee for local appeals such as
this one.

† If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 3

2. Local CDP decision being appealed²

Local government name: San Mateo County
Local government approval body: Planning Commission
Local government CDP application number: PLN 2020-00043
Local government CDP decision: CDP approval CDP denials
Date of local government CDP decision: December 8, 2021

Please identify the location and description of the development that was approved or denied by the local government.

Describe: Location: 989 Ocean Blvd. between Bernal Ave.
and Precita Ave. in Seal Cove, Moss Beach, CA.
APN: 037-218-090
Coastal Development Permit, Design Review
approval, Non-Conforming Use Permit, and
Variance for a single family residence - 1861 s.f. and
2 stories with attached 2-car garage - 423 s.f.
Project includes sewer mainline extension +
grinder pump along Ocean Blvd. between
Precita Ave. and Bernal Ave. Minor grading
and no tree removal.

² Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

³ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the appeal information sheet for more information.

Appeal of local CDP decision

Page 4

3. Applicant information

Applicant name(s):

Sun Cal Properties and Investment

Applicant Address:

Partnership LLC / Raj Sharma
See County File

4. Grounds for this appeal⁴

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: Please see attached.

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

Appeal of local CDP decision

Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

Interested persons identified and provided on a separate attached sheet

X please see County File - Approval Letter for Interested Parties

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Leunie Roberts

Leunie Roberts
Signature

Date of Signature 1/6/2022

7. Representative authorization

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

§ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

¶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Reasons for Appeal – by Green Foothills

San Mateo County File # PLN 2020-00043: CDP, Design Review, Non-Conforming Use Permit and Variance

Applicant/Owner: SunCalProperties and Investment Partnership LLC/Raj Sharma

Location: 989 Ocean Boulevard, Moss Beach

APN: 037-278-090

The proposed 1,861 sq. ft. single family residence and attached two car garage (423 sq. ft.), as designed and approved, requires a reduced front setback (14 feet, 8 inches where 20 feet are required) and an increase in allowable site coverage from 25% to 32% on a substandard 4,761 sq. ft. parcel on Ocean Blvd. in Seal Cove, Moss Beach. A Variance from the Maximum Building Site Coverage is also required to allow the increased allowable site coverage. The project includes a sewer main line extension and grinder pump under Ocean Boulevard and extension of other utilities to serve this proposed development.

The Coastal Development Permit (CDP) for this project, as narrowly approved by the San Mateo County Planning Commission (by a 3-2 vote) does not comply with the certified County Local Coastal Program and Coastal Act Hazard policies.

Green Foothills believes that the bluff retreat analysis underestimates expected erosion given historic and expected trends, does not incorporate the best available science, including Coastal Commission Sea Level Rise Guidance, and does not appropriately account for slope stability over time.

The proposed project is located in Zones 2 and 3 of the Seal Cove area, an area designated in the San Mateo County Local Coastal Program as a Geological Hazards District; the project's sewer main line extension, other utilities and driveway would also be located within Zone 2 and the proposed single-family residence would be within Zone 3. The subject property is wholly dependent upon Ocean Boulevard for access as well as essential utilities; a critical issue for this property is the availability of necessary public services when coastal bluff erosion/cliff retreat ultimately impact Ocean Boulevard, as armoring of the coast to protect new development such as this is impermissible under the LCP and Coastal Act.

Projected Bluff Retreat is underestimated

The proposed project site is located in an area of Low Coastal Cliff Stability per the San Mateo County Geotechnical Synthesis Map, Leighton and Associates, 12/76; the Map indicates that the historic rate of cliff retreat is greater than 1 foot per year. This is almost twice the long-term average rate of 6.5 inches per year, cited in the November 20, 2020 Geologic Investigation by Louis A. Richardson, Consulting Engineering Geologist, prepared for Mr. Sanjay Sharma (Richardson Report).

The Richardson Report, Plate 7: "Bluff Retreat 1946-2020" uses a diagonal line across the subject property from the corner of Bernal/Alvarado Ave. (southeast of the property) to the top edge of the bluff slightly north of the projected property line as the reference line for the distance from the property line to the edge of the bluff. As a result, the projected bluff retreat in Plates 8 and 8a appears to be significantly underestimated, and the County approval based on the projected bluff retreat does not demonstrate at least 50 years of stability, as required by the LCP.

