

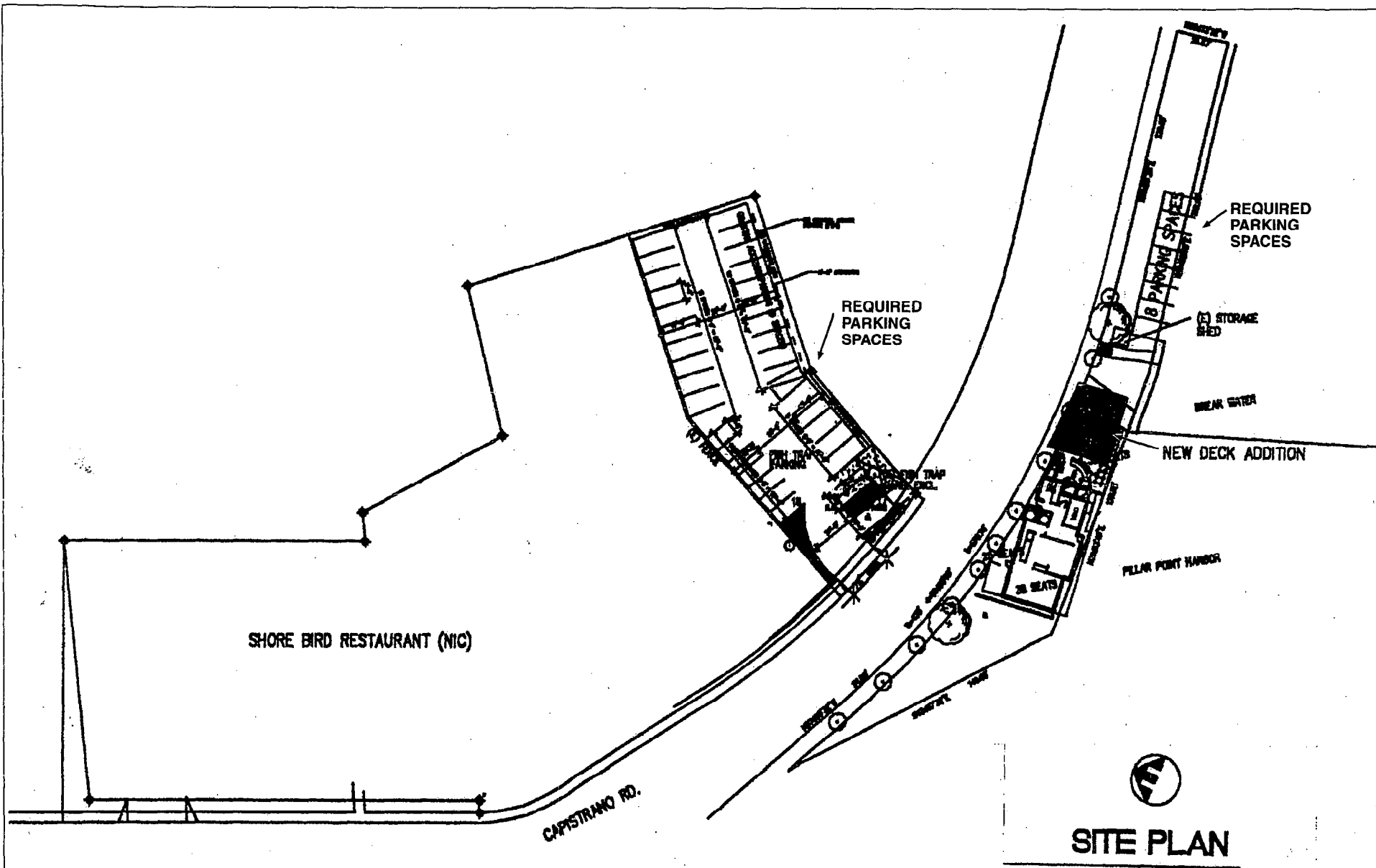
San Mateo County Board of Supervisors Meeting

