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Appeal Filed: 11/18/2025
Action Deadline: 1/30/2025
Staff: Isobel Cooper - SF
Staff Report: 11/26/2025
Hearing Date: 12/11/2025

STAFF REPORT SUBSTANTIAL ISSUE DETERMINATION ONLY

Appeal Number: A-2-SMC-25-0051
Applicant: Elizabeth Lacasia
Appellants: Lennie Roberts, on behalf of Green Foothills
Local Government: San Mateo County
Local Decision: San Mateo County Coastal Development Permit Number PLN2021-00478, approved by the San Mateo County Board of Supervisors on November 4, 2025.
Project Location: Vacant property on San Carlos Avenue in unincorporated El Granada area of San Mateo County (APN 047-105-020)
Project Description: Construction of a new 1,670 square feet, three-story, single-family residence with an attached 371 square foot garage and 791 square foot Accessory Dwelling Unit (ADU)
Staff Recommendation: No Substantial Issue Exists

IMPORTANT HEARING PROCEDURAL NOTE

Please note that this is a substantial issue hearing only, and testimony will be taken only on the question of whether the appeal raises a substantial issue. Such testimony is generally limited to three minutes total per side (although the Commission's Chair has the discretion to modify these time limits), so please plan your testimony accordingly. Only the Applicant, persons who opposed the application before the local government, the local government, and their proxies/representatives are allowed to testify during this substantial issue phase of the hearing. Other interested parties may submit comments in writing. If the Commission finds that the appeal raises a substantial issue, then the Commission takes jurisdiction over the underlying coastal development permit (CDP) application and will then review that application at a future Commission meeting, at

which time all persons are invited to testify. If the Commission finds that the appeal does not raise a substantial issue, then the local government CDP decision stands, and is thus final and effective.

SUMMARY OF STAFF RECOMMENDATION

San Mateo County approved a coastal development permit (CDP) authorizing the construction of a new 1,670 square feet, three-story, single-family residence with an attached 371 square foot garage and 791 square foot Accessory Dwelling Unit (ADU), located on an approximately 7,070-sq. ft. vacant parcel, at the end of San Carlos Avenue in the unincorporated community of El Granada of San Mateo County. The Appellant contends that the County-approved project raises LCP conformance issues related to environmentally sensitive habitat areas, wetlands, and required buffers for such resources, as well as concerns regarding variances granted to the project by the County. Specifically, the Appellant contends that the approved development is inconsistent with LCP provisions that protect riparian and wetland habitat, including that the development is sited within such resource areas and their typical buffer areas; in addition, the Appellant raises concerns that the variance granted by the County, which reduces the required front yard setback from 20 feet to 3 feet, is an excessive reduction.

However, the County appears to have appropriately applied the LCP to the project because the project substantially conforms with buffer requirements for riparian corridors and given the information available (including biological resource evaluations prepared for the project) the site was not identified as having wetlands present on or nearby. There are some questions about minor encroachments of the development into portions of the 30-foot riparian buffer. However, the intrusions have been minimized where possible, and the County approved project incorporates best management practices and mitigation to ensure the impacts from such intrusions are negligible. Further, the LCP does allow for a buffer reduction to 20 feet where no alternative exists and no other building site on this parcel exists. In this case, this site is constrained heavily by the required riparian buffer, the house is located on the only buildable area of the site, and the proposed project is similar in size to a majority of the immediate neighboring houses. Additionally, the County required the Applicant to record a deed restriction prohibiting current and future owners from constructing further encroachments into the 30-foot riparian buffer area, amongst other habitat protections. As such, these issues are not substantial in this case.

As described in more detail in this report, it appears that the County's decision adequately addresses LCP objectives as they relate to the contentions raised, and the issues do not rise to the level that would suggest that the Commission needs to become involved in this CDP application. Thus, staff recommends that the Commission find that **no substantial issue** exists with respect to the County-approved project's conformity with the LCP, and that the Commission decline to take jurisdiction over the underlying CDP application. The single motion and resolution to do so is found on **page 4** below.

