



County of San Mateo - Planning and Building Department

ATTACHMENT A

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit File Number: PLN 2015-00020

Board Meeting Date: October 20, 2015

Prepared By: Michael Schaller
Senior Planner

For Adoption By: Board of Supervisors

RECOMMENDED FINDINGS:

Regarding the Environmental Review, Find:

1. That this project is categorically exempt pursuant to Section 15303 of the California Environmental Quality Act, consisting of the construction and location of limited numbers of new, small facilities or structures and includes accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

Regarding the Coastal Development Permit, Find:

2. That the project, as described in the application and accompanying materials required by Zoning Regulations Section 6328.7, and as modified at the public hearing, 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 discussed in the staff report under Section B.2, including protection of coastal access.
3. Where the project is located between the nearest public road and the sea, 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). As discussed in the report, the Planning Commission approved the project with a condition of approval that requires the applicant to modify their proposal so that it does not block public access to the informal trail within the Marine Walk. As modified by the applicant, the new fence will not block access to this existing trail.

RECOMMENDED CONDITIONS OF APPROVAL:

Current Planning Section

1. This approval applies only to the proposal (as modified by the applicant after the Planning Commission's public hearing), documents and plans described in this report and submitted to and approved by the Board of Supervisors at the October 20, 2015 meeting. Minor adjustments to the project may be approved by the Community Development Director if they are consistent with the intent of and in substantial conformance with this approval.
2. This permit shall be valid for one year. Any extension of this permit shall require submittal of an application for permit extension and payment of applicable permit extension fees 60 days prior to expiration.
3. Prior to the beginning of any construction activities, the applicant shall submit to the Current Planning Section for review and approval an erosion and drainage control plan which shows how the transport and discharge of soil and pollutants from and within the project site shall be minimized. The plan shall be designed to minimize potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. Said plan shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:
 - a. Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. No construction activities shall begin until after all proposed measures are in place.
 - b. Minimize the area of bare soil exposed at one time (phased grading).
 - c. Clear only areas essential for construction.
 - d. Within five days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative Best Management Practices (BMPs), such as mulching or vegetative erosion control methods, such as seeding. Vegetative erosion control shall be established within two weeks of seeding/planting.
 - e. Construction entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.

- f. Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.
- g. Soil and/or other construction-related material stockpiled on-site shall be placed a minimum of 200 feet from all wetlands and drain courses. Stockpiled soils shall be covered with tarps at all times of the year.
- h. Intercept runoff above disturbed slopes and convey it to a permanent channel or storm drains by using appropriately designed earth dikes, perimeter dikes or swales, or diversions.
- i. Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.
- j. Install appropriately designed storm drain inlet protection that traps sediment before it enters any adjacent storm sewer systems.
- k. Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50% full (by volume).
- l. Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5 acre or less per 100 feet of fence. Silt fences shall be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.
- m. Throughout the construction period, the applicant shall conduct regular inspections of the condition and operational status of all structural BMPs required by the approved erosion control plan.



County of San Mateo - Planning and Building Department

ATTACHMENT B



San Mateo County Board of Supervisors Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____



County of San Mateo - Planning and Building Department

ATTACHMENT C



San Mateo County Board of Supervisors Meeting

Owner/Applicant: _____

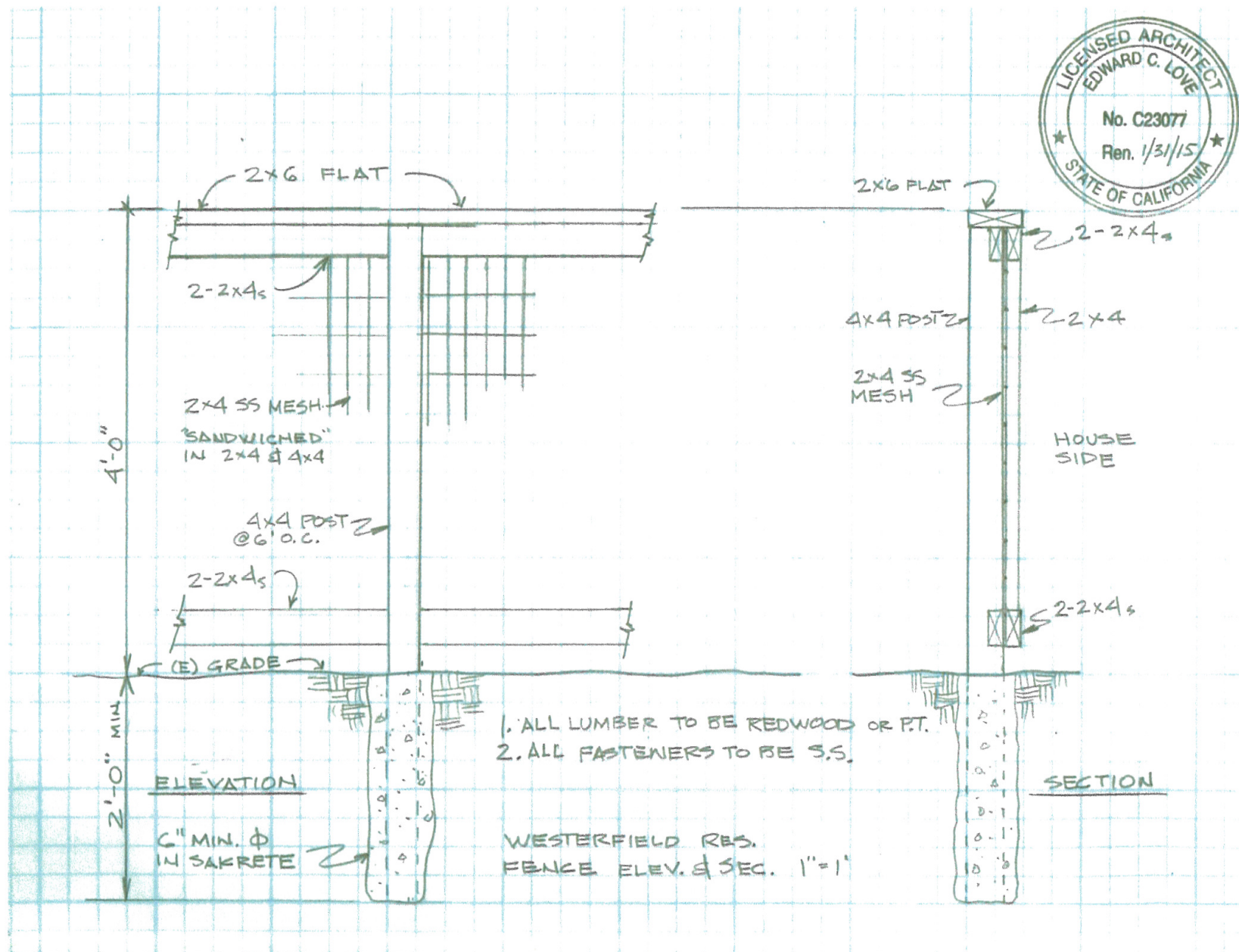
Attachment: _____

File Numbers: _____



County of San Mateo - Planning and Building Department

ATTACHMENT D



San Mateo County Board of Supervisors Meeting

Owner/Applicant:

Attachment:

File Numbers:



County of San Mateo - Planning and Building Department

ATTACHMENT E

Reasons for Appeal

San Mateo County File No. PLN2015-00020

Applicant/Owner: Bradford Westerfield

Location: West end of Seventh Street, Montara, adjacent to 101 Seventh Street.

APN: Public right-of-way adjacent to 036-057-240

Project Description: Coastal Development Permit (CDP) to construct a 4-foot tall, wood framed, wire mesh fence within the public right-of-way (ROW) at the western end of Seventh Street in Montara. The fence will encroach approximately 10 feet and enclose approximately 300 square feet of ROW adjacent to 101 Seventh Street on the coastal bluff.

The CDP for this project, as approved by the San Mateo County Planning Commission, does not comply with the County certified Local Coastal Program, specifically Table 10.6, Recommendations for Shoreline Destinations, and Policy 10.29, Protection of Trails from Closing and/or Encroachment. In addition, the encroachment permit to fence off approximately 300 square feet of coastal bluff in the public ROW for private use does not serve any street or allied access purpose. *"The owner of a subdivided lot typically holds fee title to the center of the abutting street, but has no right to possess or occupy that area."* (SMC Policy on Vacation of Streets, Legal Foundation 1-b, 2/8/2000).

LCP Table 10.6 recommends keeping open the ends of residential streets in Montara and developing them as viewpoints. The staff report states, "Provision of lateral access within the Seventh Street ROW, i.e., a viewing area at the top of the bluff, is feasible with little or no safety improvements of the area." Indeed, the public viewing area already exists and nothing need be done other than to simply not allow this private fence encroachment in the Seventh Street ROW.

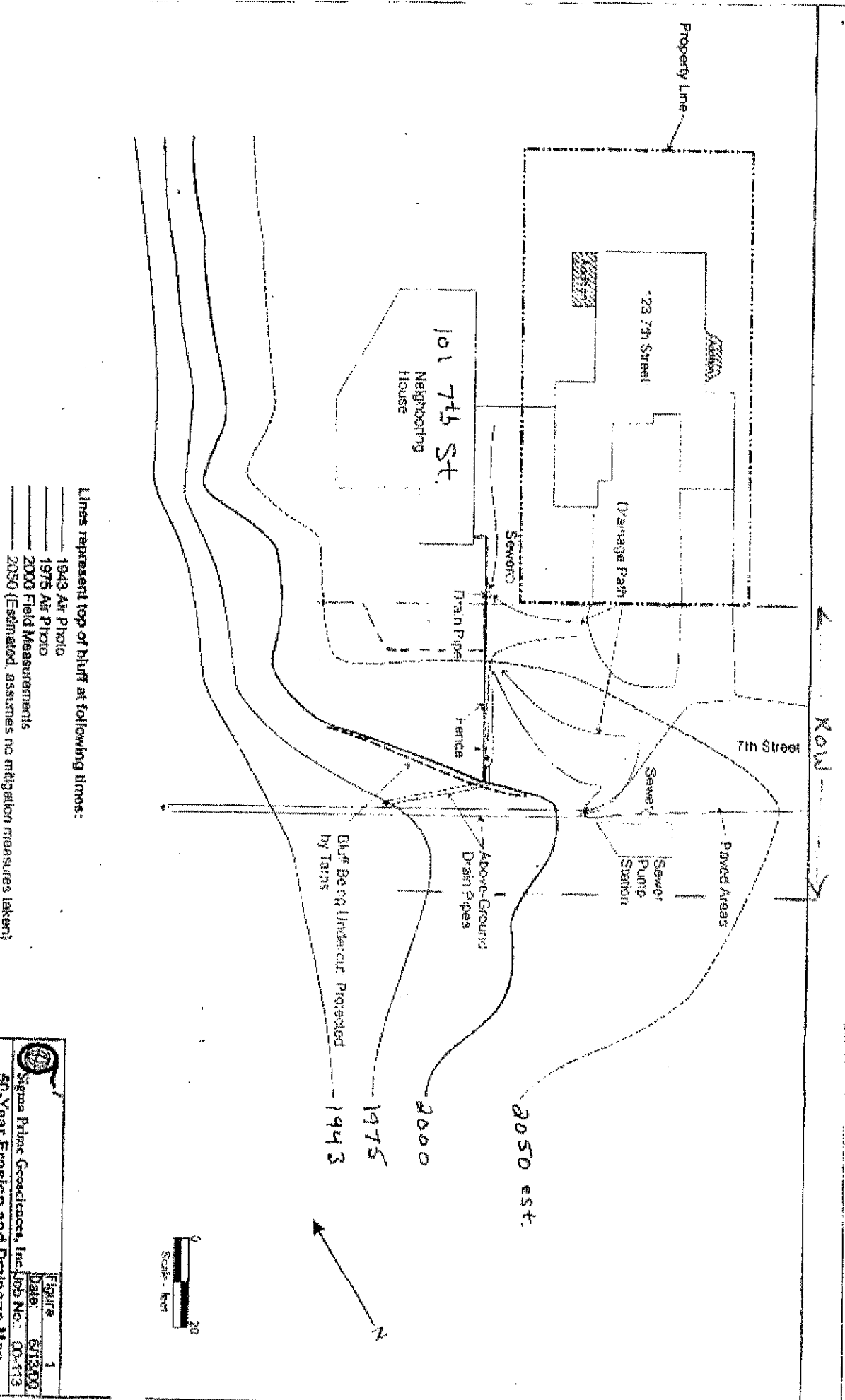
Accelerated V-shaped bluff retreat on the south side of Seventh Street has eroded over half of the 60-foot ROW (6/13/2000 50-Year Erosion and Drainage Map – attached). At the location of the proposed 10.5-foot encroachment approximately 13 feet on average of ROW remains, and it is eroding on two sides. Given the historical erosion pattern, the remaining public portion will be the first to erode away. The public needs a safe distance from the cliff edge for a usable viewing area. Also, it remains in question whether the fragile cliff can handle the digging of 8 to 10 piers for a new fence.