Applicant: **Walsh/Pedley**

Attachment: **B**

File Numbers: **PLN1999-00758**



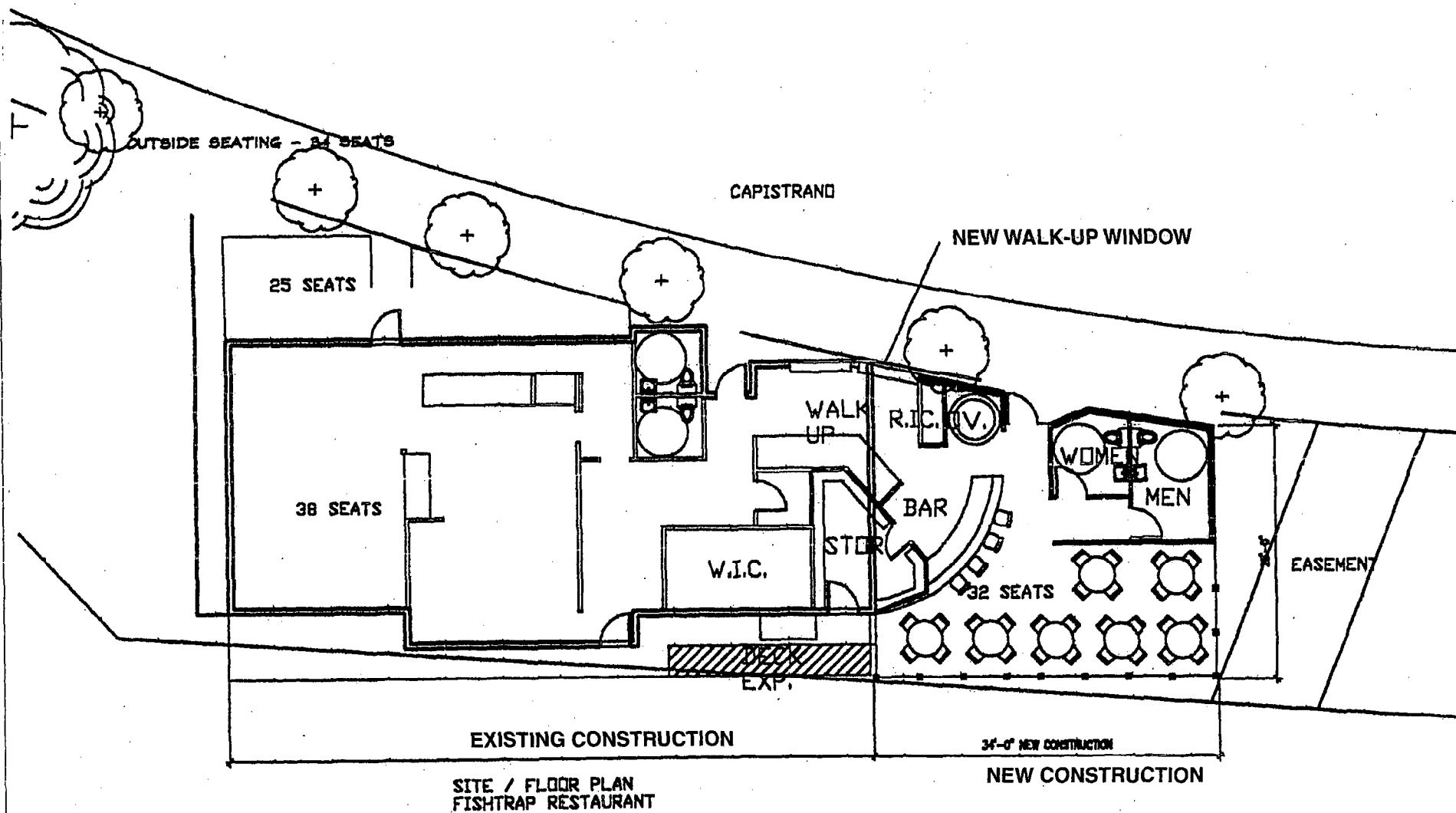


San Mateo County Board of Supervisors Meeting

Applicant: **Walsh/Pedley**

Attachment: **C**

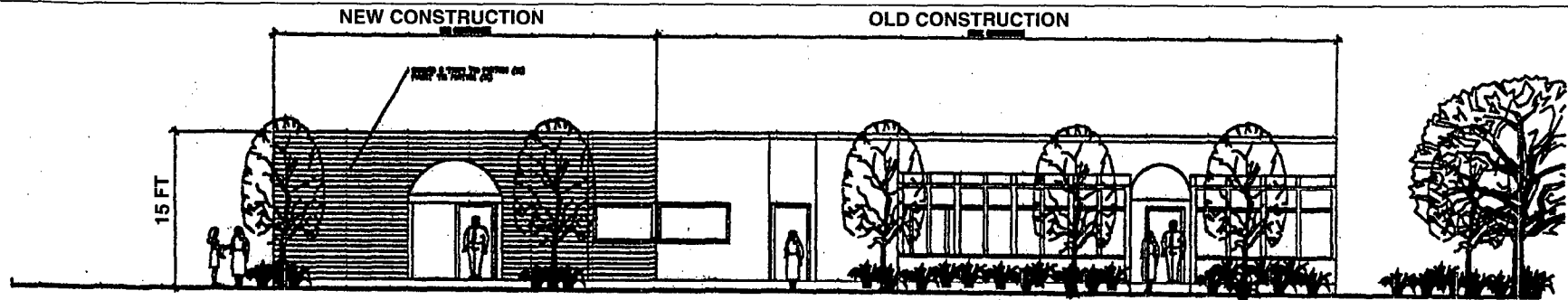
File Numbers: **PLN1999-00758**



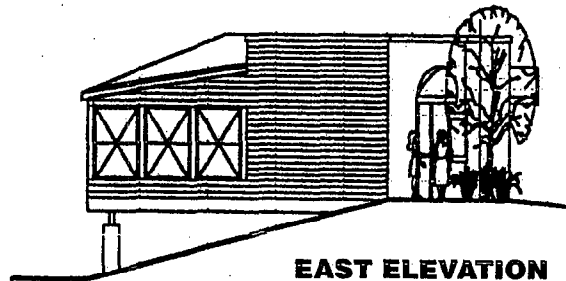
1.