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EXHIBITS

Exhibit 1 – Location Map
Exhibit 2 – County-Approved Project Plans
Exhibit 3 – San Mateo County Final Local CDP Action Notice
Exhibit 4 – Appeal of County CDP Action
Exhibit 5 – Applicable LCP Provisions
Exhibit 6 – Riparian Corridor and Buffers
Exhibit 7 – Aquatic Resources Delineation
Exhibit 8 – Assessment of Wetlands on Neighboring Properties

1. MOTION AND RESOLUTION

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of no substantial issue would mean that the Commission would not take jurisdiction over the underlying CDP application for the proposed project and would not conduct further hearings on this matter, and that the local government CDP decision stands and is thus final and effective. To implement this recommendation, staff recommends a **yes** vote on the following motion which, if passed, will result in a finding of no substantial issue and adoption of the following resolution and findings, and the local action will become final and effective. Failure of this motion will result in a substantial issue finding and a future de novo hearing on the CDP application. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion: *I move that the Commission determine that Appeal Number A-2-SMC-25-0051 **raises no substantial issue** with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act, and I recommend a **yes** vote.*

Resolution to Find No Substantial Issue. *The Commission hereby finds that Appeal Number A-2-SMC-25-0051 presents no 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 San Mateo County Local Coastal Program and/or the public access and recreation policies of the Coastal Act.*

2. FINDINGS AND DECLARATIONS

A. Project Description and Location

The County-approved project is located on an approximately 7,070-square foot vacant parcel, at the end of San Carlos Avenue inland of Highway 1 in the unincorporated community of El Granada in the mid-coast region of San Mateo County (see **Exhibit 1**). The undeveloped parcel is located within an existing urban, residential neighborhood and is bordered to the north and east by single-family residential development. A portion of the Montecito Riparian Corridor, a riparian corridor associated with San Agustin Creek, covers the southwest portion of the project site. The centerline of San Agustin Creek, an intermittent drainage within the Montecito Riparian corridor, is located over 100 feet west of the property.

The County-approved project would allow for the construction of a new 1,670 square feet, three-story, single-family residence with an attached 371 square foot garage and 791 square foot Accessory Dwelling Unit (ADU). Small portions of the development, including cantilevered decks, encroach into the 30-foot riparian buffer. The County required the Applicant through a condition of approval on the County CDP to record a deed restriction prohibiting current and future owners from constructing further encroachments into the 30-foot riparian buffer area, requiring maintenance of approved encroaching decks and walkways in pervious condition to allow water and sunlight to

pass through to areas below, and requiring compliance with performance standards¹ of riparian area and associated buffer zones per the LCP. See **Exhibit 2** for the County-approved project plans.

B. San Mateo County CDP Approval

PLN2021-00478 has been in progress since June 2005 and has been heard and appealed several times. In 2007, the Zoning Hearing Officer approved a CDP which was then appealed to the Planning Commission who ultimately denied the project due to illegal vegetation removal. However, this denial was then appealed to the Board of Supervisors who approved a CDP for restoration and after-the-fact clearing, without an associated residence. In 2021, the Applicant reapplied for the subject residence and ADU. On July 23, 2025, the Planning Commission heard the item but took no action on the permit given the Planning Commission's 2-2 tie vote, where at least 3 votes are required for action according to the Planning Commission Procedural Rules.

Subsequently, the Applicant appealed the Planning Commission's no action decision to the Board of Supervisors, who ultimately approved the project on November 4, 2025.

The County's notice of its final CDP decision was received in the Coastal Commission's North Central Coast District Office on Thursday, November 6, 2025 (see **Exhibit 3**), and the Coastal Commission's ten-working day appeal period for this action began on November 7, 2025 and concluded at 5pm on November 21, 2025. One valid appeal (discussed below and shown in **Exhibit 4**) was received during the appeal period.

