

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

**DATE:** April 12, 2022

**TO:** Planning Commission

**FROM:** Steve Monowitz, Community Development Director  
Glen Jia, Project Planner

**SUBJECT:** STAFF REPORT ADDENDUM: Consideration of a Coastal Development Permit (CDP), Non-Conforming Use Permit, and Design Review Permit, to allow construction of a new 2,041 sq. ft., two-story single-family residence, including a 206 sq. ft. attached one-car garage, located on a 4,484 sq. ft. undeveloped legal parcel (legality confirmed via Lot Merger) in the Moss Beach area of unincorporated San Mateo County. The project is appealable to the California Coastal Commission.

County File Number: PLN 2020-00392 (Love)

**BACKGROUND**

The subject application is scheduled to be heard at the Planning Commission hearing of April 13, 2022. Planning staff provided a staff report with attachments to the Planning Commission and sent a public notice to the property owners within 300 feet of the subject property, the Midcoast Community Council (advisory body), and interested members of the public, approximately 10 days prior to the hearing.

Following the release of the report, staff received comments from Commissioner Lisa Ketcham, the Midcoast Community Council, and the California Coastal Commission (attached). In response to these comments, which address issues related to the project's proximity to the coastal bluff, staff conducted further review of applicable Local Coastal Program policies and is providing additional analysis of these issues in this staff report addendum. As further discussed below, staff proposes eight (8) additional conditions to the Recommended Conditions of Approval (see Revised Attachment A) to address the comments related to coastal hazards, shoreline reinforcement, damage and liability against the County, and the removal of substantially damaged and hazardous structures.

## **CORRESPONDENCE RECEIVED BY STAFF**

On April 10, 2022, Commissioner Ketcham emailed planning staff, stating that additional conditions regarding coastal hazard should be added to the Recommended Conditions of Approval due to the project's close proximity to the bluff edge.

On April 11, 2022, the Midcoast Community Council (MCC) requested that an additional condition be added to the Recommended Conditions of approval for the purpose of preventing armoring and requiring the removal of any eventually "unsustainable" or substantially damaged and hazardous structures by the owner.

On April 11, 2022, California Coastal Commission staff also commented on the subject application, recommending that additional conditions be added to address concerns over coastal hazards, and associated risk assumption and real estate disclosure for any future marketing and/or sale of the property.

## **DISCUSSION**

The subject parcel is in close proximity (approximately 90 feet) to the bluff edge, but is not located within the "area of demonstration of stability" defined in LCP Policy 9.8 c. Nevertheless, an analysis of the impacts associated with new development near coastal bluff is warranted under the LCP, as has been done for other projects within the immediate area, such as (PLN2020-00043) located on Ocean Boulevard, between Bernal Avenue and Precita Avenue. After conducting this analysis, staff recommends adding conditions of approval that: prohibit shoreline armoring at the subject site for the life of the project; require the owner to record a deed restriction regarding coastal hazards inherent to the site, and to indemnify and hold harmless the County for allowing development of the property; and, require the removal of substantially damaged and hazardous structures, as further discussed below.

### 1. Additional Analysis Relating to Shoreline Armoring

When acting on an appeal of a different project in the Moss Beach area that was also close to the coastal bluff, the California Coastal Commission equated the use of a deep pier foundation to the installation of a type of shoreline armoring, which is prohibited by LCP Policy 9.8.d for new structures. In that case, the Coastal Commission required the use of spread footings instead of deep piers. In this case, the geotechnical report prepared for the project identified that a spread footing foundation or a mat foundation are acceptable alternatives to deep piers. Accordingly, staff recommends the following additional conditions of approval:

- New Condition No. 54: No shoreline armoring, including but not limited to piers or retaining walls, shall be constructed to protect the development approved pursuant to this CDP, including, but not limited to, residential

buildings or other development associated with this CDP, in the event that the approved development is threatened with damage or destruction from coastal hazards in the future. Any rights to construct such armoring that may exist under Coastal Act Section 30235 or under any other applicable law area are waived, and no portion of the approved development may be considered an “existing” structure for purposes of Section 30235.

- New Condition No. 55: A mat or spread footing foundation shall be constructed in lieu of a pier foundation. In the event a different type of foundation is proposed, written permission from the Community Development Director shall be obtained.

## 2. Additional Analysis Relating to Coastal Hazard Disclosure

Planning staff also recommends that the following additional conditions be added in order to notify future owners of the hazards presented by the site’s proximity to the coastal bluff, as well as the restrictions against future shoreline armoring:

- New Condition No. 56: Disclosure documents related to any future marketing and/or sale of the condominiums, including but not limited to marketing materials, sales contracts, and similar documents, shall notify potential buyers of the terms and conditions of this CDP, including explicitly the coastal hazard requirements of this CDP. A copy of this CDP shall be provided in all real estate disclosures.
- New Condition No. 57: This Coastal Development Permit (CDP) allows for the approved project to be constructed and used consistently with the terms and conditions of this CDP for only as long as the development remains safe for occupancy, use, and access, without additional substantive measures beyond ordinary repair or maintenance to protect the development from coastal hazards.
- New Condition No. 58: Prior to the issuance of the required Building Permit, the landowners shall submit to the Community Development Director for review and approval documentation demonstrating that the landowners have executed and recorded against the parcels governed by this CDP a deed restriction, in a form and content acceptable to the Community Development Director: (1) indicating that, pursuant to this CDP, the County of San Mateo has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; (2) imposing the terms and conditions of this CDP as covenants, conditions and restrictions on the use and enjoyment of the property; (3) no shoreline armoring shall be constructed, as discussed in Condition No. 54; (4) this site is subject to coastal hazards,

including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, wave overtopping, coastal flooding, and their interaction, all of which may be exacerbated by sea-level rise. The deed restriction shall include a legal description of all of the parcels governed by this permit. The deed restriction shall also indicate that, in the event of extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property.