Attachment: **D**

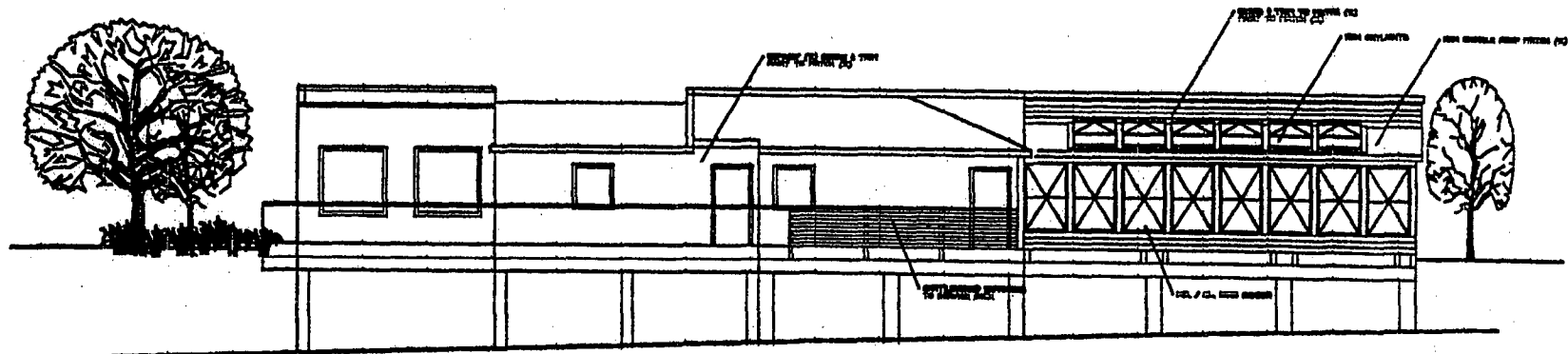
D



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION

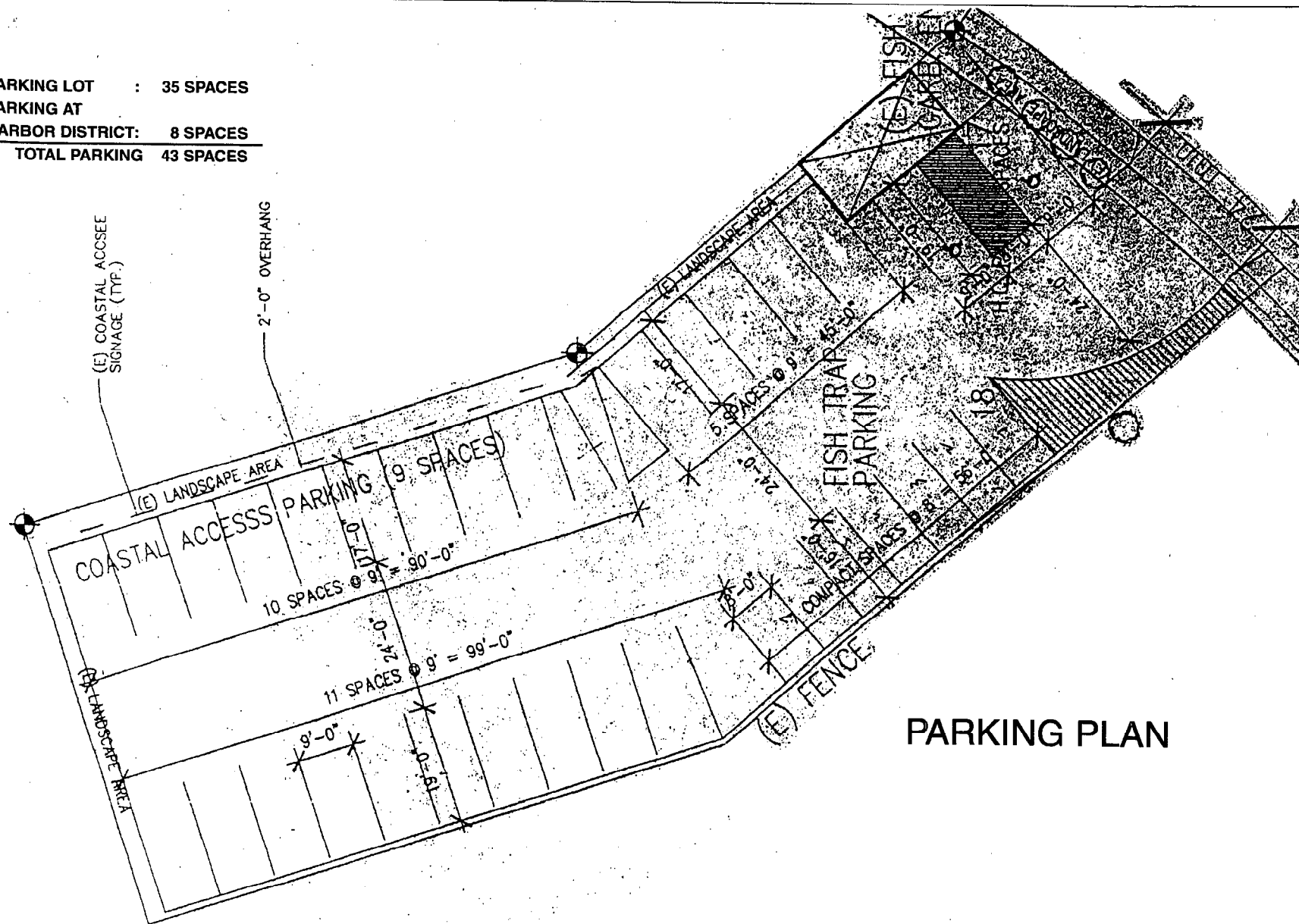
San Mateo County Board of Supervisors Meeting

Applicant: **Walsh/Pedley**

Attachment: **E**

File Numbers: **PLN1999-00758**

PARKING LOT : 35 SPACES
 PARKING AT
 HARBOR DISTRICT: 8 SPACES
 TOTAL PARKING 43 SPACES



PARKING PLAN

San Mateo County Board of Supervisors Meeting

Applicant: **Walsh/Pedley**

File Numbers: **PLN1999-00758**

Attachment: **F**

County of San Mateo
Environmental Services Agency
Planning and Building Division

COASTAL DEVELOPMENT POLICY CHECKLIST

Based on Local Coastal Program as Adopted by
Board of Supervisors December 2, 1980
and as Last Amended in August 1992

GENERAL INFORMATION

1. File No.: PLN 1999-00758 Planner: Miroo Desai Brewer
2. Owner: Barbara Walsh Applicant: Rick Pedley
3. Project Description: Coastal Development Permit to expand Barbara's Fishtrap to allow development of a new enclosed deck and increase indoor seating capacity from 63 to 95.
4. Project Address: 281 Capistrano
5. APN(s): 047-082-010
6. General Plan: Coastside Commercial Zoning: CCR/DR/CD
7. Plan Checklist is completed and attached (initial) MDB

LCP POLICIES (Answer Each Item – References are to LCP Policy Numbers).

	Not Applicable	Project Complies	Does Not Comply	Condition Required
PLANNING AND LOCATING DEVELOPMENT:				
1.2 Does this project meet the definition of development?		X		
1.9 If this is a land division in an area with a General Plan designation of Open Space, will dedication of a conservation/open space easement be required?	X			
1.22 If this is a residential development in a Midcoast area without Phase 1 sewer and new water facilities, does it exceed the 125 building permit limit in one calendar year?	X			
1.23 If this is a residential development in a South Coast area without Phase 1 sewer and new water facilities, does it exceed the 125 building permit limit in one calendar year?	X			

		Not Applicable	Project Complies	Does Not Comply	Condition Required
1.24	Is this development in an area which may contain sensitive archaeological/paleontological resources as noted on the County Sensitivity Maps?	X			
1.24	Will this project trigger an archaeological/paleontological mitigation plan?	X			
1.27	Does this development warrant a Certificate of Compliance to confirm the legal existence of parcels?	X			
1.29	Does this development meet the standards of review for legalizing parcels?	X			
PUBLIC WORKS					
2.1	If this development involves a Public Works project, does it meet the criteria of the Public Works Component of the LCP? (See Appendix Sheet for Public Works Projects)	X			
HOUSING					
3.13	Will this development involve demolition of structures providing affordable housing?	X			
3.17	If this development proposes affordable housing, is it compatible with the community character?	X			
3.19	Will this development involve construction in designated affordable housing sites?	X			
3.20	If this development is in a designated affordable housing site, does it exceed the 60 building permit limit in one calendar year?	X			
3.22	If this development involves placement of a mobile home on the site, does it meet all of the criteria for the appropriate zone?	X			
3.23	If this development involves the placement of multi-family residential units in the R-3 and C-1 zoning districts, are 20% of the units reserved for low or moderate income households?	X			
3.24	If this project involves placement of a second unit in the Midcoast R-1 District, does it meet the building permit limits and square footage limits as noted in the LCP?	X			