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; (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 LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This County CDP decision is appealable because the County-approved project is not designated as the principal permitted use under LCP.

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP and/or to Coastal Act public access provisions. For appeals of a CDP denial, where allowed (i.e., only allowed in extremely limited circumstances – see description of appealable actions, above), the

¹ Performance standards for LCP-required riparian corridors and buffers are detailed in LCP Policies 7.10 and 7.13 and the full text is included in Exhibit 5.

grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions.

The Commission's consideration of appeals is a two-step process. The first step is determining whether the appeal raises a substantial issue that the Commission, in the exercise of its discretion, finds to be significant enough to warrant the Commission taking jurisdiction over the CDP application. This step is often referred to as the "substantial issue" phase of an appeal. The Commission is required to begin its hearing on an appeal and address at least the substantial issue question within 49 working days of the filing of the appeal unless the applicant has waived that requirement, in which case there is no deadline for Commission action. In this case, the Applicant has not waived the 49 working day requirement, and thus the deadline is January 29, 2025, meaning that the Commission must take action on the substantial issue question at the December 2025 Commission meeting in Imperial Beach in order to meet this deadline, as there is no January Commission hearing.

The Coastal Act and the Commission's implementing regulations are structured such that a substantial issue is presumed when the Commission acts on this question unless the Commission finds that an appeal does not raise a substantial issue, and the Commission considers a number of factors in making that determination.² At this stage, the Commission may only consider contentions raised by the appeal. At the substantial issue hearing, staff will make a recommendation for the Commission to find either substantial issue or no substantial issue. If staff makes the former recommendation, the Commission will not take testimony at the hearing on the substantial issue recommendation unless at least three Commissioners request it, and, if no such full hearing is requested, a substantial issue is automatically found. If the Commission does take testimony, it is generally (and at the discretion of the Commission Chair) limited to three minutes total per side, and only the Applicant, Appellants, persons who opposed the application before the local government, the local government, and their proxies/representatives are allowed to testify, while others may submit comments in writing.

If, following testimony and a public hearing, the Commission determines that the appeal does not raise a substantial issue, then the first step is the only step, and the local government's CDP decision stands. However, if the Commission finds a substantial issue, the Commission takes jurisdiction over the underlying CDP application for the

² The term substantial issue is not defined in the Coastal Act. The Commission's regulations 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)). Section 13115(c) of the Commission regulations provides, along with past Commission practice, that the Commission may consider the following five factors when determining if a local action raises a substantial issue: (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 the Coastal Act's public access provisions; (2) the extent and scope of the development; (3) the significance of the coastal resources affected by the decision; (4) the precedential value of the local government's decision for future interpretation of its LCP; and (5) whether the appeal raises only local issues, or those of regional or statewide significance. The Commission may, but need not, assign a particular weight to a factor, and may make a substantial issue determination for other reasons as well.

proposed project, and the appeal proceeds to the second phase of the hearing on the appeal.

In the second phase of the appeal, if applicable, the Commission must determine whether the proposed development is consistent with the applicable LCP (and in certain circumstances the Coastal Act's public access and recreation provisions). This step is often referred to as the "de novo" review phase of an appeal, and it entails reviewing the proposed project in total. There is no legal deadline for the Commission to act on the de novo phase of an appeal. Staff will make a CDP decision recommendation to the Commission, and the Commission will conduct a public hearing to decide whether to approve, approve with conditions, or deny the subject CDP. Any person may testify during the de novo phase of an appeal hearing (if applicable).