### **3. Additional Conditions Regarding Damage and Liability Against the County**

In further recognition of the hazards associated with developing near a coastal bluff, staff recommends adding the following condition of approval in order to indemnify the County for any damage or liability that may occur to the property or development on the property.

- New Condition No. 59: The Owner assumes the risks to the Owner and the property that is the subject of this CDP of injury and damage from such hazards in connection with this permitted development; unconditionally waives any claim of damage or liability against the County of San Mateo, its officers, agents, and employees for injury or damage from such hazards; indemnifies and holds harmless the County, its officers, agents, and employees with respect to the County's approval of the CDP against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; accepts full responsibility for any adverse effects to property caused by the permitted project; acknowledges and agrees that the boundary between public land (tidelands) and private land may shift with rising seas, the structure may eventually be located on public trust lands, and the development approval does not permit encroachment onto public trust land; and that any future encroachment must be removed unless the Coastal Commission determines that the encroachment is legally permissible pursuant to the Coastal Act and authorizes it to remain, and any future encroachment would also be subject to the State Lands Commission's (or other trustee agency's) leasing approval.

### **4. Removal of Substantially Damaged and Hazardous Structures by The Owner**

Finally, to address the need for removal of the proposed development should it be damaged or become unsafe due to natural hazards, as well as to ensure that the

plans submitted with the building permit adequately address these hazards, staff recommends the following additional conditions:

- New Condition No. 60: The Permittee shall remove or relocate, in part or in whole, the development authorized by this CDP, including, but not limited to, the residential buildings and other development authorized under this CDP, when any government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to coastal hazards and that there are no measures that could make the structures suitable for habitation or use without the use of a shoreline protective device; or in the event that coastal hazards eliminate access for emergency vehicles, residents, and/or guests to the site due to the degradation and eventual failure of Ocean Boulevard as a viable roadway. The County of San Mateo shall not be required to maintain access and/or utility infrastructure to serve the approved development in such circumstances. Development associated with removal or relocation of the residential buildings or other development authorized by this CDP shall require County of San Mateo approval of a plan to accommodate same prior to any such activities. In the event that portions of the development fall into the ocean or the beach, or to the ground, before they are removed or relocated, the Permittee shall remove all recoverable debris associated with the development from such areas, and lawfully dispose of the material in an approved disposal site, all subject to Community Development Director approval.
  
- Revised Condition No. 61: Prior to the issuance of Building Permit, the permittee shall submit a geotechnical analysis that evaluates bluff erosion and considers the impacts of anticipated sea-level rise on each of these factors, over the expected life of the development, using the Coastal Commission's sea-level rise guidance document as a guide for the amount of sea-level rise to consider. Plans submitted with the Building Permit shall address these hazards to the satisfaction of the Community Development Director. Additional approvals will be required if there are any significant changes to the development reviewed and approved by the Planning Commission.

## **ATTACHMENTS**

- A. Revised Recommended Conditions of Approval
- B. Correspondence from Commissioner Ketcham, dated April 10, 2022
- C. Correspondence from CA Coastal Commission, dated April 11, 2022
- D. Correspondence from the Midcoast Community Council, dated April 11, 2022

County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2020-00392

Hearing Date: April 13, 2022

Prepared By: Glen Jia, Project Planner

For Adoption By: Planning Commission

**RECOMMENDED FINDINGS**

Regarding the Environmental Review, Find:

1. This project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15303, Class 3(a), relating to the construction of one single-family residence in an urban, residential zone.

For the Coastal Development Permit, Find:

2. That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms to the plans, policies, requirements and standards of the San Mateo County Local Coastal Program. Specifically, the project complies with policies regarding minimization of tree removal and design review standards.
3. That where the project is located between the nearest public road and the sea, or the shoreline of Pescadero Marsh, that the project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code).
4. That the project conforms to the specific findings required by policies of the San Mateo County Local Coastal Program as discussed in section 2 of the staff report.
5. That the number of building permits for construction of single-family residences other than for affordable housing issued in the calendar year does not exceed the limitations of Policies 1.22 and 1.23 as stated in Section 6328.19. As of the printing of this report, three (3) building permits for new dwelling units have been

issued in 2022. This requested permit will be valid for 5 years; therefore, the project is likely to be, and would be required to be, within the building permit limit.