The public ROW at the end of Seventh Street is effectively the shoreline. The proposed fence encroachment, bisects the open gravel public viewing area, and excludes the public from a portion of the shoreline. For some years now, it has been accepted by the County and the applicant that the public has the right to go through the gate (which is left open) and enjoy the public area west of the fence. The only continuing issue has been the view-blocking aspect of the old wall, and the fact that most people unfamiliar with the area would assume it is private property behind the fence and not attempt to go there. The proposed fence is new development (LCP Policy 10.2b) that will exclude the public from part of this shoreline viewing area they have enjoyed, and relegate them to the remaining portion which will be first to erode away.

The reason given for the fence encroachment is to provide a demarcation between public and private space for privacy. Front setback for the house is 23 feet with the exception of the former single-car garage which has 11.8-foot setback. Add to this 5 feet


of existing landscaping encroachment in the ROW. The coastal access in question is the Seventh Street public ROW which obviously pre-dates the house, and cannot be said to encroach on resident's privacy. Clearly choices were made in the location of the house when it was built. There is an ample private back yard. Demarcation and privacy are already provided by extensive mature landscape shrubs, including hedges 6 feet tall and more. In spite of this clear demarcation and encroachment, the new fence is proposed to divide the open gravel public viewing area. This encroachment would set a precedent for other Midcoast houses at coastal street ends with substandard setbacks (e.g. 115 West Point Ave in Princeton) to be allowed similar ROW encroachments for privacy reasons.

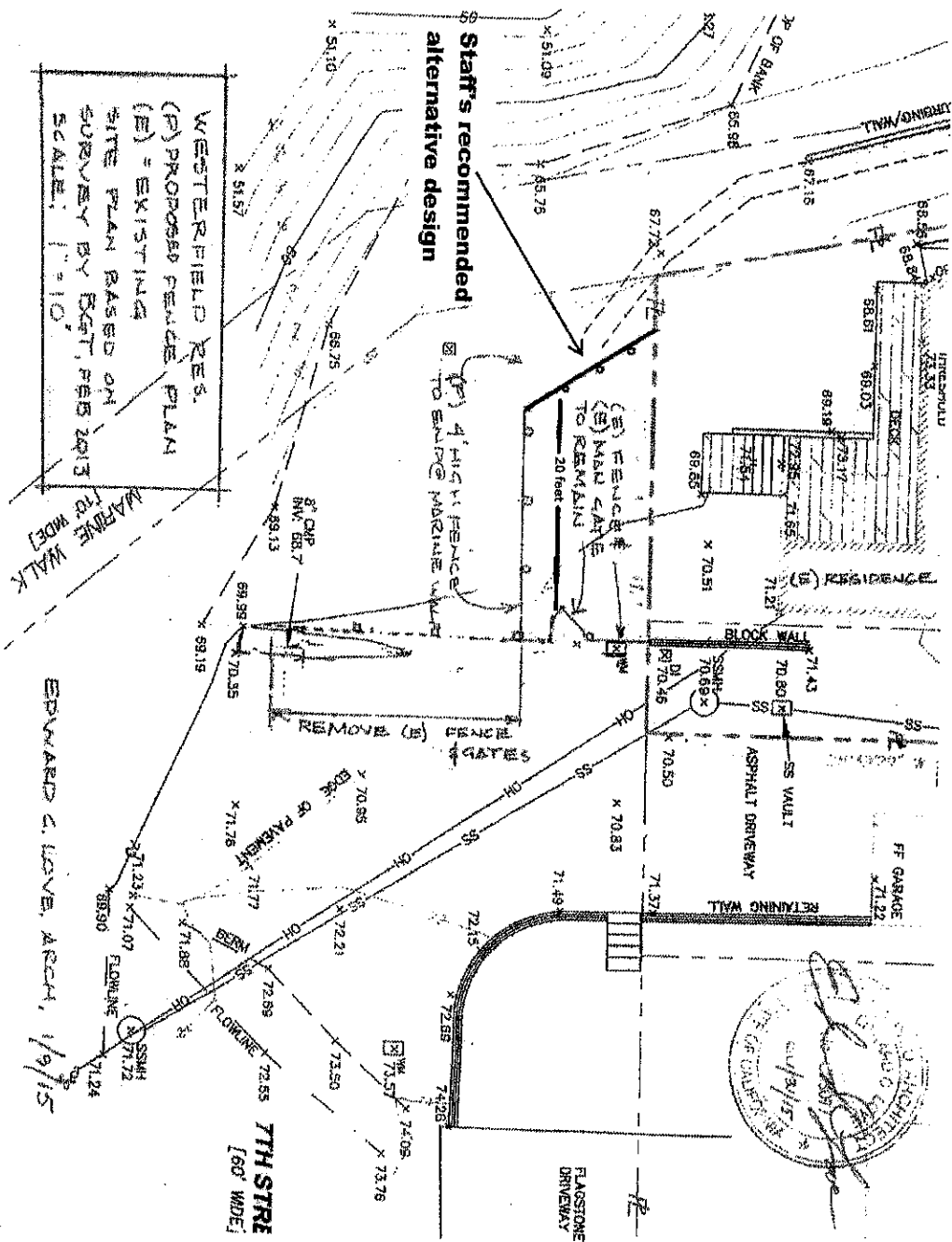
It should be kept in mind that whatever historic rights there were to maintain the current fence encroachment into the public right of way have been withdrawn by the action of the Planning Commission under the application made by the county, County Planning Case number PLN 2014-00302, dated January 15, 2015, whereby the County was granted authority to remove the fence back to the property line.