		Not Applicable	Project Complies	Does Not Comply	Compliance Required
3.25	Is the applicant seeking a 33% density bonus in R-1/S-17 Midcoast area after meeting all of the criteria in this Section?	X			
3.26	If this project involves land divisions in rural areas of the South Coast, are 20% of the lots being optioned to the County for affordable housing?	X			
3.27	Does this development meet the criteria for qualifying for the option of 40 additional dwelling units in the rural area of the South Coast?	X			
3.28	Does the affordable housing developer accept the income, rent and cost controls of the County?	X			
3.29	Does the affordable housing developer accept the conditions to guarantee the continued availability of affordable housing units?	X			
ENERGY					
	If this project involves energy facilities (oil and gas wells, onshore facilities for offshore oil, pipelines, transmission lines), complete and attach a separate analysis of compliance with LCP Energy Component and enter results here.	X			
AGRICULTURE					
5.1	These policies are addressed by Planned Agricultural District. A Planned Agricultural Permit (is)/(is not) required.	X			
5.18	Is any soil dependent floriculture located on prime soils while non-soil dependent floriculture is located on non-prime soils?	X			
5.19	Does this development meet these floricultural development standards?	X			
5.20	Does this development meet the Agricultural Management Policies?	X			
5.21	Does this development avoid endangering sensitive habitats?	X			
5.25	If an on-stream dam is proposed, does it meet all of this Chapter criteria?	X			

		Not Applicable	Project Complies	Does Not Comply	Compliance Required
5.27	Is the allocation of future Midcoast water supplies to floriculture in accordance with the policies of the Public Works Component?	X			
5.29	Does this development require a grading permit for water impoundments according to County Ordinance?	X			
5.30	If this development involves land under Williamson Act contract, has conforming with zoning, the General Plan and the LCP been established?	X			
5.30	Have Williamson Act Notices of Non-Renewal been filed for those properties not in conformance with State Code and County Policies?	X			
5.33	Has the State explored the option of leasing prime agricultural land as a Condition of Permit Approval?	X			
AQUACULTURE					
6.1	If this development involves aquaculture as defined in LCP Policy 6.1, complete and attach a separate analysis of compliance with LCP Aquaculture Component and enter here.	X			
SENSITIVE HABITATS					
7.5	<p>A biological report has been prepared in accordance with LCP Policies. Applicability of various Sensitive Habitats Policies was determined on the basis of:</p> <p>_____ Coastal Development Permit Application.</p> <p>_____ Environmental Information Form.</p> <p>_____ LCP Sensitive Habitats Component Text.</p> <p>_____ LCP Sensitive Habitat Maps.</p> <p>_____ Site inspection.</p>	X			
7.5	Will the restoration of damaged habitat be a condition of approval for this project?	X			
7.10	Does this development minimize removal of vegetation and/or minimize construction/protect vegetation during or after construction?		X		

		Not Applicable	Project Complies	Does Not Comply	Condition Required
7.10	Does this project use only native or non-invasive plant species when replanting?	X			
7.10	Does this project adhere to State Department of Fish and Game provisions for fish passage?	X			
7.10	Does this project minimize adverse effects of wastewater discharge?	X			
7.10	Does this project prevent depletion of groundwater supplies and waterflows and encourage wastewater reclamation?	X			
7.10	Does this project maintain natural vegetation buffer areas that protect habitats and minimize alteration of natural streams?	X			
7.11	Are appropriate buffer zones established along sensitive habitats?	X			
7.17	Will this project be required to construct catwalks so as not to impede movement of water?	X			
7.17	Will all construction take place during daylight hours, utilize a minimum amount of lighting and use low decibel motorized machinery?		X		X
7.17	Will any construction-induced alteration to the wetlands require replanting of vegetation or the natural re-establishment of vegetation?	X			
7.17	Does this project avoid utilizing herbicides unless approved by the Agriculture Commissioner and the Fish and Game Department?	X			
7.17	Was this project reviewed by the State Department of Fish and Game and the State Water Quality Control Board?	X			
7.20	If this project is in the Pillar Point Marsh, will groundwater extraction from an aquifer occur?	X			
7.21	If this project is in the Pescadero Marsh, will a State Parks and Recreation management plan be required or will this project involve development or dredging of the marsh?	X			

		Not Applicable	Project Complies	Does Not Comply	Condition Required
7.22	Is this project a permitted use in a marine and/or estuarine habitat? (Fitzgerald Marine Reserve, San Gregorio Estuary, Pescadero Marsh, Pigeon Point, Franklin Point, Año Nuevo Island)	X			
7.25- 7.31	Does this project comply with use and development standards for sand dunes and sea cliffs?	X			
7.32	Will this project impact habitats of rare or endangered animal species as noted on the County Sensitive Habitat Maps or will a special biological report be required?	X			
7.42	Will this project permit development within 50 feet of rare plant habitats as noted on County Sensitive Habitat Maps?	X			
7.43	Will this project impact habitats of unique species, such as the Elephant Seal, Monterey Pine, California Wild Strawberry, etc., or will a special biological report be required?	X			
7.51	Will this project involve removal or nursery sales of Pampas Grass or the eradication of Weedy Thistle?	X			
VISUAL RESOURCES					
8.2	Does this project avoid development on beaches, sand dunes, ocean cliffs, bluffs and blufftops?		X		
8.5	If this project is in a coastal terrace, is clustering encouraged along with limitation of structures in open fields and grasslands?	X			
8.6	Does this project avoid development and meet setbacks for streams, wetlands and estuaries?	X			
8.7	Does this project avoid development on ridgetops and removal of ridgeline trees?	X			
8.7	Does this project avoid land divisions which encourage building on a ridgeline?	X			
8.7	Does this project comply with the limitations on structure height below the ridgeline?	X			
8.9	Is this project designed to minimize tree removal or will this project require replacement of removed vegetation?	X			

		Not Applicable	Project Complies	Does Not Comply	Condition Required
8.12- 8.15	If this project is in an urban area, will it meet Design Review Criteria including special guidelines for coastal communities and the protection of ocean views?		X		X
8.16	Will this project meet landscaping requirements for rural areas?	X			
8.17	Will this project protect natural landforms in rural areas?	X			
8.18	Is this project designed to minimize visual disruption through the use of colors that blend in with surroundings, properly scaled structures, and non-reflective surfaces?		X		
8.21	Does this project meet the criteria for the placement of signs?		X		X
8.22	Does this project include underground utilities in State and County Scenic Corridors?		X		X
8.24	If this project involves large agricultural structures, is their visual impact limited by the use of blending colors or landscaping screening?	X			
8.25	If this project is listed as an Official County or State Historical Landmark, are the regulations of the Historical/Cultural Preservation Ordinance being followed?	X			
8.28	If this project is in a State/County Scenic Road Corridor, does it meet development regulations such as setback requirements, limits on timber harvesting and exemptions?	X			
8.33	Is this project exempt from Planning Commission architectural and site review because any structures would not be visible from the roadway?	X			
8.34	If this project is in a designated Historic Structure/District, is the project a permitted use?	X			
HAZARDS					
9.3	If this project is in a Geologic Hazard Area as shown in the LCP, does it meet development regulations or requirements for a geotechnical report?	X			
9.6	If this project is in a High Fire Risk area, does it meet development criteria?	X			