Evaluation of Potential Deep-seated Landsliding is needed:

As noted in the October 12, 2021 letter from Louis Richardson (Richardson Report #2), there are two major deep-seated landslides in close proximity to the subject property: (1) to the north in Seal Cove (generally north of San Lucas Avenue) (2) a short distance to the south, located on Pillar Point Bluff/County Parks property. There should be a more thorough analysis of the potential for the subject property to be impacted by similar deep-seated landsliding.

Role of Cumulative Groundwater Increase on erosional processes has not been evaluated:

The Richardson Report #2 notes that one of the major erosion mechanisms leading to failure of the bluff is groundwater emerging as springs along the contact zone between the marine terrace permeable soils and the resistant, less permeable bedrock of the Purisima Formation. The Seal Cove Area where the proposed project is located does not have municipal stormwater collection and disposal systems; the area only has individual on-site stormwater systems to collect and dispose of stormwater runoff. As more and more vacant lots are developed, and roads paved and widened, the cumulative effect of increased impermeable surface areas will result in increased groundwater seeping out at the contact zone along the bluff/cliff face, exacerbating the erosional process, through sloughing and slumps, debris slides, and larger block failures along the upper 20 feet of the bluff. A thorough analysis of these cumulative effects on the stability of the cliff/bluff face is needed.

Conditions of Approval 14, 15, and 17 incorrectly reference the "California Coastal Commission" and "Executive Director"; which render them unenforceable by San Mateo County officials.

Due to the incorrect (and most likely, inadvertent) reference to Coastal Commission and Executive Director as the approving agency and staff in Conditions 14, 15, and 17, County officials will be unable to enforce these important conditions of approval. Reference to the County of San Mateo in Condition 14 with respect to maintaining utility infrastructure is also incorrect, as Montara Water and Sanitary District is the applicable agency.

Green Foothills also notes that due to the location of the proposed single-family residence along the ocean front first row of houses, its many windows, if not appropriately treated to reduce glare and avoid reflecting light, could cause bird strikes. As required by the Coastal Commission in Appeal No. A-2-SMC-19-0002 (Zubieta SFD), we request that, should the Commission find Substantial Issue for this project, a Special Condition be included that requires non-glare glass and other surfaces treated to avoid reflecting light, to ensure that all windows and surfaces shall be bird-safe.

The following LCP Policies are applicable to this project:

Hazards Component Policy 9.1 **Definition of Hazard Areas** states: "Define hazardous areas as fault zones and land subject to dangers from liquefaction and other severe seismic impacts, unstable slopes, landslides, coastal cliff instability, flooding, tsunamis, fire and steep slopes (over 30%)."

Hazards Component Policy 9.2 **Designation of Hazard Areas** states: "Designate hazardous areas in the Coastal Zone as those delineated on the Geotechnical Hazards Synthesis Map, the Floodway Boundary and Floodway Maps and Flood Insurance Rate Maps adopted under Chapter 35.5 of the San Mateo County Zoning regulations, and the Natural Hazards Map in the Natural Hazards Chapter of the General Plan."

Hazards Component Policy 9.3 **Regulation of Geologic Hazard Areas** states (in relevant part): "Apply the following regulations of the Resource Management (RM) Zoning Ordinance to designated geologic hazard areas: ...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."

Zoning Regulations Section 6296.1 **Area of Geological Hazard** specifically references the *Geotechnical Hazards Map for the Seal Cove Study Area* prepared by William Cotton and Associates dated August 5, 1980 (hereafter referred to as the Cotton Report).

Zoning Regulations Section 6296.2 **Description of Hazardous Zones in Seal Cove Area** describes the hazards associated with Zones 1, 2, and 3 of the Seal Cove Area, as mapped and described in the Cotton Report. The parcel and associated extension of sewer utilities under Ocean Blvd. are located partly in Zone 2 and partly in Zone 3. Description of Zone 2 hazards: "An area of questionable stability, risk to development is considered to be moderate to high. The likelihood of eliminating the risk is very low; however, it may be possible to reduce the impact by proper site development". Description of Zone 3 hazards: "The most stable part of the Seal Cove area; risk to development in this area is considered to be low to moderate. The major geologic hazard in this zone is the possibility of surface faulting along the main traces and subsidiary cross faults of the Seal Cove Fault system. These faults are considered to be active and capable of producing strong surface rupture and ground failure with associated strong ground shaking." (emphasis added).