Lines represent top of bluff at following times:

- 1943 Air Photo
- 1975 Air Photo
- 2000 Field Measurements
- 2050 (Estimated, assumes no mitigation measures taken)

	Figure	1
	Date	6/13/00
	Sigma Prime Geosystems, Inc. Job No. 00-113	
	50-Year Erosion and Drainage Map 123 7th Street, Morrone	





County of San Mateo - Planning and Building Department

ATTACHMENT F

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV



January 28, 2015

Mike Schaller, Project Planner
San Mateo County Planning and Building Department
455 County Center, 2nd Floor
Redwood City, California 94063

Re: San Mateo County Planning Case Number PLN2015-00020

Dear Mr. Schaller,

Thank you for forwarding the project referral form for the County's Planning Case Number PLN2015-00020, dated January 14, 2015, received in our San Francisco office on January 16, 2015. We appreciate the opportunity to provide you with comments. The Project Applicant is requesting a Coastal Development Permit (CDP) to obtain authorization to conduct development in an area located between the sea and Highway 1. The issuance of CDPs for development in this area is appealable to the Coastal Commission. The proposed development entails the installation/construction of a new four-foot-tall, wood frame and wire mesh fence that would be located five feet in to the public right-of-way (r-o-w) at the west end of 7th Street in Montara. Commission staff comments are provided below. The following Commission staff comments are preliminary and may not be comprehensive with respect to the proposed project.

Applicant: Please clarify who the applicant is for the proposed project. The referral form indicates Geoff Westerfield as the applicant; while the application identifies Bradford Westerfield.

Project Description: The proposed development would entail construction of a new 4-foot tall, 30-foot long, wood frame and wire mesh fence that would be located five feet in to the public r-o-w. The new fence would extend westward down 7th Street and end perpendicular to the bluff. We suggest that the applicant provide additional detail for the project description that includes the purpose and need for such a fence and the effect it will have on public use of the 150 square-foot public r-o-w area on 7th Street, itself. Review of the plan prepared by Edward C. Love, dated 1/9/15, shows that the existing fence will be removed. This proposed work is not included in the project description narrative. The application must have a consistent project description. Please clarify whether the fence removal is part of this subject project. Further, there is an existing fence and "main gate" that is shown to remain. Additional comments on the fence follow, below.

Public Access: The existing fence is located within the County's r-o-w and although it appears, based on the plan, that a portion of the fence is to be removed, Commission staff recommends that the entire fence must be removed from the r-o-w. Complete removal of the fence is warranted because as constructed it interferes with the public's ability to laterally access the bluff top public property, specifically Marine Walk that extends along the top of the bluff parallel and

seaward to the Westerfield private property. Marine Walk is an existing public access path that extends in a north to south direction within the public r-o-w along the top of the bluff. This walkway/path is identified in the certified Local Coastal Program (LCP) as a shoreline destination, see LCP Table 10.1. Further, the LCP Table 10.6 calls for improvements to this trail, including posting a warning of hazards, and has a special consideration to keep the end of the residential street, e.g., 7th Street, open to develop as a view point. The fence as currently constructed and located inhibits the public's ability to access Marine Walk along the bluff. The applicant must therefore remove the entire fence in order to ensure that opportunity for the public to access the existing Marine Walk is provided. We recommend that as a condition of approval all unpermitted obstructions to public access within the public right-of-way must be removed, including but not limited to non-native plants, such as the myoporum described in the application attachment, the fence, outdoor furniture, and gravel/rock material that may have been installed by the Westerfields.

Consistency with the LCP: The proposed project must be consistent with the LCP policies under its Visual Resources Component, in particular, LCP Policies 8.4 for cliffs and bluffs, 8.10 vegetative cover, and 8.32 scenic corridors in urban areas. It must also be in conformity with the Shoreline Access Component as provided in LCP Policies 10.1 (Permit Conditions for Shoreline Access), 10.2b (Definition of Development), 10.3 (Definition of Shoreline Access on bluff), 10.4 (Designation of Shoreline Access), 10.23 (Access Trails), 10.23d (Refer to Site Specific Recommendations in Table 10.6), 10.23e (Post Caution signs on difficult access trails), and 10.29 (Protection of Trails from Closing and Encroachment). It is important that the proposed fence must be consistent with LCP Sections 6412 and 6565.20(F)3.

We also note that in addition to this project referral from County Planning regarding the subject CDP application a project referral has also been submitted to Commission staff for review and comment on a San Mateo County Department of Public Works (DPW) CDP application (Planning Case Number PLN2014-00302). DPW is seeking a CDP to obtain authorization to install 2 metal-beam guardrails and remove a portion of the existing wooden fence in the vicinity of this fence installation project. Commission staff will provide comments on PLN 2014-00302 under separate cover, however we strongly recommend that both of these proposed projects be planned and considered in concert because they overlap and involve the very important issue of public access to Marine Walk.

Sincerely,



Renée Ananda, Coastal Program Analyst
North Central Coast District

CC: Steve Monowitz, San Mateo County
John Nibbelin, San Mateo County
Dan Carl, Coastal Commission
Nancy Cave, Coastal Commission
Jeannine Manna, Coastal Commission
Robin Mayer, Coastal Commission



County of San Mateo - Planning and Building Department

ATTACHMENT G

Midcoast Community Council

*An elected Advisory Council to the San Mateo County Board of Supervisors
representing Montara, Moss Beach, El Granada, Princeton, and Miramar*

P.O. Box 248, Moss Beach, CA 94038-0248 - www.MidcoastCommunityCouncil.org

Dave Olson	Chris Johnson	Lisa Ketcham	Dan Haggerty	Erin Deinzer	Joel Janoe	Laura Stein
Chair	Vice-Chair	Secretary	Treasurer			

Date: January 28, 2015

To: Mike Schaller, SMC Planning Dept.