D. Summary of Appeal Contentions

The Appellant contends that the County-approved project raises LCP conformance issues related to environmentally sensitive habitat areas, wetlands, and their required buffers, as well as concerns regarding variances granted to the project by the County. Further, the Appellant raises concerns that the variance granted by the County, which reduces the required front yard setback from 20 feet to 3 feet, is an excessive reduction. Specifically, the Appellants contend that the approved development is inconsistent with LCP provisions that protect riparian and wetland habitat, including that the development is sited within such resource areas and their typical buffer areas; in addition, the Appellant raises concerns that the variance granted by the County, which reduces the required front yard setback from 20 feet to 3 feet, is an excessive reduction. See full appeal documents in **Exhibit 4**.

E. Standard of Review

The standard of review for considering these appeal contentions is the certified San Mateo County LCP (which is made up of a certified Land Use Plan (LUP) and a certified Implementation Plan (IP)) and the public access policies of the Coastal Act (which include Coastal Act Sections 30210 through 30224), as applicable.

F. Substantial Issue Determination

Applicable LCP Provisions

The LCP includes a series of provisions that address development in relation to riparian areas, wetlands, the required buffers for such resources, and the appropriate application of variances. Importantly, limited resource-dependent development is allowed within riparian corridors, wetlands, and their buffers, although those buffers can be reduced in certain circumstances. See the full text of all applicable LCP provisions in **Exhibit 5**.

Analysis

Montecito Riparian Corridor and Buffer Contentions

A portion of the subject property is within the Montecito Riparian Corridor and its buffer, associated with San Agustin Creek (the center line of which is more than 100 feet west of the property). Several biological resource evaluations and riparian corridor boundary delineations have been completed for the subject property between 2004 and 2024.

These reports have characterized San Agustin Creek as an intermittent stream, where the LUP requires a buffer of 30 feet from the limit of riparian vegetation for such intermittent stream resources. The LCP allows a reduction of this buffer to a minimum of 20 feet where no alternative project design exists and where there is no other buildable area on site. See **Exhibit 5** for relevant LUP Policies 7.7, 7.11 and 7.12 in full text)

In this case, Montecito Riparian Corridor that borders San Agustin Creek and the associated 30-foot buffer required for such intermittent streams, encumber a significant portion of the approximately 7,100 square foot subject parcel, leaving a developable area of less than 1,800 at the northeast corner of the project site fronting San Carlos Avenue (see **Exhibit 6**). The proposed residence has an approximately 1,300 square foot site coverage footprint and is largely sited outside of the 30-foot riparian buffer. However, the County-approved project includes some encroachments into the buffer including a stormwater detention basin, covered decking on the first and second floor which extends into, but is cantilevered over, the 30-foot buffer, as well as some portions of the third-floor structure which also extend over the 30-foot buffer. In an effort to minimize potential impacts of these limited intrusions, the County-approved project requires that all decking remain cantilevered and be constructed with pervious materials to reduce blockage of sunlight and water to the impacted portions of the buffer area. Additionally, the County required the Applicant to record a deed restriction prohibiting current and future owners from constructing further encroachments into the 30-foot riparian buffer area; requiring maintenance of approved encroachments in pervious condition; and requiring compliance with performance standards of riparian area and associated buffer zones per the LCP, including minimizing vegetation removal, erosion, sedimentation, and runoff, and to maintain natural vegetation buffer areas. The incorporation of these types of requirements and best management practices/mitigation measures will assure the impact from these encroachments will be negligible. What's more, the LCP does allow for a buffer reduction to 20 feet in limited circumstances where no alternative exists and where there is no other building site on the parcel. As explained above, this site is constrained heavily by the riparian buffer where roughly three quarters of the site is either riparian corridor or required buffer (see **Exhibit 6**), the house is located on the only buildable site on the parcel, and the County-approved home is of similar size to the neighboring houses. As such, the project is largely in conformance with the required 30-foot buffer and is fully outside the minimum reduced buffer of 20 feet. As such, the appeal contentions related to required buffers from the Montecito Riparian Corridor and its habitats do not raise substantial issues.