Regarding the Non-Conforming Use Permit, Find:

6. That the proposed development is proportioned to the size of the parcel on which it is being built. The project complies with the lot coverage, floor area ratio, and height requirements of the R-1/S-105/DR/GH/CD Zoning District, which regulates the size of development. Therefore, the proposed development is proportioned to the size of the parcel on which it is being built.
7. That all opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations, currently in effect, have been investigated and proven to be infeasible. The subject parcel borders a single-family residence to the east, and a vacant residential parcel to the north. The subject parcel borders a single-family residence to the east, and a vacant residential parcel to the north. The property owner attempted to acquire the adjacent vacant parcel. However, the owner of the parcel was not interested in selling the parcel. In addition, the developed parcel to the east contains a non-conforming residence, which maintains a non-conforming setback from the common property line, thus this adjacent parcel is also not a candidate for expansion of the subject parcel.
8. That the proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible. The project is in conformance with the maximum lot coverage and floor area, facade articulation requirements, maximum building height, and setback requirements of the S-105 Zoning District. The project conforms to the required minimum front, side and rear setbacks. The project does not comply with County parking requirements for two covered parking spaces for all dwellings of two or more bedrooms.
9. That the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in said neighborhood. The design of the project proposes compliant setbacks, building height and floor area ratio; Therefore, planning staff does not anticipate any significant adverse impacts to coastal resources or the neighborhood. The project has received preliminary approval or no comments from review agencies, including the Planning Department, Building Inspection Section, the Drainage Section, the Geotechnical Section, Department of Public Works, California Coastal Commission, Midcoast Community Council, Montara Water and Sanitary District, and Coastside Fire Protection District.
10. That the use permit approval does not constitute a granting of special privileges. For the reasons stated above, this project does not constitute a granting of special privileges, as the project is as nearly in conformance with the R-1/S

105/DR/GH/CD Zoning District regulations as is reasonably possible, given the substandard size and width of the parcel.

Regarding the Design Review, Find:

10. That the project, as proposed and conditioned, has been reviewed and found to be in compliance with the Design Review Standards for One-Family and Two-Family Residential Development in the Midcoast, Section 6565.20 of the San Mateo County Zoning Regulations, specifically elaborated as follows:
  - a. Section 6565.20 (D) ELEMENTS OF DESIGN; 4. Exterior Materials and Colors; a. Compatibility; Standards: The home features muted exterior colors and materials, that complement the style of the neighborhood, reduce the apparent mass of the structure, and are consistent with the style of the home and surrounding homes.
  - b. Section 6565.20 (A)2.a. PRIVACY: The rooftop deck is designed to avoid direct views into neighboring houses and outdoor decks/patios, accessed by interior means, and integrated into the roof design.
  - c. Section 6565.20 (D) ELEMENTS OF DESIGN; 2.d. Architectural Style-garages (1) The design avoids making the garage the dominant feature as seen from the street.

**RECOMMENDED CONDITIONS OF APPROVAL**

Current Planning Section

1. The project shall be constructed in compliance with the plans approved by the Planning Commission on April 13, 2022 and as reviewed by the Coastside Design Review Committee on August 12, 2021. Any changes or revisions to the approved plans shall be submitted to the Community Development Director for review and approval prior to implementation. Minor adjustments to project design may be approved by the Design Review Officer if they are consistent with the intent of and are in substantial conformance with this approval. Alternatively, the Design Review Officer may refer consideration of the revisions to the Coastside Design Review Committee, with applicable fees to be paid.
2. The Coastal Development Permit, Non-Conforming Use Permit, and Design Review approvals shall be valid for five (5) years from the date of final approval in which time a building permit shall be issued and a completed inspection (to the satisfaction of the building inspector) shall have occurred within 180 days of its issuance. An extension of these approvals will be considered upon written request and payment of the applicable fees sixty (60) days prior to the permits' expiration.



3. The applicant shall provide “finished floor elevation verification” to certify that the structure is actually constructed at the height shown on the submitted plans. The applicant shall have a licensed land surveyor or engineer establish a baseline elevation datum point in the vicinity of the construction site:
  - a. The applicant shall maintain the datum point so that it will not be disturbed by the proposed construction activities until final approval of the building permit.
  - b. This datum point and its elevation shall be shown on the submitted site plan. This datum point shall be used during construction to verify the elevation of the finished floors relative to the existing natural or to the grade of the site (finished grade).
  - c. Prior to the Planning Department approval of the building permit application, the applicant shall also have the licensed land surveyor or engineer indicate on the construction plans: (1) the natural grade elevations at the significant corners (at least four) of the footprint of the proposed structure on the submitted site plan, and (2) the elevations of proposed finished grades.
  - d. In addition, (1) the natural grade elevations at the significant corners of the proposed structure, (2) the finished floor elevations, (3) the topmost elevation of the roof, and (4) the garage slab elevation must be shown on the plan, elevations, and cross-section (if one is provided).
  - e. Once the building is under construction, prior to the below floor framing inspection or the pouring of the concrete slab (as the case may be) for the lowest floor(s), the applicant shall provide to the Building Inspection Section a letter from the licensed land surveyor or engineer certifying that the lowest floor height, as constructed, is equal to the elevation specified for that floor in the approved plans. Similarly, certifications on the garage slab and the topmost elevation of the roof are required.
  - f. If the actual floor height, garage slab, or roof height, as constructed, is different than the elevation specified in the plans, then the applicant shall cease all construction and no additional inspections shall be approved until a revised set of plans is submitted to and subsequently approved by both the Building Official and the Community Development Director.
4. The applicant shall indicate the following on plans submitted for a building permit, as stipulated by the Coastside Design Review Committee.