		Not Applicable	Project Complies	Does Not Comply	Comments Required
9.8	If this project involves blufftop development, does it meet design, geotechnical, setback and land division requirements?	X			
9.9	If this area is subject to flooding as noted in the LCP Hazards Maps, will the project meet development regulations for flood-prone areas?	X			
9.11	Does this project limit development to where beach erosion hazards are minimal?	X			
9.12	Will this development allow the construction of shoreline structures only for the protection of existing roadways or structures?	X			
9.13	Will this project avoid the need for future protective devices which could impact sand movement?	X			
9.18	If this site has a slope of 30% or greater, does it meet the slope development regulations?	X			
SHORELINE ACCESS					
NOTE: Use Coastal Access Checklist as a supplement to this Policy Checklist when determining access requirements.			X		
10.1	Does this project meet the requirements for provisions of shoreline access or in-lieu fees as a condition for development?	X			
10.8	Does this project meet Public Safety Locational Criteria?	X			
10.10	Does this project meet Sensitive Habitat Locational Criteria?	X			
10.11	Does this project meet Agricultural Area Locational Criteria?	X			
10.12	Does this project meet Residential Area Locational Criteria?	X			
10.13	Does this project meet Commercial/Industrial Locational Criteria?	X			
10.16	Does this project provide appropriate vertical/lateral access to the shoreline?		X		
10.17	Does this project meet development standards for blufftop/non-blufftop lateral access?	X			

	Not Applicable	Project Complies	Does Not Comply	Condition Required
10.19 Will this project provide for maintenance and posting for public access areas?	X			
10.21 Where topography permits, does this project provide handicapped access to the shore?		X		
10.22 Does this project meet all parking regulations for coastal access?		X		X
10.23- Does this project meet development standards for protecting public safety, fragile resources and adjacent land uses? 10.29	X			
RECREATION/VISITOR SERVING FACILITIES				
11.4 Does this project meet General Locational Criteria?		X		
11.7 Does this project meet Urban Area Locational Criteria?		X		
11.8 Does this project meet Rural Area Locational Criteria?	X			
11.9 Does this project meet Oceanfront Area Locational Criteria?	X			
11.10 Does this project meet Upland Area Locational Criteria?	X			
11.11 Does this project meet Agricultural Area Locational Criteria?	X			
11.12 Does this project meet Sensitive Habitat Locational Criteria?	X			
11.14 Does this project meet development standards for public recreation facilities?	X			
11.15 Does this project meet development standards for private recreation facilities?		X		
11.16 Are directional/informational signs required as a condition of approval for recreational facilities and/or road projects?	X			
11.17 Does this project meet all parking development standards?		X		
11.18 Does this project meet development standards for protection of sensitive habitats?	X			

	Not Applicable	Project Complies	Does Not Comply	Condition Required
11.19 Does this project meet development standards for protection of agricultural lands?	X			
11.20 Does this project meet development standards for sewer/water connections, access and public conveniences?	X			
11.22 Does this project meet recreational vehicle parking restrictions?	X			
11.25 Has the State Department of Parks and Recreation submitted a long-range plan for any park unit proposed for improvement?	X			
11.26 Does this project require trail dedication or in-lieu fees as a condition of public agency projects or any land division?	X			
COMMERCIAL FISHING/RECREATIONAL BOATING				
If project involves facilities for commercial fishing or recreational boating, complete and attach a separate analysis of compliance with LCP Commercial Fishing/Recreational Boating Component and enter results here.	X			

RECOMMENDATION

1. Recommended Findings (see Zoning Ordinance 6328.15):

 X That this project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6328.14, X does does not conform with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program.

 X (Where the project is located between the nearest public road and the sea, or the shoreline of Pescadero Marsh.) That this project X does does not conform 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).

 X That this project X does does not conform to specific findings required by Policies of the San Mateo County Local Coastal Program. Specific findings recommended are:

RECOMMENDATION (continued)

N/A (Where the project involves construction of new residences other than affordable housing.) That the number of building permits for construction of new residences other than for affordable housing issued in the current calendar year _____ does _____ does not exceed the limitations of LCP Policies 1.22 and 1.23.