Zoning Regulations Section 6296.3 **Geotechnical Investigations and Development Requirements** states: "The regulations in **Table 1** shall be applicable in Zones 1,2, and 3 as defined in the Geotechnical Hazards Map described in Section 6296.1"

Table 1 Requirement of Geotechnical Investigation specifies for Zone 2: "Prior to any development, there shall be an engineering geologic investigation by a certified engineering geologist and a soil and foundation engineering investigation by a registered civil engineer, or a combined equivalent of the above. Both investigations shall provide a detailed evaluation of the potential landslide hazards in this zone. In most cases, landslide studies will require extensive subsurface work in order to provide the necessary technical data to conduct a detailed slope stability analysis. The geotechnical analysis shall provide acceptable factors of safety to clearly demonstrate stability before construction is allowed in this zone."

Table 1 Requirement of Geotechnical Investigation specifies for Zone 3: "Prior to any development, there shall be an engineering geologic investigation by a certified engineering geologist and a soil and foundation engineering investigation by a registered civil engineer, or a combined equivalent of the above, unless evidence is available to show that such investigations are not required. Engineering geologic investigation shall address the seismic hazards related to the master and branching traces of the Seal Cove fault. Particular emphasis of the engineering geologic investigations shall be placed on the evaluation of surface faulting. Investigative techniques within the area will require the use of subsurface trenching and possible geophysical traverses unless clear evidence is established to show that no active fault crosses the parcel in question."

Table 1 Development Requirements specifies for Zone 2 (in relevant part): "No development shall be allowed in Zone ...2 until the required geotechnical investigations have clearly demonstrated reasonable stability, in accordance with current professional standards of land structure."

Table 1 Development Requirements specifies for Zone 3: "Development shall be allowed in Zone 3 if suitable mitigation measures including, but not limited to, siting of homes away from active faults, structural and foundation design and adequate surface drainage plans are applied as recommended by any required geotechnical investigation."

Hazards Component Policy 9.7 Definition of Coastal Bluff or Cliff: "Define coastal bluff or cliff as a scarp or steep face of rock, decomposed rock, sediment or soil resulting from erosion, faulting or excavation of the land mass and exceeding 10 feet in height."

Hazards Component Policy 9.8 Regulation of Development on Coastal Bluff Tops requires (in relevant part): "Permit bluff and cliff top development only if design and setback provisions are adequate to assure stability and structural integrity for the expected economic life span of the development (at least 50 years) and if the

development (including storm water runoff... irrigation) will neither create nor contribute significantly to erosion problems or geologic instability of the site or surrounding area."

"Require a site stability evaluation report... the report shall consider: (1) historic, current and foreseeable cliff erosion...(2) cliff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site and the proposed development, (3) geologic conditions including soil, sediment, and rock types and characteristics in addition to structural features such as bedding joints, and faults, (4) evidence of past or potential landslide conditions, the implications of such conditions for the proposed development, and the potential effects of the development on landslide activity, (5) wave and tidal action, including effects of marine erosion on sea cliffs, (6) ground and surface water conditions and variations, including hydrologic changes caused by the development (e.g., introduction of...irrigation water to the groundwater system, alterations of surface drainage), (7) potential effects of seismic forces resulting from a maximum credible earthquake, (8) effects of the proposed development...on the stability of the site and adjacent area...", "the area of demonstration of site stability includes the base, face, and top of all bluffs and cliffs. The extent of the bluff top considered should include the area between the face of the bluff and a line described on the bluff top by the intersection of a plane inclined at a 20 degree angle from the horizontal passing through the toe of the bluff or cliff, or 50 feet inland from the edge of the bluff or cliff, whichever is greater."