5. Bay window shall be added at office / guest room, centered above windows below, with accent siding, to better meet Section 6565.20 (D) ELEMENTS OF DESIGN; e. wall articulation standards.
6. Coordinate drawings and application forms with regard to window specification as Fleetwood brand, black finish.
7. Coordinate elevations and renderings to indicate one triangular window at stair, left edge aligned with windows above.
8. Clarify and coordinate drawings to show no fence at property line.
9. The gravel shall be extended to provide additional area for parking – relocate plants closer to property line to provide screening for neighbor.
10. One dark sky compliant exterior light shall be added at each rear/west patio door.
11. The property owner shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program “General Construction and Site Supervision Guidelines,” including, but not limited to, the following:
  - a. Delineation with field markers of clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses within the vicinity of areas to be disturbed by construction and/or grading.
  - b. Protection of adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
  - c. Performing clearing and earth-moving activities only during dry weather.
  - d. Stabilization of all denuded areas and maintenance of erosion control measures continuously between October 1 and April 30.
  - e. Storage, handling, and disposal of construction materials and wastes properly, so as to prevent their contact with stormwater.
  - f. Control and prevention of the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.

- g. Use of sediment controls or filtration to remove sediment when dewatering site and obtain all necessary permits.
  - h. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
  - i. Limiting and timing application of pesticides and fertilizers to prevent polluted runoff.
  - j. Limiting construction access routes and stabilization of designated access points.
  - k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
  - l. Training and providing instruction to all employees and subcontractors regarding the Watershed Protection Maintenance Standards and Construction Best Management Practices.
  - m. Additional Best Management Practices, in addition to those shown on the plans may be required by the Building Inspector to maintain effective stormwater management during construction activities. Any water leaving the site shall be clear and running slowly at all times.
  - n. Failure to install or maintain these measures will result in stoppage of construction until the corrections have been made and fees paid for staff enforcement time.
12. During project construction, the applicant shall, pursuant to Chapter 4.100 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site into storm drain systems and water bodies by:
- a. Using filtration materials on storm drain covers to remove sediment from dewatering effluent.
  - b. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and April 30.

- c. Removing spoils promptly, and avoiding stockpiling of fill materials, when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
  - d. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to the storm drain system or water body.
  - e. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
  - f. Limiting and timing application of pesticides and fertilizers to avoid polluting runoff.
13. The applicant shall include an erosion and sediment control plan to comply with the County's Erosion Control Guidelines on the plans submitted for the building permit. This plan shall identify the type and location of erosion control measures to be installed upon the commencement of construction in order to maintain the stability of the site and prevent erosion and sedimentation off-site.
14. All new power and telephone utility lines from the street or nearest existing utility pole to the dwelling and/or any other structure on the property shall be placed underground.
15. The applicant shall apply for a building permit and shall adhere to all requirements from the Building Inspection Section, the Drainage Section, the Geotechnical Section, the Montara Water and Sanitary District, and the Coastside Fire Protection District.
16. No site disturbance shall occur, including any vegetation removal or grading, until a building permit has been issued.
17. To reduce the impact of construction activities on neighboring properties, comply with the following:
- a. All debris shall be contained on-site; a dumpster or trash bin shall be provided on-site during construction to prevent debris from blowing onto adjacent properties. The applicant shall monitor the site to ensure that trash is picked up and appropriately disposed of daily.
  - b. The applicant shall remove all construction equipment from the site upon completion of the use and/or need of each piece of equipment which shall include but not be limited to tractors, back hoes, cement mixers, etc.
  - c. The applicant shall ensure that no construction-related vehicles shall impede through traffic along the right-of-way on Precita Avenue and Ocean

Boulevard. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on either street. There shall be no storage of construction vehicles in the public right-of-way.

18. The project site is located within the Fitzgerald Area of Special Biological Significance (ASBS) watershed. Runoff and other polluted discharges from the site are prohibited. Development shall minimize erosion, treat stormwater from new/replaced impervious surfaces, and prevent polluted discharges into the ASBS or a County storm drain (e.g., car washing in a driveway or street, pesticide application on lawn).
19. The exterior color samples submitted to the CDRC are conditionally approved. Color verification shall occur in the field after the applicant has applied the approved materials and colors but before a final inspection has been scheduled.
20. Noise sources associated with demolition, construction, repair, remodeling, or grading of any real property shall be limited to the hours from 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 5:00 p.m. Saturdays. Said activities are prohibited on Sundays, Thanksgiving and Christmas (San Mateo County Ordinance Code Section 4.88.360).
21. Installation of the approved landscape plan is required prior to final inspection.
22. At the building permit application stage, the project shall demonstrate compliance with the Water Efficient Landscape Ordinance and provide required forms. Water Efficient Landscape Ordinance applies to new landscape projects equal to or greater than 500 square feet. A prescriptive checklist is available as a compliance option for projects under 2,500 square feet. Water Efficient Landscape Ordinance also applies to rehabilitated landscape projects equal to or greater than 2,500 square feet. The following restrictions apply to projects using the prescriptive checklist:
  - a. Compost: Project must incorporate compost at a rate of at least four (4) cubic yards per 1,000 sq. ft. to a depth of 6 inches into landscape area (unless contra-indicated by a soil test).
  - b. Plant Water Use (Residential): Install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 75 percent of the plant area excluding edibles and areas using recycled water.