2. Recommended Action:

_____ Approve

 X Approve with Conditions

 Deny

3. Recommended Conditions or Reasons for Denial (attach on separate sheet if more convenient):

<u>Policy</u>	<u>Recommended Condition/Reason for Denial</u>
1. <u>Policy 1: No Firearms</u>	1. <u>Condition:</u> No firearms or weapons are allowed on the premises.
2. <u>Policy 2: No Alcohol</u>	2. <u>Condition:</u> No alcohol consumption is permitted on the premises.
3. <u>Policy 3: No Drugs</u>	3. <u>Condition:</u> No possession or use of illegal drugs is allowed.
4. <u>Policy 4: No Smoking</u>	4. <u>Condition:</u> No smoking is permitted inside the building.
5. <u>Policy 5: No Pets</u>	5. <u>Condition:</u> No pets are allowed on the premises.
6. <u>Policy 6: No Loud Music</u>	6. <u>Condition:</u> Music volume must be kept at a reasonable level.
7. <u>Policy 7: No Vandalism</u>	7. <u>Condition:</u> No intentional damage to property is allowed.
8. <u>Policy 8: No Prohibited Items</u>	8. <u>Condition:</u> No items prohibited by local laws are allowed.
9. <u>Policy 9: No Trespassing</u>	9. <u>Condition:</u> No unauthorized entry onto the premises.
10. <u>Policy 10: No Harassment</u>	10. <u>Condition:</u> No harassment or discrimination is permitted.
11. <u>Policy 11: No Intoxication</u>	11. <u>Condition:</u> No individuals under the influence of alcohol or drugs.
12. <u>Policy 12: No Disruptive Behavior</u>	12. <u>Condition:</u> No behavior that disrupts the normal operation of the facility.
13. <u>Policy 13: No Unauthorized Access</u>	13. <u>Condition:</u> Access restricted to authorized personnel only.
14. <u>Policy 14: No Prohibited Activities</u>	14. <u>Condition:</u> No activities prohibited by local laws or regulations.
15. <u>Policy 15: No Unauthorized Use</u>	15. <u>Condition:</u> No unauthorized use of facility resources.
16. <u>Policy 16: No Prohibited Items</u>	16. <u>Condition:</u> No items prohibited by local laws or regulations.
17. <u>Policy 17: No Trespassing</u>	17. <u>Condition:</u> No unauthorized entry onto the premises.
18. <u>Policy 18: No Harassment</u>	18. <u>Condition:</u> No harassment or discrimination is permitted.
19. <u>Policy 19: No Intoxication</u>	19. <u>Condition:</u> No individuals under the influence of alcohol or drugs.
20. <u>Policy 20: No Disruptive Behavior</u>	20. <u>Condition:</u> No behavior that disrupts the normal operation of the facility.
21. <u>Policy 21: No Unauthorized Access</u>	21. <u>Condition:</u> Access restricted to authorized personnel only.
22. <u>Policy 22: No Prohibited Activities</u>	22. <u>Condition:</u> No activities prohibited by local laws or regulations.
23. <u>Policy 23: No Unauthorized Use</u>	23. <u>Condition:</u> No unauthorized use of facility resources.
24. <u>Policy 24: No Prohibited Items</u>	24. <u>Condition:</u> No items prohibited by local laws or regulations.
25. <u>Policy 25: No Trespassing</u>	25. <u>Condition:</u> No unauthorized entry onto the premises.
26. <u>Policy 26: No Harassment</u>	26. <u>Condition:</u> No harassment or discrimination is permitted.
27. <u>Policy 27: No Intoxication</u>	27. <u>Condition:</u> No individuals under the influence of alcohol or drugs.
28. <u>Policy 28: No Disruptive Behavior</u>	28. <u>Condition:</u> No behavior that disrupts the normal operation of the facility.
29. <u>Policy 29: No Unauthorized Access</u>	29. <u>Condition:</u> Access restricted to authorized personnel only.
30. <u>Policy 30: No Prohibited Activities</u>	30. <u>Condition:</u> No activities prohibited by local laws or regulations.
31. <u>Policy 31: No Unauthorized Use</u>	31. <u>Condition:</u> No unauthorized use of facility resources.
32. <u>Policy 32: No Prohibited Items</u>	32. <u>Condition:</u> No items prohibited by local laws or regulations.
33. <u>Policy 33: No Trespassing</u>	33. <u>Condition:</u> No unauthorized entry onto the premises.
34. <u>Policy 34: No Harassment</u>	34. <u>Condition:</u> No harassment or discrimination is permitted.
35. <u>Policy 35: No Intoxication</u>	35. <u>Condition:</u> No individuals under the influence of alcohol or drugs.
36. <u>Policy 36: No Disruptive Behavior</u>	36. <u>Condition:</u> No behavior that disrupts the normal operation of the facility.
37. <u>Policy 37: No Unauthorized Access</u>	37. <u>Condition:</u> Access restricted to authorized personnel only.
38. <u>Policy 38: No Prohibited Activities</u>	38. <u>Condition:</u> No activities prohibited by local laws or regulations.
39. <u>Policy 39: No Unauthorized Use</u>	39. <u>Condition:</u> No unauthorized use of facility resources.
40. <u>Policy 40: No Prohibited Items</u>	40. <u>Condition:</u> No items prohibited by local laws or regulations.
41. <u>Policy 41: No Trespassing</u>	41. <u>Condition:</u> No unauthorized entry onto the premises.
42. <u>Policy 42: No Harassment</u>	42. <u>Condition:</u> No harassment or discrimination is permitted.
43. <u>Policy 43: No Intoxication</u>	43. <u>Condition:</u> No individuals under the influence of alcohol or drugs.
44. <u>Policy 44: No Disruptive Behavior</u>	44. <u>Condition:</u> No behavior that disrupts the normal operation of the facility.
45. <u>Policy 45: No Unauthorized Access</u>	45. <u>Condition:</u> Access restricted to authorized personnel only.
46. <u>Policy 46: No Prohibited Activities</u>	46. <u>Condition:</u> No activities prohibited by local laws or regulations.
47. <u>Policy 47: No Unauthorized Use</u>	47. <u>Condition:</u> No unauthorized use of facility resources.
48. <u>Policy 48: No Prohibited Items</u>	48. <u>Condition:</u> No items prohibited by local laws or regulations.
49. <u>Policy 49: No Trespassing</u>	49. <u>Condition:</u> No unauthorized entry onto the premises.
50. <u>Policy 50: No Harassment</u>	50. <u>Condition:</u> No harassment or discrimination is permitted.
51. <u>Policy 51: No Intoxication</u>	51. <u>Condition:</u> No individuals under the influence of alcohol or drugs.
52. <u>Policy 52: No Disruptive Behavior</u>	52. <u>Condition:</u> No behavior that disrupts the normal operation of the facility.
53. <u>Policy 53: No Unauthorized Access</u>	53. <u>Condition:</u> Access restricted to authorized personnel only.
54. <u>Policy 54: No Prohibited Activities</u>	54. <u>Condition:</u> No activities prohibited by local laws or regulations.
55. <u>Policy 55: No Unauthorized Use</u>	55. <u>Condition:</u> No unauthorized use of facility resources.
56. <u>Policy 56: No Prohibited Items</u>	56. <u>Condition:</u> No items prohibited by local laws or regulations.
57. <u>Policy 57: No Trespassing</u>	57. <u>Condition:</u> No unauthorized entry onto the premises.
58. <u>Policy 58: No Harassment</u>	58. <u>Condition:</u> No harassment or discrimination is permitted.
59. <u>Policy 59: No Intoxication</u>	59. <u>Condition:</u> No individuals under the influence of alcohol or drugs.
60. <u>Policy 60: No Disruptive Behavior</u>	60. <u>Condition:</u> No behavior that disrupts the normal operation of the facility.
61. <u>Policy 61: No Unauthorized Access</u>	61. <u>Condition:</u> Access restricted to authorized personnel only.
62. <u>Policy 62: No Prohibited Activities</u>	62. <u>Condition:</u> No activities prohibited by local laws or regulations.
63. <u>Policy 63: No Unauthorized Use</u>	63. <u>Condition:</u> No unauthorized use of facility resources.
64. <u>Policy 64: No Prohibited Items</u>	64. <u>Condition:</u> No items prohibited by local laws or regulations.
65. <u>Policy 65: No Trespassing</u>	65. <u>Condition:</u> No unauthorized entry onto the premises.
66. <u>Policy 66: No Harassment</u>	66. <u>Condition:</u> No harassment or discrimination is permitted.
67. <u>Policy 67: No Intoxication</u>	67. <u>Condition:</u> No individuals under the influence of alcohol or drugs.
68. <u>Policy 68: No Disruptive Behavior</u>	68. <u>Condition:</u> No behavior that disrupts the normal operation of the facility.
69. <u>Policy 69: No Unauthorized Access</u>	69. <u>Condition:</u> Access restricted to authorized personnel only.
70. <u>Policy 70: No Prohibited Activities</u>	70. <u>Condition:</u> No activities prohibited by local laws or regulations.
71. <u>Policy 71: No Unauthorized Use</u>	71. <u>Condition:</u> No unauthorized use of facility resources.
72. <u>Policy 72: No Prohibited Items</u>	72. <u>Condition:</u> No items prohibited by local laws or regulations.
73. <u>Policy 73: No Trespassing</u>	73. <u>Condition:</u> No unauthorized entry onto the premises.
74. <u>Policy 74: No Harassment</u>	74. <u>Condition:</u> No harassment or discrimination is permitted.
75. <u>Policy 75: No Intoxication</u>	75. <u>Condition:</u> No individuals under the influence of alcohol or drugs.
76. <u>Policy 76: No Disruptive Behavior</u>	76. <u>Condition:</u> No behavior that disrupts the normal operation of the facility.
77. <u>Policy 77: No Unauthorized</u>	