Wetland Contentions

The Appellant also asserts that wetlands are present on the property and an adjacent property within the Montecito Riparian Corridor that is located to the northwest, and that the proposed development is within LCP-required wetland buffers. The LCP defines wetlands as areas where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants normally found to grow in water or wet ground. This is consistent with the Coastal Act's definition, which is often referred to as a "one parameter" wetland definition, meaning wetlands must only exhibit one wetland parameter (i.e., wetland hydrology, hydric soils, or hydrophytic vegetation) to warrant wetland protections found in the Coastal Act. The

LCP further defines that wetlands typically contain at least 50% cover of some combination of specific plant species.³ The LCP also requires a 100-foot buffer from the outermost line of vegetation for such wetlands. (see **Exhibit 5** for full text of LUP Policies 7.14, 7.18 and 7.19).

While both the Coastal Act and LCP describe the required presence of general parameters to establish wetland conditions, confirming whether wetlands are present on any one site requires a site-specific wetland delineation be performed to establish the on-the-ground presence of such wetland indicators. Such a delineation was completed for the subject property in 2024 and concluded that there were no wetlands on the property (see **Exhibit 7**). This included documentation that 50% cover of any of the typical wetland species of San Mateo County listed by the LCP policy 7.14³ was not present on the site. The delineation included soil sampling across the site, particularly within the downslope portion of the site with the highest potential to support hydric soils and wetland hydrology indicators. No evidence of surface or subsurface hydrology, hydric soils, or hydrophytic vegetation, other than what was discussed below, was observed. Commission staff ecologist, Dr. Rachel Pausch reviewed the wetland delineation performed for this site, as well as the project record, and concurs with the conclusions of the delineation completed by Huffman-Broadway Group that the subject site does not support wetlands.

The wetland delineation report did document substantial stands of arroyo willow (*Salix lasiolepis*) outside of the building area. The Appellant asserts that the presence of these stands of arroyo willow, a facultative wetland species, is automatically indicative of the presence of wetlands on the property. However, while arroyo willow is indeed a facultative wetland plant and can indicate the presence of wetlands in certain circumstances, facultative wetland species like willows can occur outside of wetlands and can be associated with linear riparian areas. The Appellant argues that the Coastal Commission has made findings in the past which support the conclusion that the presence of arroyo willows is indicative of wetlands, referencing Coastal Commission Dispute Resolution 2-19-1004-EDD, where staff found an area of arroyo willows in San Mateo County, along this same corridor, were “likely to delineate as a wetland,” but requested a formal wetland delineation to be completed. In that case Commission staff found that, in the absence of a wetland delineation, “the Commission cannot accept the absence of evidence as an indication that wetlands do not exist on the property, and finds that the site includes wetlands.” In contrast, a wetland delineation was completed for this project and determined wetlands were not present on the project site. Further, the willows in question here are located along the Montecito Riparian Corridor and were classified as riparian woodland in an independent 2022 San Mateo County fine-scale vegetation mapping effort.⁴

³ Typically, “cordgrass, pickleweed, jaumea, frankenia, marsh mint, tule, bullrush, narrow-leaf cattail, broadleaf cattail, pacific silverweed, salt rush, and bog rush.”

⁴ See <https://data.ca.gov/dataset/vegetation-san-mateo-county-ds30211> for more information on this effort, currently managed by the California Department of Fish and Wildlife.

Additional past project analyses have found arroyo willow to be associated with riparian ESHA rather than wetlands, including CDP 2-23-0862, where arroyo willow stands surrounding Lake Merced “in the absence of wetland hydrology and hydric soil indicators and taking into consideration the specifics of the landscape as well as the assemblages of vegetation within the thickets...are more appropriately interpreted as riparian than wetland...” Similarly, this project site’s location next to the riparian forest of the Montecito Riparian Corridor, multiple delineations performed at the parcel, and site-specific factors similarly support a riparian ESHA determination over a wetland determination.