- c. Mulch: A minimum 3-inch layer of mulch should be applied on all exposed soil surfaces of planting areas, except in areas of turf or creeping or rooting groundcovers.
  - d. Turf: Total turf area shall not exceed 25 percent of the landscape area. Turf is not allowed in non-residential projects. Turf (if utilized) is limited to slopes not exceeding 25 percent and is not used in parkways less than 10 feet in width. Turf, if utilized in parkways is irrigated by sub-surface irrigation or other technology that prevents overspray or runoff.
  - e. Irrigation System: The property shall certify that irrigation controllers use evapotranspiration or soil moisture data and utilize a rain sensor; Irrigation controller programming data will not be lost due to an interruption in the primary power source; and areas less than 10 feet in any direction utilize sub-surface irrigation or other technology that prevents overspray or runoff.
23. At the building permit application stage, the applicant shall submit a tree protection plan, including the following:
- a. Identify, establish, and maintain tree protection zones throughout the entire duration of the project.
  - b. Isolate tree protection zones using 5-foot tall, orange plastic fencing supported by poles pounded into the ground, located at the driplines as described in the arborist's report.
  - c. Maintain tree protection zones free of equipment and materials storage; contractors shall not clean any tools, forms, or equipment within these areas.
  - d. If any large roots or large masses of roots need to be cut, the roots shall be inspected by a certified arborist or registered forester prior to cutting as required in the arborist's report. Any root cutting shall be undertaken by an arborist or forester and documented. Roots to be cut shall be severed cleanly with a saw or topers. A tree protection verification letter from the certified arborist shall be submitted to the Planning Department within five (5) business days from site inspection following root cutting.

- e. Normal irrigation shall be maintained, but oaks shall not need summer irrigation, unless the arborist's report directs specific watering measures to protect trees.
- f. Street tree trunks and other trees not protected by dripline fencing shall be wrapped with straw wattles, orange fence and 2 by 4 boards in concentric layers to a height of 8 feet.
- g. Prior to Issuance of a building permit or demolition permit, the Planning and Building Department shall complete a pre-construction site inspection, as necessary, to verify that all required tree protection and erosion control measures are in place.

#### Coastside Design Review Committee

- 24. An eyebrow roof or trellis over garage door shall be added so that downlight is incorporated into the roof.
- 25. Near bedroom 2, one of the shrubs shall be changed to 1-2 New Zealand Christmas trees, or plantings of equivalent size, to provide screening adjacent to neighbor's house.

#### Building Inspection Section

- 26. A building permit shall be obtained for the proposed construction.

#### Drainage Section

- 27. A drainage report, drainage and grading plans (stamped and signed by a registered civil engineer), and C3/C6 form are required at the building permit stage.
- 28. Site specific erosion control plans and County Best Management Practices plan sheet are required at the building permit stage.

#### Department of Public Works

- 29. Prior to the issuance of the building permit or planning permit (for Provision C3 Regulated Projects), the applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed project and submit it to the Department of Public Works for review and approval. The drainage analysis shall consist of a written narrative and a plan. The flow of the stormwater onto, over, and off of the property shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail

the measures necessary to certify adequate drainage. Post-development flows and velocities shall not exceed those that existed in the pre-developed state. Recommended measures shall be designed and included in the improvement plans and submitted to the Department of Public Works for review and approval.

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

#### Geotechnical Section

33. A Geotechnical Report shall be submitted prior to the issuance of building permit; the report shall be updated to the current adopted code. Significant grading profiles, grading proposals, foundation design recommendations, retaining wall design recommendations, and basement design recommendations, if any, shall be provided in the geotechnical report at building stage. For a vacant site, the Geotechnical Report shall provide sufficient soil investigation data to evaluate the potential hazards, for example, expansive soils, soil corrosivity, weak soil strength, and liquefaction. If any hazards are found, mitigation shall be provided in foundation design and grading proposal.

#### Montara Water and Sanitary District (MWSD or District)

34. Applicant required to submit MWSD application for new connections.
35. Applicant required to obtain sewer permits prior to issuance of building permit. Sewer connection fees must be paid prior to issuance of connection permit. Sewer mainline extension may be required. Grinder pump and pressurized lateral may be required.



36. The applicant is required to obtain a Domestic Water Connection Permit prior to issuance of building permit. Connection fee for domestic water must be paid prior to issuance of connection permit. Proof of well abandonment to San Mateo County Health Services may be required.
37. Connection to the District's fire protection system is required. Certified Fire Protection Contractor must certify adequate fire flow calculations. Connection fee for fire protection system is required. Connection charge must be paid prior to issuance of Private Fire Protection permit.
38. Applicant must first apply directly to District for permits and not their contractor.

