



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building



Date: April 7, 2015
Board Meeting Date: April 28, 2015
Special Notice / Hearing: 300 Feet
Vote Required: Majority

To: Honorable Board of Supervisors

From: Steve Monowitz, Acting Community Development Director

Subject: EXECUTIVE SUMMARY: Public hearing to consider an appeal of the Planning Commission's approval of a Coastal Development Permit for the construction of a 4-foot tall fence within the public right-of-way, at the west end of Seventh Street, in the unincorporated Montara area of San Mateo County. This project is appealable to the California Coastal Commission.

RECOMMENDATION:

Deny the appeal and uphold the Planning Commission's approval of the Coastal Development Permit, County File Number PLN 2015-00020, by making the required findings and adopting the conditions of approval in Attachment A.

BACKGROUND:

The applicant is requesting a Coastal Development Permit to construct a 4-foot tall, wood framed, wire mesh fence within the public right-of-way at the western end of Seventh Street in Montara. In conjunction with the approval issued to the Department of Public Works (DPW) for the removal of a portion of an existing 6-foot tall, solid wood fence within the public right-of-way (PLN 2014-00302), the Planning Commission requested, and Mr. Westerfield agreed, to remove the remaining portion of the existing fence within the right-of-way. This removed section will be replaced with a 4-foot tall wood frame, wire mesh fence to match the adjacent fence proposed by Mr. Westerfield. In addition, the Planning Commission approved the project subject to a recommended condition of approval that requires the applicant to modify their original proposal so that it does not block the existing footpath into the Marine Walk parcel (which is owned by State Parks) as shown by Exhibit C. The applicant agreed to all project modifications at the hearing.

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DISCUSSION:

The appellants, James and Louise Montalbano, have appealed the Planning Commission's February 25, 2015 approval of the Coastal Development Permit. The Basis of Appeal included five points, addressed in detail in the staff report.

In summary, the appeal contends that the project as approved by the Planning Commission does not comply with the Local Coastal Program's (LCP) policies regarding public access to the shoreline, nor did the Commission's decision take into account the impact of potential future bluff erosion upon the public viewing area.

The Planning Commission determined that the proposed privacy fence, as modified at the hearing, is consistent with the County's LCP and does not exclude public access to coastal resources and in fact provides a balanced approach to protecting the privacy of an adjacent residence and clearly defines the public's right to access of public spaces. While the potential for bluff erosion does exist at this site, staff believes that it would be wrong to conclude that no action would be taken by either the adjacent property owners (which includes the appellants) or the County, as failing to act would result in loss of access to their properties and damage to public infrastructure. Limited bluff erosion would also not preclude public access within the right-of-way.

County Counsel has reviewed and approved the materials as to form.

The approval of this Coastal Development Permit for a 4-foot tall privacy fence within the public right-of-way contributes to the 2025 Shared Vision outcome of a Livable Community through compliance with Local Coastal Program policies that promote public access to the shoreline but also protect the privacy of adjacent residential uses.

FISCAL IMPACT:

No fiscal impact.