The Appellant also raises the question of whether wetlands may be present on properties adjacent to the subject property (located to the north, west, and south), in which case the LCP required 100-foot wetland buffers would encompass much or all of the subject site. While a formal wetland delineation was not completed for adjacent lands, Coast Ridge Ecology completed a desktop assessment of wetlands on adjacent properties within 100 feet of the proposed development envelope. This assessment was performed because a formal wetland delineation could not be completed on the adjacent properties and was based on existing available soil, hydrology, vegetation, and LIDAR information and concluded that it is unlikely that wetlands are present within 100 feet of the project site (see **Exhibit 8**). Thus, while not as conclusive as a site-specific wetland delineation, this information is what is available in the current record and suggests that it is unlikely there are wetlands present on the portions of the parcels immediately adjacent to the subject site. Given that the parcel is bordered by the riparian corridor to the northwest and development to the east and south, Commission staff, including staff ecologist Dr. Rachel Pausch, concur with this conclusion given the evidence available. Furthermore, if the presence of wetlands were definitively established within 100 feet of the proposed development envelope, the LCP allows wetland buffers to be reduced to 50 feet where no alternative development site is possible. A 100-foot buffer would effectively include almost the entire parcel and would very likely necessitate a reduced buffer, or otherwise warrant a takings analysis for the site that may likely result in a similarly sized development project for this legal lot. Given the constrained nature of the subject site, the proposed residence is already sited at the most northeastern corner of the project site, as far from adjacent parcels at issue as possible. Ultimately, while more definitive information would be ideal to assess the presence of wetlands adjacent to the site, based on the information available in the record, the Commission finds that the facts suggest the wetlands contentions do not rise to a level of substantial issue.

Zoning Variance

The Appellant notes that the County-approved project grants a variance for front yard setback requirements and has concerns that the reduction in front yard setback allowed is excessive. The County LCP requires a 20-foot front yard setback for residential development in this zone but allows that setback to be reduced via a variance (see **Exhibit 5** for full text of IP Sections 6530 through 6534.1). In this case, the County required only a 3-foot front yard setback rather than the standard 20-foot front yard setback typically required for the R-1/S-17 zoning district. The appeal contentions suggest that an alternative design with a smaller scale and footprint should instead be considered to avoid such a large reduction in the required front yard setback. The

County approved project instead found the application of the allowed variance to be warranted here, because as allowed by the LCP, they found strict adherence to the front yard setback requirements would make it difficult to develop this particular parcel. In this instance, because the subject site is already constrained by the riparian corridor and its required buffer, strict adherence to the 20-foot front yard setback would result in a developable area of just 1,165 square feet, or only 16.5% of the site. A reduced front yard setback allows for development of a home which is comparable in size and scale to other homes in the immediate area (which as previously discussed, the County-approved project is), while still allowing it to be sited outside of the 30-foot riparian buffer (save for the minor encroachments discussed above). Furthermore, it appears that this reduced front yard setback is not dissimilar to other front yard setbacks in the immediate area. As such, this appeal contention does not raise a substantial issue.

Conclusion

When considering a project that has been appealed to it, the Commission must first determine whether the local government's decision on the project raises a substantial issue of LCP and/or Coastal Act (as applicable) conformity, such that the Commission should assert jurisdiction over the CDP application 'de novo' (i.e., completely reviewing the project for LCP and Coastal Act consistency) for such development. At this stage, the Commission has the discretion to find that the project does or does not raise a substantial issue of LCP conformance. Section 13115(c) of the Commission regulations provides that the Commission may consider the following five factors when determining if a local action raises a significant issue: the degree of factual and legal support for the County's decision; the extent and scope of the development as approved or denied by the County; the significance of the coastal resources affected by the decision; the precedential value of the County's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. The Commission may, but need not, assign a particular weight to a factor, and may make a substantial issue determination for other reasons as well.