7.71 See Condition #19.

8.12 to See Condition #10.
8.15

8.21 to See Condition #16.
8.22

10.22 See Condition #14.

PROCESSING

1. Is Project Appealable to Coastal Commission (see Section 6328.3(r) and appeal jurisdiction maps)?

☒ Yes ☐ No

2. Approving Authority (see Section 6328.9):

☐ Planning Director (staff)

☐ Zoning Hearing Officer

☒ Planning Commission

☐ Board of Supervisors

3. Public Hearing Required (see Section 6328.10)? ☒ Yes ☐ No

4. Notice Requirements (see Section 6318.11.1 and 6318.11.2):

☐ Pre-Hearing (Newspaper) Owners: ☐ 100' ☒ 300' ☐ 500'

☐ Pre-Hearing (Mailed) Residents: ☐ 100'

☐ Pre-Decision (Mailed)

☐ Decision (Mailed)

REVIEW

Checklist Prepared By:

Thomas A. Brewer
Signature

October 2, 2002
Date

Checklist Reviewed By:

Signature

Date

MDBN0161_WFP.DOC
FRM00305.DOC
(07/10/01)

Attachment H

San Mateo County Environmental Services Agency

Planning and Building Division

County Government Center - 590 Hamilton St. - Redwood City CA 94063
Mail Drop PLN 122 - 415 - 363 - 4161

Application for Appeal

- ☐ To the Planning Commission
☒ To the Board of Supervisors

1. Appellant Information

Name: Keet Nerhan
dba KN Properties
Phone, W: 650-726-4402 H: _____

Address: _____
P. O. Box 158
Half Moon Bay, CA Zip: 94019-0158

2. Appeal Information

Permit Numbers involved:
PLN 1999-00758

I hereby appeal the decision of the:

- ☐ Staff or Planning Director
☐ Zoning Hearing Officer
☐ Design Review Committee
☒ Planning Commission

Made on October 23 2002 to approve/deny
the above-listed permit applications.

I have read and understood the attached information regarding appeal process and alternatives.

☒ yes

☐ no

Appellant's Signature:

(X) Keet Nerhan

Date: October 30, 2002

3. Basis for Appeal

Planning staff will prepare a report based on your appeal. In order to facilitate this, your precise objections are needed. For example: Do you wish the decision reversed? If so, why? Do you object to certain conditions of approval? If so, then which conditions and why?

** See attached statement **

RECEIVED

NOV 04 2002

San Mateo County
Planning Division

KN PROPERTIES

Post Office Box 158 • Half Moon Bay • CA 94019-0158

ATTACHMENT TO APPLICATION FOR APPEAL

3. BASIS FOR APPEAL

This appeal of the approval of Permit/Project file Number PLN 1999-00758 (Rick Pedley, Applicant, for principal, Barbara Walsh, dba Barbara's Fish Trap Restaurant) is based solely on the admitted requirements and conditions relating to parking, which this appeal will show is in fact not available to the applicant for patrons and the business employees.

Therefore this appeal addresses the "Conditions of Approval" numbered: 3 (approved seating capacity); 11 (signage for parking); 12 (employee parking and related signage); 14 (Beach User Parking); 15 (maintenance of the parking lot not addressing the need to remove the garbage/refuse enclosure); and the failure of the Half Moon Bay Fire District conditions to address the hazard of the garbage/refuse enclosure on the parking site, which was built without a permit, as is more fully discussed below.

In general, the improvements, by admission and staff report, will result in a new maximum total seating capacity for the restaurant of 129 patrons. At the Planning Commission it was stated by staff (but not mentioned in the formal written report) that such seating capacity requires one (1) parking space for every three (3) seats for patrons. Therefore a figure of 43 parking spaces for patrons was stated as **the minimum** if this expansion were approved (exactly $129 \div 3$). The applicant claimed to have such available spaces, claiming the right to park 35 vehicles in the lot across Capistrano Road (an easement owned by Ms. Walsh), *plus* 8 more spaces in an area on the west side of Capistrano Road, which is a combination of Ms. Walsh's land and an easement from the San Mateo County Harbor District.

Unfortunately for the applicant and Ms. Walsh, these claims of adequate parking are inaccurate.

First, as more fully described below, the "parking lot" across Capistrano from the restaurant, is on an easement which specifically restricts parking on that site to "28 vehicles." I am the owner of that property, over which the parking easement was created. I put Ms. Walsh on notice of this fact in May, 2000 and by another letter to Ms. Walsh, a copy of which will be provided to you as a part of this appeal, I will be reminding her of the maximum 28 vehicle limit, and demanding that she abide by it.

Second, as to that lot, how is the applicant able to claim the patrons (on a 1 for 3 basis) have parking at lunch time, when nine (9) of those spaces are required to be reserved for "Beach User Parking" during such lunch hours (condition 14)?