From: Midcoast Community Council, Dave Olson, Chair

Cc: Supervisor Don Horsley
CCC staff Nancy Cave, Renee Ananda
State Parks, San Mateo Coast Superintendent

Subject: **PLN2015-00020: CDP to construct a 4 ft tall wood frame & wire mesh fence within the public right-of-way at the west end of 7th Street in Montara.**

Fence will be approximately 5 ft into the ROW & will be parallel to the front property line of the parcel at 101 7th Street. Applicant: Westerfield

The Midcoast Community Council has the following comments/recommendations on this Project:

1. We appreciate the simplicity and open structure of the fence design.
2. **Locate the new fence within the private parcel, not in the public right-of-way (ROW).** No justification is given for the County to allow fencing off for private use 150 sq.ft. on the north side of 7th St. adjacent to the coastal bluff and State Parkland. The fence encroachment serves no legitimate ROW purpose. It would impede already limited driveway access. It plays no role in stormwater runoff management, a significant issue on this street. The accelerated bluff retreat on the south side of 7th St. has already narrowed the ROW and taken a section of the 10-ft-wide undeveloped bluff top Marine Walk with it. This pattern is predicted to continue.¹ A fence in this location will effectively block access to the Marine Walk along the bluff with its unusual views of the Coast. LCP Table 10.6 recommends keeping open the ends of residential streets in Montara and developing them as viewpoints.
3. **Remove invasive view-blocking Pittosporum shrubs planted on the cliff edge on State Parkland west of the applicant's house.** Cut at ground level and paint fresh cuts with glyphosate.

Thank you for the opportunity to comment. Please keep us informed of any comments received, redesigns, hearings, approvals, or appeals concerning this project. Digital format is preferred (daveolsonmcc@gmail.com).

¹ 50-year erosion/drainage map, 6/13/2000,
<http://www.midcoastcommunitycouncil.org/storage/issues/montaracoast/2000-06-13-7thStErosion-map.pdf>



County of San Mateo - Planning and Building Department

ATTACHMENT H

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

DATE: February 25, 2015

TO: Planning Commission

FROM: Planning Staff

SUBJECT: EXECUTIVE SUMMARY: Consideration 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.

County File Number: PLN 2015-00020 (Westerfield)

PROPOSAL

The applicant, Bradford Westerfield, 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 new fence segment will intersect, at a perpendicular angle, with the remaining portion of a legal fence constructed in the public right-of-way. As proposed, the new fence will encroach approximately 10 feet into the right-of-way. The existing house was constructed in 1948, and has a non-conforming front yard setback of 11.8 feet. The applicant wishes to encroach into the public right-of-way in order to have some level of access and privacy around the area of the front of the house.

RECOMMENDATION

Approve the Coastal Development Permit, County File Number PLN 2015-00020, by adopting staff's recommended alternative, and the required findings and conditions of approval.

SUMMARY

This proposed project is closely intertwined with the Department of Public Works project (PLN 2014-00302). The proposed fence will comply with height restrictions for fences along or within the public right-of-way and will not prohibit the public's ability to enjoy the views to the north. However, as proposed, it will limit public access to the existing trail within the Marine Walk, a parcel of land owned by State Parks. As discussed in the staff report, two potential alternatives would allow the public continued access to this trail. The first would require re-routing of the trail, although this would require the

permission of the property owner. The second alternative involves a modified fence design that would stop short of the Marine Walk parcel line and instead bend at a 45-degree angle until the fence intersects the applicant's front property line. Under this alternative, at no point would the fence block access to the existing trail. Staff favors this alternative as it is unknown whether State Parks would grant the applicant permission to remove vegetation on their property and grade a new trail segment. Staff believes this alternative strikes a balance between protecting the applicant's privacy, as called for under Local Coastal Program 10.27 and ensuring the public's right to coastal access.

MJS:fc – MJSZ0163_WFU.DOCX

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

DATE: February 25, 2015

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration of a Coastal Development Permit, pursuant to Section 6328.4 of the County Zoning Regulations, 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.

County File Number: PLN 2015-00020 (Westerfield)

PROPOSAL

The applicant, Bradford Westerfield, 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 new fence segment will intersect, at a perpendicular angle, with the remaining portion of a legal fence constructed in the public right-of-way. As proposed, the new fence will encroach approximately 10 feet into the right-of-way. The existing house was constructed in 1948, and has a non-conforming front yard setback of 11.8 feet. The applicant wishes to encroach into the public right-of-way in order to have some level of access and privacy around the area of the front of the house.

RECOMMENDATION

Approve the Coastal Development Permit, County File Number PLN 2015-00020, by adopting the required findings and conditions of approval.

BACKGROUND

Report Prepared By: Michael Schaller, Senior Planner, Telephone 650/363-1849

Applicant: Bradford Westerfield

Owner: San Mateo County

Location: West end of Seventh Street, Montara, adjacent to 101 Seventh Street

APN: Public Right-of-Way and adjacent to 036-057-240

Existing Zoning: R-1/S-17/DR (Single-Family Residential/5,000 sq. ft. minimum parcel size/Design Review)

General Plan Designation: Medium Density Residential

Existing Land Use: Public Road Right-of-Way, Open Space

Flood Zone: The project site is located in an area of minimal flooding (Zone X), per FEMA Panel 06081C0117E, effective date October 16, 2012

Environmental Evaluation: Exempt under provisions of Section 15303 of the California Environmental Quality Act, consisting of the construction and location of limited numbers of new, small facilities or structures.

Setting: The project vicinity consists of residential development to the north, south, and east and the Pacific Ocean to the west. Based on geographic information system tools, the Pacific Ocean is approximately 150 feet west of the project site, and is not expected to be impacted by the project activities. At the project site, an existing concrete swale located along the southern edge of Seventh Street collects runoff from nearby streets and ditches and deposits the runoff into the Pacific Ocean. The understory beneath the landscaping shrubs at the cliff edge is comprised of non-native vegetation such as Bermuda buttercup, myoporum, cheeseweed, bull thistle, sow thistle, bur clover, ripgut brome, and wild oat.

The area in which the applicant wishes to construct the new fence is relatively flat and consists of an open area covered with pea gravel and ground shrubs. A series of posts connected by chain demarcates the southwest edge of the area.

DISCUSSION

A. KEY ISSUES

1. Conformance with the County General Plan

Vegetative, Water, Fish and Wildlife Resources Policies

Policy 1.27 (*Regulate Development to Protect Sensitive Habitats*). There is a storm drain intake near to the proposed work area. This storm drain line empties into the Fitzgerald Marine Preserve Area of Special Biological Significance (ASBS) which is a designated Sensitive Habitat. Soil disturbance to construct the proposed fence could result in sediment entering into the ASBS if no measures are taken to address this possibility. Staff is proposing a condition of approval (Condition No. 3) which requires

the applicant to implement erosion control measures as part of the project to avoid this potential impact.