#### Coastside Fire Protection District

39. Smoke Detectors which are hard wired: As per the California Building Code, State Fire Marshal regulations, and Coastside Fire District Ordinance 2019-03, the applicant is required to install State Fire Marshal approved and listed smoke detectors which are hard wired, interconnected, and have battery backup. These detectors are required to be placed in each new and reconditioned sleeping room and at a point centrally located in the corridor or area giving access to each separate sleeping area. In existing sleeping rooms, areas may have battery powered smoke alarms. A minimum of one detector shall be placed on each floor. Smoke detectors shall be tested and approved prior to the building final. Date of installation must be added to exterior of the smoke alarm and will be checked at final.
40. Escape or rescue windows shall have a minimum net clear openable area of 5.7 square feet, 5.0 sq. ft. allowed at grade. The minimum net clear openable height dimension shall be 24 inches. The net clear openable width dimension shall be 20 inches. Finished sill height shall be not more than 44 inches above the finished floor. (CFC 1030).
41. As per Coastside Fire Protection District Standard CI-013, building identification shall be conspicuously posted and visible from the street. (TEMPORARY ADDRESS NUMBERS SHALL BE POSTED PRIOR TO COMBUSTIBLES BEING PLACED ON SITE). The letters/numerals for permanent address signs shall be 4 inches in height with a minimum 1/2-inch stroke. Such letters/numerals shall be internally illuminated and facing the direction of access. Residential address numbers shall be at least six feet above the finished surface of the driveway. Where buildings are located remotely to the public roadway, additional signage at the driveway/roadway entrance leading to the building and/or on each individual building shall be required by the Coastside Fire Protection District. This remote signage shall consist of a 6-inch by 18-inch green reflective metal sign with 3-inch reflective Numbers/Letters similar to Hy-Ko 911 or equivalent shall be placed at the entrance from the nearest public roadway.

42. As per Coastside Fire Protection District Ordinance 2019-03, the roof covering of every new building or structure, and materials applied as pan of a roof covering assembly, shall have a minimum fire rating of Class "B" or higher as defined in the current edition of the California Building Code.
43. Vegetation Management (LRA) -The Coastside Fire Protection District Ordinance 2019-03, the 2019 California Fire Code 304.1.2:
44. A fuel break of defensible space is required around the perimeter of all structures to a distance of not less than 30 feet and may be required to a distance of 100 feet or to the property line. This is neither a requirement nor an authorization for the removal of living trees.
45. Trees located within the defensible space shall be pruned to remove dead and dying portions, and limbed up 6 feet above the ground. New trees planted in the defensible space shall be located no closer than 10 feet to adjacent trees when fully grown or at maturity.
46. Remove that portion of any existing trees, which extends within 10 feet of the outlet of a chimney or stovepipe or is within 5 feet of any structure. Maintain any tree adjacent to or overhanging a building free of dead or dying wood.
47. Fire Hydrant: As per 2019 CFC, Appendix B and C, a fire district approved fire hydrant (Clow 960) must be located within 500 feet of the proposed single-family dwelling unit measured by way of drivable access. As per 2019 CFC, Appendix B the hydrant must produce a minimum fire flow of 500 gallons per minute at 20 pounds per square inch residual pressure for 2 hours. Contact the local water purveyor for water flow details.
48. Fire Access Roads - The applicant must have a maintained asphalt surface road for ingress and egress of fire apparatus. The City of Half Moon Bay Department of Public Works, San Mateo County Department of Public Works, the Coastside Fire Protection District Ordinance 2019-03, and the California Fire Code shall set road standards. As per the 2019 CFC, dead-end roads exceeding 150 feet shall be provided with a turnaround in accordance with Coastside Fire Protection District specifications. As per the 2019 CFC, Section Appendix D, road width shall not be less than 20 feet. Fire access roads shall be installed and made serviceable prior to combustibles being placed on the project site and maintained during construction. Approved signs and painted curbs or lines shall be provided and maintained to identify fire access roads and state the prohibition of their obstruction. If the road width does not allow parking on the street (20-foot road) and on-street parking is desired, an additional improved area shall be developed for that use.

49. 2019 CFC Section 503.1.1: The fire department access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the exterior walls of the first floor.
50. Automatic Fire Sprinkler System: (Fire Sprinkler plans will require a separate permit). As per San Mateo County Building Standards and Coastside Fire Protection District Ordinance Number 2019-03, the applicant is required to install an automatic fire sprinkler system throughout the proposed or improved dwelling and garage. All attic access locations will be provided with a pilot head on a metal upright. Sprinkler coverage shall be provided throughout the residence to include all bathrooms, garages, and any area used for storage. The only exception is small linen closets less than 24 sq. ft. with full depth shelving. The plans for this system must be submitted to the San Mateo County Planning and Building Department. A building permit will not be issued until plans are received, reviewed and approved. Upon submission of plans, the County or City will forward a complete set to the Coastside Fire Protection District for review.
51. Installation of underground sprinkler pipe shall be flushed and visually inspected by Fire District prior to hook-up to riser. Any soldered fittings must be pressure tested with a trench open. Please call Coastside Fire Protection District to schedule an inspection. Fees shall be paid prior to plan review.
52. Exterior bell and interior horn/strobe are required to be wired into the required flow switch on your fire sprinkler system. The bell, horn/strobe and flow switch, along with the garage door opener are to be wired into a separate circuit breaker at the main electrical panel and labeled.
53. Solar Photovoltaic Systems: These systems shall meet the requirements of the 2019 CFC Section 605.11.