Page 2

Application For Appeal - Attachment

RE: PLN 1999-00758

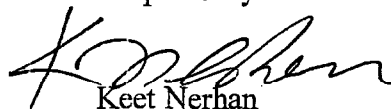
Third, the currently shown 8 spaces in the Harbor District parking lot, on the west side of Capistrano road, are only partially on District property. At least half of each space is on Ms. Walsh's owned lands. However, that land is subject to an easement, which provides for the exclusive right to the use of that property, up to the District border, for the parking (8 spaces) and related activities, currently enjoyed as a use by Ms. Walsh. I am the current owner of that easement and I will be providing a letter to Ms. Walsh, a copy of which will be provided to you for this appeal, reminding her of that fact, and demanding that she abide by it. That letter will include a demand to cease using that parking for the Fishtrap, and for removal of any reference signs that the parking is hers. It will also require that she remove signs on all benches and picnic tables on the west side of Capistrano Road, near the Fishtrap, which are also a part of my easement. I intend to use those areas for my, or my tenants' use. Therefore those 8 parking spaces, required as part of her claim of having 43 total spaces, are, in fact, unavailable to her.

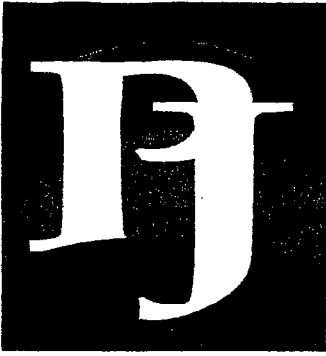
Fourth, even if Ms. Walsh obtained those spaces, how can they be counted in the required 43 for patrons when condition 12 requires those "Harbor area" spaces be designated, reserved and used solely by Ms. Walsh's employees, making them unavailable for patrons?

Lastly, as provided in a letter to Ms. Walsh on May 26, 2000, regarding the 28 vehicle easement (a copy of which was provided to staff as a part of the Planning Commission record), it is clear that the easement is *exclusively* for that purpose. Yet Ms. Walsh has constructed a four-side enclosed garbage/refuse area, of wood fence and full side paneling. I have never been provided a copy of any permit obtained to build this structure, let alone use it, as is being done. Further I believe such use constitutes a health and safety hazard. Since the easement does not allow for such use anyway, a condition of this permit approval should be the immediate removal of that enclosure, prohibition of refuse or garbage storage on that site (especially grease trap refuse), and an explanation how those matters will be handled in the alternative to the use of that structure.

In conclusion, I have no problem or dispute with a person wanting to improve or expand their business. However, all of us doing so are bound by the same requirements. I have had to specially purchase parking to meet such minimum requirements. I have business needs for the "Harbor" easement, and will be actively using it, eliminating 8 of Ms. Walsh's claimed "available" parking spaces. I have the right to require that the easterly easement be used, as written, for 28 spaces, eliminating another 7 of Ms. Walsh's claimed "available" parking spaces. Therefore her available parking, for patrons and employees, is 28, not 43. Her expansion approval should be reviewed and limited accordingly.

Respectfully submitted,


Keet Nerhan



Pedley & Joy
Architecture, Inc.
Planning + Interiors

December 12, 2002

San Mateo County Environmental Service Agency
Planning and Building Division
590 Hamilton St.
Redwood City, CA 94063

Attn: Miroo Brewer

Re: The Fishtrap Restaurant
281 Capistrano Rd.
Princeton-by-the-Sea, Ca

File number: PLN1999-00758

Dear Ms. Brewer:

This letter is in response to the appeal of the referenced project by Mr. Keet Nerhan of KN Properties.

As you know we first applied for our Use Permit/ CDP back in September 1999 and was approved at the public hearing on April 20, 2000. It was determined at that time that the project was within the jurisdiction of the California Coastal Commission. Application was submitted to the Coastal Commission on or about August 1, 2001. After working closely with the Commission for more than one year, they determined that the project was now outside their jurisdiction, and we referred back to the County. We then proceeded with the County's Coastal Development Permit, which was approved by the Planning Commission on October 23, 2002. As of this date, it has been almost 40 months that we have been trying to get this project approved. We are hoping for the earliest possible date to appear before the Board of Supervisors, and that they will uphold the decision of the Planning Commission.

I would like to briefly respond to each of Mr. Nerhan's comments in his appeal letter.

First, the 28 parking spaces addressed in the easement were the spaces that were designated to the Fishtrap within the original parking lot of the Shore Bird Restaurant, with shared ingress, egress and cross access through the parking lot. The physical boundaries of the easement were set around these spaces. In 1999 the management of the Shore Bird constructed a picket fence along the north boundary of the easement to clearly identify the two different parking areas. The fence blocked the cross access into the Fishtrap's lot and made it impossible to park in. An alternative parking plan was agreed to and approved by all parties (including then owner of The Shorebird, Charles VanLinge). This plan was then submitted to the SMC Planning Department for their review and then their approval.

Second, as you know, the beach user parking is not exclusionary. It is used by both patrons and beach users. It is always counted as apart of the total seat / space count.

Third, the Harbor District parking spaces. It is Ms. Barbara Walsh (of the Fishtrap) that has the written parking agreement and easement with the Harbor District.

25599 Fernhill Dr.
Los Altos Hills, CA.
94024-6338
Ca. Lic. No. C-14419
(650) 917-0246 Tel
(650) 917-0242 Fax

December 12, 2002

San Mateo County Environmental Service Agency
Planning and Building Division
Attn: Miroo Brewer
Re: The Fishtrap Restaurant
File number: PLN1999-00758

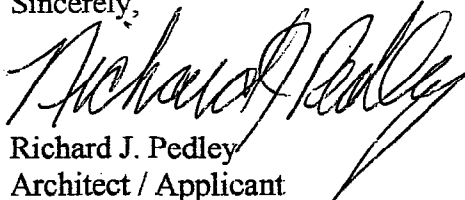
Fourth, again the parking requirements set forth in the Code take in to account that some of these spaces will be used by employees.

Lastly, the garbage enclosure was apart of the original agreement between Ms. Walsh and Mr. VanLinge. It has been apart of health, planning and building departments submittals since then.

It appears that Mr. Nerhan was not informed of all the agreements between Ms. Walsh and Mr. VanLinge when he purchased the property. His dispute should not be with Ms. Walsh but rather with Mr. VanLinge. If he does not agree with the County's final decision, he is entitled pursue civil remedies, if he chooses to do so. Otherwise, we intend on proceeding forth with construction in early spring 2003.

Contact me if you need to at 650-917-0246.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard J. Pedley", written over a horizontal line.

Richard J. Pedley
Architect / Applicant