



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building



Date: October 5, 2015
Board Meeting Date: October 20, 2015
Special Notice / Hearing: 300 Feet
Vote Required: Majority

To: Honorable Board of Supervisors

From: Steve Monowitz, 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. The applicant has modified their original proposal by moving the proposed fence location approximately 5 feet closer to the house, directly adjacent to the edge of the existing landscaping in front of the house. The new location would start at the hinge post of the existing gate and travel due west, directly adjacent to the existing hedge and landscaping until it intersects a large mass of ceanothus bushes. This revised location would place the entrance to the Marine Walk pathway entirely south of the fence and would not require a 45-degree jog in the fence line as originally proposed.

In conjunction with the approval issued for PLN 2014-00302, the Planning Commission requested and the applicant agreed to the removal of the remaining portion of a legal 6-foot tall, solid wood fence within the public right-of-way. The removed section will be replaced with a 4-foot tall wood frame, wire mesh fence consistent with the originally proposed new fence. All new fences will be of the same height and design.

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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. Approval of the revised project provides a balanced approach to protecting the privacy of an adjacent residence and the public's right to access of public spaces. While the potential for bluff erosion does exist at this site, the impact to public access and recreation opportunities from such erosion is essentially the same with or without the proposed fence, as the revised location of the fence does not intrude upon areas that are needed or suitable for public access and recreation.

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.