From: [Martinez, Erik@Coastal](mailto:Martinez.Erik@Coastal)
To: [Kanoa Kelley](#)
Subject: PLN2020-00043 (989 Ocean Boulevard SFD)
Date: Tuesday, September 21, 2021 5:34:00 PM

Hi Kanoa,

We have recently received public comments regarding the proposed single family residence on Ocean Boulevard in Moss Beach. The comments raise concerns regarding the geotechnical review and the high rate of erosion in the area. Upon further review on our end, we have concerns relating to coastal hazards given the location of the project. It seems like the geotechnical report does not take into consideration sea level rise when determining the erosion rate of the area. Given its proximity to the bluff edge and the history of erosion of the bluff, we would recommend an analysis that considers sea level rise. Further, for all new shoreline/bluff top development, we typically recommend the inclusion of our standard coastal hazard conditions (see below). Lastly, the project includes a variance for the front yard setback. Again, given it's close proximity to a highly erodible bluff, we would not recommend the variance for the front yard setback as that would further reduce the distance from the bluff edge.

Please let me know if you have any questions.

Best,

Erik Martinez

Standard Coastal Hazard Conditions

1. **Coastal Hazards.** By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns, that:
 - a. **Coastal Hazards.** This 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, tsunami, tidal scour, wave overtopping, coastal flooding, and their interaction, all of which may be exacerbated by sea level rise.
 - b. **Permit Intent.** The intent of this CDP is to allow for the approved project to be constructed and used consistently with the terms and conditions of this CDP for only as long as the development remains safe for occupancy, use, and access, without additional substantive measures beyond ordinary repair or maintenance to protect the development from coastal hazards.
 - c. **No Future Shoreline Armoring.** No shoreline armoring, including but not limited to piers or retaining walls, shall be constructed to protect the development approved pursuant to this CDP, including, but not limited to, residential buildings or other development associated with this CDP, in the event that the approved development is threatened with damage or destruction from coastal hazards in the future. Any rights to construct such armoring that may exist under Coastal Act Section 30235 or under any other applicable law area waived, and no portion of the approved development may be considered an "existing" structure for purposes of Section 30235.
 - d. **Future Removal/Relocation.** The Permittee shall remove or relocate, in part or in whole, the development authorized by this CDP, including, but not limited to, the residential buildings and other development authorized under this CDP, when any government agency with legal

jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to coastal hazards and that there are no measures that could make the structures suitable for habitation or use without the use of a shoreline protective device; or in the event that coastal hazards eliminate access for emergency vehicles, residents, and/or guests to the site due to the degradation and eventual failure of Ocean Boulevard as a viable roadway. The County of San Mateo shall not be required to maintain access and/or utility infrastructure to serve the approved development in such circumstances. Development associated with removal or relocation of the residential buildings or other development authorized by this CDP shall require Executive Director approval of a plan to accommodate same prior to any such activities. In the event that portions of the development fall into the ocean or the beach, or to the ground, before they are removed or relocated, the Permittee shall remove all recoverable debris associated with the development from such areas, and lawfully dispose of the material in an approved disposal site, all subject to Executive Director approval.

- e. **Assume Risks.** The Permittee: assumes the risks to the Permittee and the properties that are the subject of this CDP of injury and damage from such hazards in connection with this permitted development; unconditionally waives any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; indemnifies and holds harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the CDP 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; accepts full responsibility for any adverse effects to property caused by the permitted project; acknowledges and agrees that the boundary between public land (tidelands) and private land may shift with rising seas, the structure may eventually be located on public trust lands, and the development approval does not permit encroachment onto public trust land; and that any future encroachment must be removed unless the Coastal Commission determines that the encroachment is legally permissible pursuant to the Coastal Act and authorizes it to remain, and any future encroachment would also be subject to the State Lands Commission's (or other trustee agency's) leasing approval.

2. **Real Estate Disclosure.** Disclosure documents related to any future marketing and/or sale of the condominiums, including but not limited to marketing materials, sales contracts and similar documents, shall notify potential buyers of the terms and conditions of this CDP, including explicitly the coastal hazard requirements of **Special Condition 1**. A copy of this CDP shall be provided in all real estate disclosures.

3. **Deed Restriction.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit to the Executive Director for review and approval documentation demonstrating that the landowners have executed and recorded against the parcels governed by this CDP a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this CDP, 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; (2) imposing the terms and conditions of this CDP as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of all of the 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.