#### Additional Conditions Relating to Coastal Hazards

54. No shoreline armoring, including but not limited to piers or retaining walls, shall be constructed to protect the development approved pursuant to this CDP, including, but not limited to, residential buildings or other development associated with this CDP, in the event that the approved development is threatened with damage or destruction from coastal hazards in the future. Any rights to construct such armoring that may exist under Coastal Act Section 30235 or under any other applicable law area are waived, and no portion of the approved development may be considered an "existing" structure for purposes of Section 30235.
55. A mat or spread footing foundation shall be constructed in lieu of a pier foundation. In the event a different type of foundation is proposed, written permission from the Community Development Director shall be obtained.

56. Disclosure documents related to any future marketing and/or sale of the condominiums, including but not limited to marketing materials, sales contracts, and similar documents, shall notify potential buyers of the terms and conditions of this CDP, including explicitly the coastal hazard requirements of this CDP. A copy of this CDP shall be provided in all real estate disclosures.
57. This Coastal Development Permit (CDP) allows for the approved project to be constructed and used consistently with the terms and conditions of this CDP for only as long as the development remains safe for occupancy, use, and access, without additional substantive measures beyond ordinary repair or maintenance to protect the development from coastal hazards.
58. Prior to the issuance of the required Building Permit, the landowners shall submit to the Community Development Director for review and approval documentation demonstrating that the landowners have executed and recorded against the parcels governed by this CDP a deed restriction, in a form and content acceptable to the Community Development Director: (1) indicating that, pursuant to this CDP, the County of San Mateo has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; (2) imposing the terms and conditions of this CDP as covenants, conditions and restrictions on the use and enjoyment of the property; (3) no shoreline armoring shall be constructed, as discussed in Condition No. 54; (4) this site is subject to coastal hazards, including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunami, tidal scour, wave overtopping, coastal flooding, and their interaction, all of which may be exacerbated by sea-level rise. The deed restriction shall include a legal description of all of the parcels governed by this permit. The deed restriction shall also indicate that, in the event of extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property.
59. The Owner assumes the risks to the Owner and the property that is the subject of this CDP of injury and damage from such hazards in connection with this permitted development; unconditionally waives any claim of damage or liability against the County of San Mateo, its officers, agents, and employees for injury or damage from such hazards; indemnifies and holds harmless the County, its officers, agents, and employees with respect to the County's approval of the CDP against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; accepts full

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

60. The Permittee shall remove or relocate, in part or in whole, the development authorized by this CDP, including, but not limited to, the residential buildings and other development authorized under this CDP, when any government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to coastal hazards and that there are no measures that could make the structures suitable for habitation or use without the use of a shoreline protective device; or in the event that coastal hazards eliminate access for emergency vehicles, residents, and/or guests to the site due to the degradation and eventual failure of Ocean Boulevard as a viable roadway. The County of San Mateo shall not be required to maintain access and/or utility infrastructure to serve the approved development in such circumstances. Development associated with removal or relocation of the residential buildings or other development authorized by this CDP shall require County of San Mateo approval of a plan to accommodate same prior to any such activities. In the event that portions of the development fall into the ocean or the beach, or to the ground, before they are removed or relocated, the Permittee shall remove all recoverable debris associated with the development from such areas, and lawfully dispose of the material in an approved disposal site, all subject to Community Development Director approval.
61. Prior to the issuance of Building Permit, the permittee shall submit a geotechnical analysis that evaluates bluff erosion and considers the impacts of anticipated sea-level rise on each of these factors, over the expected life of the development, using the Coastal Commission's sea-level rise guidance document as a guide for the amount of sea-level rise to consider. Plans submitted with the Building Permit shall address these hazards to the satisfaction of the Community Development Director. Additional approvals will be required if there are any significant changes to the development reviewed and approved by the Planning Commission.

## Attachment B

Hi Glen,

I don't understand how this project does not include coastal hazard Conditions of Approval for no future armoring and related provisions, as were most recently applied for the project two doors down in the same block of Ocean Bl (PLN2020-00043). On appeal, CCC staff recommended no substantial issue but with these key comments (March 2022 excerpts):

"The County's analytic framework lacked important coastal hazard considerations.

"Although available evidence suggests that a true 50-year setback would likely be further inland, and possibly inland of the lot itself, such a setback (and project denial) would raise the potential for a takings. Here, the approved development is of a similar size and has been set back to a similar degree as surrounding residences, and any uncertainties about the length of time that the development will be safe from hazards can be addressed by the County's conditions, including as it means that the Applicant is internalizing the risks of developing in a location that is subject to coastal hazards.

"While the County's coastal hazard analysis was not as robust as it should have been, the outcome of the County's decision ensures that the LCP's objectives as they relate to shoreline development in areas subject to coastal hazards are met, including that the public will not need to absorb potential impacts related to potential armoring (as it is prohibited, and the approved development is required to be relocated/removed if/when threatened). Although the County's analytic process raises issues, the outcome suggests that the Commission need not become further involved in this case, and thus staff recommends that the Commission find that **no substantial issue** exists."