As described above, it appears that the County's decision adequately addresses LCP provisions as they relate to riparian buffers, wetlands, and habitat protections, as well as the application of applicable variances, and the Commission does not believe that these issues raised rise to the level of a substantial issue. In terms of the degree of factual and legal support for the County's decision, as detailed above, the County had significant factual and legal support for its conclusions overall, including several biological resource evaluations, riparian corridor boundary delineations completed for the subject property between 2004 and 2024, and in the form of a desktop wetland assessment performed to evaluate the presence of wetlands on adjacent properties. Given the available information, the facts in this case suggest that the project does not raise substantial issues of LCP conformance, especially given that the reports the County relied on did not identify any wetlands onsite or near the property, and the proposed residence is mostly located outside the required 30-foot riparian buffer and completely outside the minimum reduced buffer of 20-feet. Thus, this factor weighs in favor of no substantial issue.

Second, with respect to extent and scope of the County-approved development, the proposed development is limited to one single-family residence and associated development, similar in size and scale to those in the immediate surrounding area. As such, the second factor does not weigh in favor of finding substantial issue.

With respect to the significance of affected coastal resources, the project raises questions about riparian and wetland resources, which are significant coastal resources. As described above, it appears clear that the riparian resources were appropriately addressed in the County approval through the required buffers, the deed restriction, and other required best management/mitigations incorporated into the County-approved project. As to the wetlands, the County used the best available information to conclude no wetlands were onsite or on nearby parcels, and while the type of assessment that was performed to indicate presence of wetlands is not necessarily definitive, Commission staff ecologist Dr. Rachel Pausch also found the presence of other wetlands outside of the riparian corridor and within 100 feet of the building envelope unlikely. As such, coastal resources have been adequately protected, and this factor weighs in favor of finding no substantial issue.

As to the fourth factor, the potential to set an adverse precedent for future interpretations of the LCP, it should first be noted that any one case, is decided on its specific facts and its specific merits and is not dispositive as to how subsequent CDP decisions will be made. At the same time, there is always the potential that the County and/or other parties interested in the issues raised here might see the County's action as precedential in some way, despite each case being considered based on its own facts and context. In that sense, portions of the development intruding slightly into the 30-foot buffer is technically not allowed by the LCP, and the LCP would typically advocate that no development is within the buffers. Further, typically all adjacent properties would be assessed for wetlands present via a definitive wetland delineation. However, regarding the riparian corridor buffer, the intrusions into the buffer are slight and have been minimized where possible, and the LCP does allow for a buffer reduction to 20-feet where no alternative exists and no other building site on the parcel exists. In this case, this site is constrained heavily by the riparian buffer; the house is located on the only buildable site on the parcel; and is similarly sited in size to the neighboring houses. Additionally, the County required the Applicant record a deed restriction prohibiting current and future owners from constructing further encroachments into the 30-foot riparian buffer area, amongst other habitat protections. As such, this factor weighs in favor of finding no substantial issue.

As to the fifth factor, the County-approved project results in a single-family residential house adjacent to other single-family residences, which, by itself does not raise issues of regional and statewide significance. At the same time, the site is adjacent to a riparian corridor, the protections for which are an issue of statewide significance. However, given the buffer protections and deed restriction previously discussed, this factor supports a finding of no substantial issue.

In this case, taken together, the five factors support a conclusion that the County's approval of a CDP for this project does not raise a substantial issue of LCP conformance. Thus, and for all the reasons stated herein, the Commission finds that

Appeal Number A-2-SMC-25-0051 does not raise a substantial issue as to conformance with the certified San Mateo County LCP and the public access policies of the Coastal Act, and the Commission declines to take jurisdiction over the CDP application for the proposed project.

3. APPENDICES

A. Substantive File Documents⁵

- San Mateo County CDP File PLN2021-00478

B. Staff Contacts with Agencies and Groups

- San Mateo County Planning and Building Department
- Committee for Green Foothills

⁵ These documents are available for review from the Commission's North Central Coast District office.