Visual Quality Policies

Policy 4.21 (*Scenic Corridors*). This policy calls for the protection and enhancement of the visual quality of scenic corridors by managing the location and appearance of structural development. The project site is within the Cabrillo Highway County Scenic Corridor. The fence that the applicant is proposing to build should not be visually significant or obtrusive when viewed from Cabrillo Highway, which is approximately 250 feet east of the project site. Moreover, a 4-foot tall fence in front of a house would not be considered out of place by the average motorist.

2. Conformance with County Local Coastal Program (LCP)

Policy 1.1 (*Coastal Development Permits*). A Coastal Development Permit for this fence is required pursuant to San Mateo County Local Coastal Program Policy 1.1. Pursuant to Section 13250 of Title 14 of the California Code of Regulations, when a project site is between the sea and the first through, improved public road paralleling the sea, then the construction of any significant non-attached structure, including garages and fences, does not qualify for an exemption from the provisions of the Local Coastal Program.

Sensitive Habitats Component

Policy 7.3 (*Protection of Sensitive Habitats*). This policy requires that development in areas adjacent to sensitive habitats be sited and designed to prevent impacts that could significantly degrade these resources. All uses shall be compatible with the maintenance of biologic productivity of the habitats. As discussed above, the project site sits adjacent to the Fitzgerald Marine Preserve ASBS. Soil disturbance to construct the proposed fence could result in sediment entering into the ASBS if no measures are taken to address this possibility. Staff is proposing a condition of approval (Condition No. 3) which requires the applicant to implement erosion control measures as part of their project to avoid this potential impact.

Visual Resources Component

Policy 8.4 (*Cliffs and Bluffs*). This policy requires that development be set back from the bluff edge sufficiently far to ensure it is not visually obtrusive when viewed from the shoreline except in highly developed areas where adjoining development is nearer the bluff edge. In this case, the applicant is proposing to terminate the western end of the fence adjacent to a large clump of bushes. There is an additional 10 feet from this point to the bluff

edge. Given this setback distance in conjunction with the fence's relatively low height (4 feet), it is not anticipated that the fence will be visible from the shoreline area below.

Policy 8.12 (*General Regulations*). This policy requires that for all non-residential development in the Midcoast, the standards contained in Section 6565.17 of the San Mateo County Zoning Regulations apply. The standards that are applicable to this project are:

- Proposed structures are designed and situated so as to retain and blend with the natural vegetation and landforms of the site and to ensure adequate space for light and air to itself and adjacent properties.
- Views are protected by the height and location of structures and through the selective pruning or removal of trees and vegetative matter at the end of view corridors.
- Public views to and along the shoreline from public roads and other public lands are protected.
- The design of the structure is appropriate to the use of the property and is in harmony with the shape, size and scale of adjacent building in the community.

The project site is within the boundaries of the Cabrillo Highway County Scenic Corridor. However, because of distance, intervening vegetation and the narrow viewing corridor, the new fence will not be visible from Cabrillo Highway. The applicant is proposing to construct a 4-foot tall open mesh fence which will not block coastal views to the northwest, when standing in the open gravel area, which is a public viewing point. The view in that direction is already partially impeded by the applicant's house. Construction of this new fence will not change that current situation. Absent the construction of the fence, there will be no demarcation between public and private space and a significant loss of privacy for the applicant. The applicant wishes to encroach into the public right-of-way in order to have some level of access and privacy around the area of the front of the house.

Policy 8.32 (*Regulation of Scenic Corridors in Urban Areas*). This policy requires the application of the Design Review regulations contained in the Zoning Ordinance. Specifically, Section 6565.20(f)(3) (*Fencing*) addresses design standards for fencing within the design review districts of the Midcoast. The standard states:

“The design of fences, walls and similar site elements shall be compatible with the architecture of the main buildings and should blend with the surrounding neighborhood.”

The portions of the applicant’s house facing onto the Seventh Street right-of-way are covered in white plaster/stucco. A fence compatible with those materials would be a solid plaster covered structure painted white to match the house. Such a fence would not be consistent with other fences or buildings in the surrounding area and would conflict with other LCP policies concerning view preservation (discussed above). The proposed fence will be less obtrusive and will allow views above and through it. The applicant is not proposing to paint the wood frame of the fence; however, leaving this new portion of fence unpainted would conflict with the painted house and the remaining portion of the existing fence, which are both painted white. Staff is proposing a condition of approval (Condition No. 4) requiring the applicant to paint this new fence segment white to match the existing, remaining fence.

Shoreline Access Component

Policy 10.1 (*Permit Conditions for Shoreline Access*). This policy requires the provision of shoreline access as a condition of granting development permits for any public or private development permits between the sea and the nearest road. The type of provision, the location of the access and the amount and type of improvements required shall be consistent with the policies of this component.

This project’s applicant has agreed to the County’s modification of the historic encroachment permit, which has allowed the existing fence to cross the Seventh Street right-of-way since the 1960s (see associated PLN 2014-00302). Modification of that encroachment permit has clarified the public’s right of access to the area behind the fence, as discussed in the report for the Department of Public Works’ (DPW) project. Construction of the new fence segment will not reduce or eliminate this reestablished shoreline access, but will, as discussed under Policy 10.27, create a boundary between the public and private realms.

Provision of this access, as discussed further in this section, complies with the requirement pursuant to Section 30212 of the California Public Resources Code (Coastal Act).

Policy 10.9 (*Public Safety*). This policy requires that safe access be provided for shoreline destinations which are large enough to accommodate public safety improvements and public use such as bluffs which are large enough and of a physical character to accommodate safety improvements and which provide room for public use as a vista point.

As discussed above and in the associated staff report for the DPW project, provision of lateral access within the Seventh Street right-of-way, i.e., a viewing area at the top of the bluff, is feasible with little or no safety improvements of the area. However, continued lateral access along the top of the bluff and within the Marine Walk parcel raises safety concerns and conflicts with privacy standards outlined in Policy 10.27 of the LCP.

There is a narrow footpath, roughly within the Marine Walk parcel, and parallel (and in some locations very close) to the bluff top edge that travels north from the Seventh Street right-of-way to the north end of the project parcel. The State of California Parks Department owns the Marine Walk and would be responsible for any safety improvements required under Table 10.6 of the LCP.