I could see how one might reference the geotech report for the prior project, give weight to CCC staff comments regarding the importance of the CoA, and simply add them to this project. While the current project does not depend on Ocean Bl for access and infrastructure, it appears this parcel is closer to the cliff edge (see attached Plate 7).

I don't see how you can simply say that the project is not subject to LCP Policy 9.8. Since CoA for no future armoring came to be routinely applied in the Midcoast, we have these required setbacks in Moss Beach:

2012 at 263 Nevada = increased to 80 ft by CCC

2019 at Vallemar Bluff = project reduced from 6 to 4 houses at 90? ft

2020 at 199 Arbor Lane = increased to 95 ft by CCC

2021 at 989 Ocean Bl = no modification, but CoA added

Are we saying now, that those studies, modifications, and conditions weren't necessary because the development was proposed more than 50 ft from the cliff? Is this intended to be the new process going forward until we can finally update the LCP SLR/erosion provisions? Hoping for clarification and inclusion of coastal hazard CoA.

Thanks,  
Lisa Ketcham

## Attachment C

Hi Glen,

I see that project PLN2020-00392 is on the agenda for this week's Planning Commission hearing. We have reviewed the proposed development and have a couple of comments. Due to its proximity to the bluff edge and the history of erosion of the bluff, we would recommend a geotechnical analysis that evaluates bluff erosion, slope stability, and landslide potential of the subject site, and considers the impacts of anticipated sea level rise on each of these factors, over the expected life of the development, using the Coastal Commission's sea level rise guidance document as a guide for the amount of sea level rise to consider. Further, as for all new shoreline/bluff top development, we recommend the inclusion of our standard coastal hazard conditions (see below).

### *Standard Coastal Hazard Conditions*

1. **Coastal Hazards.** By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns, that:
  - a. **Coastal Hazards.** This site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, wave overtopping, coastal flooding, and their interaction, all of which may be exacerbated by sea level rise.
  - b. **Permit Intent.** The intent of this CDP is to allow for the approved project to be constructed and used consistently with the terms and conditions of this CDP for only as long as the development remains safe for occupancy, use, and access, without additional substantive measures beyond ordinary repair or maintenance to protect the development from coastal hazards.
  - c. **No Future Shoreline Armoring.** No shoreline armoring, including but not limited to piers or retaining walls, shall be constructed to protect the development approved pursuant to this CDP, including, but not limited to, residential buildings or other development associated with this CDP, in the event that the approved development is threatened with damage or destruction from coastal hazards in the future. Any rights to construct such armoring that may exist under Coastal Act Section 30235 or under any other applicable law area waived, and no portion of the approved development may be considered an "existing" structure for purposes of Section 30235.
  - d. **Future Removal/Relocation.** The Permittee shall remove or relocate, in part or in whole, the development authorized by this CDP, including, but not limited to, the residential buildings and other development authorized under this CDP, when any government agency with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for occupancy or use due to coastal hazards and that there are no measures that could make the structures suitable for habitation or use without the use of a shoreline protective device; or in the event that coastal hazards eliminate access for emergency vehicles, residents, and/or guests to the site due to the degradation and eventual failure of Ocean Boulevard as a viable roadway. The County of San Mateo shall not be required to maintain access and/or utility infrastructure to serve the approved development in such circumstances. Development associated with removal or relocation of the residential buildings or other development authorized by this CDP shall require County of San Mateo approval of a plan to accommodate same prior to any such activities. In the event that portions of the development fall into the ocean or the beach, or to the ground, before they are

removed or relocated, the Permittee shall remove all recoverable debris associated with the development from such areas, and lawfully dispose of the material in an approved disposal site, all subject to Community Development Director approval.

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

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

3. **Deed Restriction.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit to the Community Development Director for review and approval documentation demonstrating that the landowners have executed and recorded against the parcels governed by this CDP a deed restriction, in a form and content acceptable to the Community Development Director: (1) indicating that, pursuant to this CDP, the County of San Mateo has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; (2) imposing the terms and conditions of this CDP as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of all of the parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property.

Erik Martinez  
Coastal Planner  
California Coastal Commission



## Attachment D

Glen,

the MCC is concerned that our comments on this proposal were not properly filed with the project.

Our original comments were:

Mar 27, 2021 - Referral for proposed SFD at Ocean & Precita, Moss Beach (PLN2020-00392)

"The MCC has reviewed these plans using our usual procedure and there is a concern about likelihood of erosion at the site. We do not see it fully addressed in the geotechnical report and suggest that language be inserted in the deed preventing armoring of the site and requiring removal of any eventually unsustainable structures by the owner."

We are particularly concerned about the whole issue of armoring and continue to think that language needs to be inserted in the deed preventing armoring of the site and requiring removal of any eventually unsustainable structures by the owner.

It is our belief that similarly-located development should include this clause as well.

Thank you for ensuring that the Commission sees our actual comments.

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Claire Toutant

Chair, Midcoast Community Council

[midcoastcommunitycouncil.org](http://midcoastcommunitycouncil.org)