Policy 10.23 (*Access Trails*). This policy outlines development standards for protecting public safety, specifically:

- a. Give preference to providing access trails in level, safe areas.
- b. Where no such safe areas exist, provide the following trail improvements, including but not limited to: (1) staircases down steep bluffs, (2) fences along the edges of narrow bluffs, and (3) handrails and steps on steep terrain.
- c. Design and site trail improvements to blend with the natural environment. Prohibit the disturbance or alteration of landforms which would cause or contribute to erosion or geologic hazards.
- d. Refer to the Site Specific Recommendations for Shoreline Destinations (Table 10.6) for a listing of required improvements to protect public safety at existing sites.
- e. Post caution signs on all difficult access trails.

The Coastal Commission's comment letter regarding this project suggests that the applicant's proposed fence project must comply with this policy, especially with subsections (d) and (e). Both of these subsections pertain to Marine Walk, which lies adjacent to the applicant's property and is owned by the State of California. Besides the question of whether there is an essential nexus between the proposed project and the actions proposed by the LCP's policy (as required by *Nolan vs. the California Coastal Commission*), there is the more basic issue that the applicant does not own the land in question. Nor has he been given authorization by that landowner (State Parks) to make alterations to their land.

Policy 10.27 (*Development Standards for Protecting Adjacent Land Uses – Residential*). This policy calls for separation between shoreline access trails/areas and adjacent residential uses to protect the privacy and security of houses and the public nature and use of the shoreline. Specifically, keep the edge of lateral shoreline access trails 25 feet and vertical shoreline access trails 10 feet from any occupied residential structure. To achieve this goal, maximize the use of landscaping, fences, and grade separation.

As stated above, the existing house has a non-conforming front yard setback of 11.8 feet. The applicant has requested a permit to construct the new fence approximately 10 feet into the Seventh Street right-of-way, resulting in a 21.8-foot separation between the public and private realms. Absent some form of fencing, there could be confusion on the part of the public as to whether they are on public or private land.

Policy 10.29 (*Protection of Trails from Closing and/or Encroachment*). This policy prohibits adjacent property owners from closing and/or encroaching on established trails except to protect public safety and sensitive habitats as specified in Policy 10.10. It also requires setbacks for development adjacent to existing or proposed shoreline access to prevent encroachment. It also does not permit new structures to encroach farther than the most extended adjacent structure.

The applicant's new fence, as proposed, would extend to the edge of the Marine Walk parcel, which is owned by State Parks, terminating adjacent to an approximately waist high clump of ceanothus bushes. As proposed, it would block the entrance to the existing trail within the Marine Walk (as it is currently configured) and is thus in conflict with this policy.

Two possible solutions exist: the applicant could redesign the proposed fence so that it is only 20 feet in length (instead of the proposed 30 feet). He could then construct a second segment at a 45-degree angle until the fence intersects the applicant's property line. This option would allow the public to continue to utilize the existing trail entrance in-situ. The second option would require the applicant to obtain permission from State Parks to remove the ceanothus bushes and construct a new trail segment that intersects with the Seventh Street right-of-way at a point south of the applicant's proposed new fence. Either option would allow both continued public access to the Marine Walk trail and allow the applicant a measure of privacy around the front of his house, consistent with Policy 10.27. However, the second option would require the approval of State Parks, and it is uncertain at this time whether they would grant that approval. Therefore, staff is recommending that the Planning Commission adopt Condition of Approval No. 5, which implements the alternative fence design discussed above. Staff believes that this alternative strikes the best balance between protecting public access and preserving the applicant's right to privacy.

3. Conformance with County Zoning Regulations

Compliance with Fence Regulations

Section 6412 of the County Zoning Regulations limits fences within the area regulated by the front yard setback to no higher than 4 feet total. The applicant is proposing to build within the Seventh Street right-of-way (i.e., outside of the area regulated by the front yard setback). However, the proposed design will comply with the fence regulations at a proposed 4 feet in height.

B. ENVIRONMENTAL REVIEW

This proposed project is exempt under the provisions of Section 15303 of the California Environmental Quality Act (CEQA), consisting of the construction and location of limited numbers of new, small facilities or structures. This section of CEQA exempts the “construction and location of limited numbers of new, small facilities or structures” and includes “accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.”

C. REVIEWING AGENCIES

California Coastal Commission
Midcoast Community Council

Staff Comments: Both the Coastal Commission and the Midcoast Community Council’s comments for this project echo their comments made on the associated DPW project. Staff has addressed those comments extensively in the above analysis.

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Location Map
- C. Site Map
- D. Fence Elevation
- E. California Coastal Commission Comment Letter, dated January 28, 2015
- F. Midcoast Community Council Comment Letter, dated January 28, 2015

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2015-00020 Hearing Date: February 25, 2015

Prepared By: Michael Schaller For Adoption By: Planning Commission
Senior Planner

RECOMMENDED FINDINGS

Regarding the Environmental Review, Find:

1. That this project is categorically exempt pursuant to Section 15303 of the California Environmental Quality Act, consisting of the construction and location of limited numbers of new, small facilities or structures and includes accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

Regarding the Coastal Development Permit, Find:

2. That the project, as described in the application and accompanying materials required by Zoning Regulations Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program as discussed in the staff report under Section A.2, including protection of coastal access.
3. Where the project is located between the nearest public road and the sea, 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). As discussed in the report, staff is recommending a condition of approval that would modify the applicant's proposal. This modification would allow continued public access to the informal trail within the Marine Walk, and still provide a physical separation between the public access area and the applicant's private property in keeping with Policy 10.27 of the LCP.

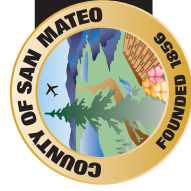
RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. This approval applies only to the proposal, documents and plans described in this report and submitted to and approved by the Planning Commission at the February 25, 2015 meeting. Minor adjustments to the project may be approved by the Community Development Director if they are consistent with the intent of and in substantial conformance with this approval.
2. This permit shall be valid for one year. Any extension of this permit shall require submittal of an application for permit extension and payment of applicable permit extension fees 60 days prior to expiration.
3. Prior to the beginning of any construction activities, the applicant shall submit to the Current Planning Section for review and approval an erosion and drainage control plan which shows how the transport and discharge of soil and pollutants from and within the project site shall be minimized. The plan shall be designed to minimize potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. Said plan shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:
 - a. Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. No construction activities shall begin until after all proposed measures are in place.
 - b. Minimize the area of bare soil exposed at one time (phased grading).
 - c. Clear only areas essential for construction.
 - d. Within five days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative Best Management Practices (BMPs), such as mulching or vegetative erosion control methods, such as seeding. Vegetative erosion control shall be established within two weeks of seeding/planting.
 - e. Construction entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.

- f. Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.
 - g. Soil and/or other construction-related material stockpiled on-site shall be placed a minimum of 200 feet from all wetlands and drain courses. Stockpiled soils shall be covered with tarps at all times of the year.
 - h. Intercept runoff above disturbed slopes and convey it to a permanent channel or storm drains by using appropriately designed earth dikes, perimeter dikes or swales, or diversions.
 - i. Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.
 - j. Install appropriately designed storm drain inlet protection that traps sediment before it enters any adjacent storm sewer systems.
 - k. Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50% full (by volume).
 - l. Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5 acre or less per 100 feet of fence. Silt fences shall be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.
 - m. Throughout the construction period, the applicant shall conduct regular inspections of the condition and operational status of all structural BMPs required by the approved erosion control plan.
- 4. The applicant shall paint the new fence white to match the adjacent fence and house.
 - 5. The applicant shall modify the proposed fence so that the portion that is parallel with the applicant's front property line is no more than 20 feet in length. At the end point, the applicant shall be permitted to construct an additional segment, at a 45-degree angle to the first segment, that ends at the applicant's front property line. At no point may any segment of the new fence block access to the existing trail entrance into Marine Walk.

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County of San Mateo - Planning and Building Department

ATTACHMENT I

**COUNTY OF SAN MATEO
PLANNING AND BUILDING**

March 4, 2015

County Government Center
455 County Center, 2nd Floor
Redwood City, CA 94063
650-363-4161 T
650-363-4849 F
www.planning.smcgov.org

Mr. Bradford Westerfield
P.O. Box 643277
Vero Beach, FL 32964-3277

Dear Mr. Westerfield:

Subject: **LETTER OF DECISION**
File Number: PLN2015-00020
Location: Adjacent to 101 7th Street, Montara
APN: Public R-O-W, adjacent to 036-057-240

On February 25, 2015, the San Mateo County Planning Commission considered a Coastal Development Permit, pursuant to Section 6328.4 of the County Zoning Regulations, for the construction of a four-foot tall fence within the public right-of-way. The fence will be wood framed and wire mesh. In conjunction with the approval issued for PLN 2014-00302, the Planning Commission requested, and the applicant agreed to, removal of the remaining portion of a legal six-foot tall, solid wood fence within the public right-of-way. The removed section will be replaced with a four 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. In addition, the Planning Commission approved this project with Staff's recommended Condition of Approval No. 4, which modifies the applicant's original proposal to allow for continued access to the existing footpath within the Marine Walk parcel. The applicant agreed to all project modifications proposed at the hearing.

Based on information provided by staff and evidence presented at the hearing, the Planning Commission approved the project, as modified, by adopting the required findings and conditions of approval as identified in Attachment A.

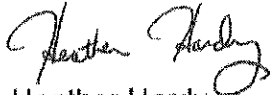
Any interested party aggrieved by the determination of the Planning Commission has the right of appeal to the Board of Supervisors within ten (10) business days from such date of determination. The appeal period for this matter will end at **5:00 p.m.** on March 11, 2015.

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 regarding this matter to Mike Schaller, Senior Planner, at (650)363-1849 or Email: mschaller@smcgov.org. To provide feedback, please visit the Department's Customer Survey at the following link: <http://planning.smcgov.org/survey>.

Sincerely,

A handwritten signature in cursive script, appearing to read "Heather Hardy".

Heather Hardy
Planning Commission Secretary

cc: Department of Public Works
California Coastal Commission
Geoff Westerfield
Midcoast Community Council
Laura Stein
Russell Townsend
Dave Olson
Kathryn Slater-Carter
Len Erickson
Kristen Keith

County of San Mateo
Planning and Building Department

FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2015-00020

Hearing Date: February 25, 2015

Prepared By: Michael Schaller
Senior Planner

Adopted By: Planning Commission

FINDINGS

Regarding the Environmental Review, Found:

1. That this project is categorically exempt pursuant to Section 15303 of the California Environmental Quality Act, consisting of the construction and location of limited numbers of new, small facilities or structures and includes accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

Regarding the Coastal Development Permit, Found:

2. That the project, as described in the application and accompanying materials required by Zoning Regulations Section 6328.7, and as modified at public hearing, 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 discussed in the staff report under Section A.2, including protection of coastal access.
3. Where the project is located between the nearest public road and the sea, 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). As discussed in the report, staff is recommending a condition of approval that would modify the applicant's proposal. This modification would allow continued public access to the informal trail within the Marine Walk, and still provide a physical separation between the public access area and the applicant's private property in keeping with Policy 10.27 of the LCP.

CONDITIONS OF APPROVAL

Current Planning Section

1. This approval applies only to the proposal (as modified at public hearing), documents and plans described in this report and submitted to and approved by the Planning Commission at the February 25, 2015 meeting. Minor adjustments to the project may be approved by the Community Development Director if they are consistent with the intent of and in substantial conformance with this approval.
2. This permit shall be valid for one year. Any extension of this permit shall require submittal of an application for permit extension and payment of applicable permit extension fees 60 days prior to expiration.
3. Prior to the beginning of any construction activities, the applicant shall submit to the Current Planning Section for review and approval an erosion and drainage control plan which shows how the transport and discharge of soil and pollutants from and within the project site shall be minimized. The plan shall be designed to minimize potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. Said plan shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:
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 - i. Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.
 - j. Install appropriately designed storm drain inlet protection that traps sediment before it enters any adjacent storm sewer systems.
 - k. Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50% full (by volume).
 - l. Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5 acre or less per 100 feet of fence. Silt fences shall be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.
 - m. Throughout the construction period, the applicant shall conduct regular inspections of the condition and operational status of all structural BMPs required by the approved erosion control plan.
5. The applicant shall modify the proposed fence so that the portion that is parallel with the applicant's front property line is no more than 20 feet in length. At the end point, the applicant shall be permitted to construct an additional segment, at a 45-degree angle to the first segment, that ends at the applicant's front property line. At no point may any segment of the new fence block access to the existing trail entrance into Marine Walk.