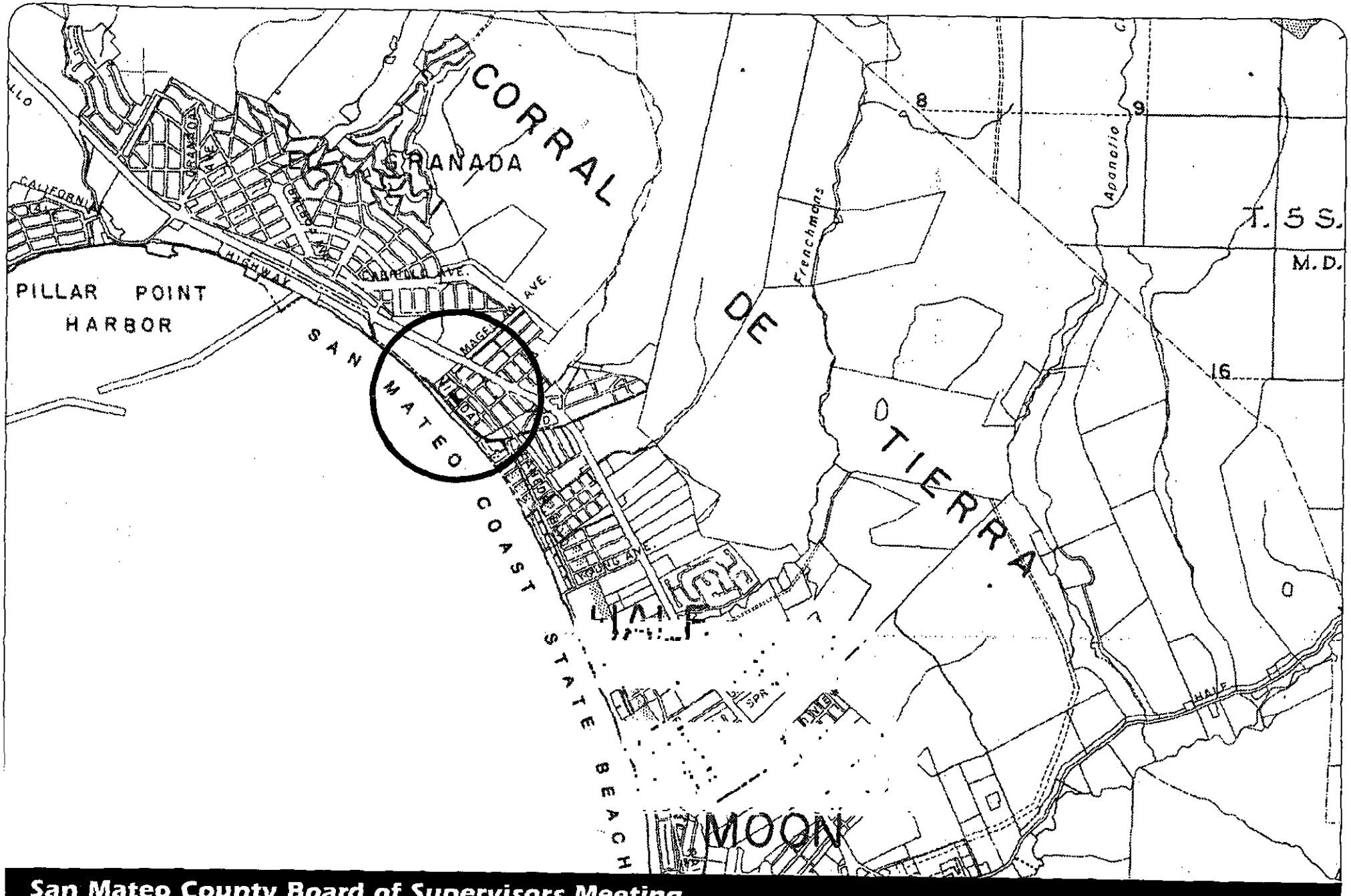
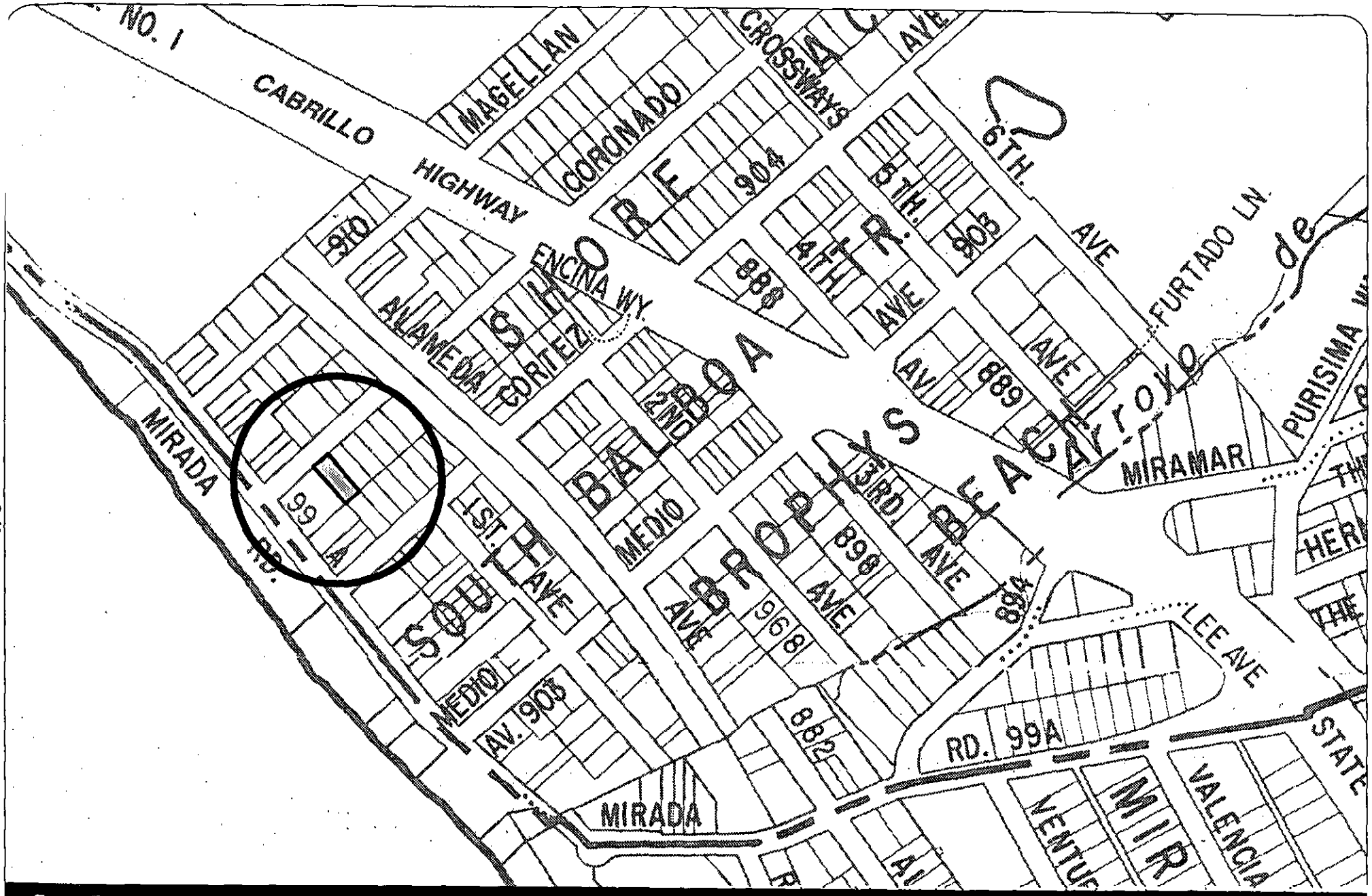


San Mateo County Board of Supervisors Meeting

Applicant: Hodge

File Numbers: PLN 2000-00676

Attachment: E



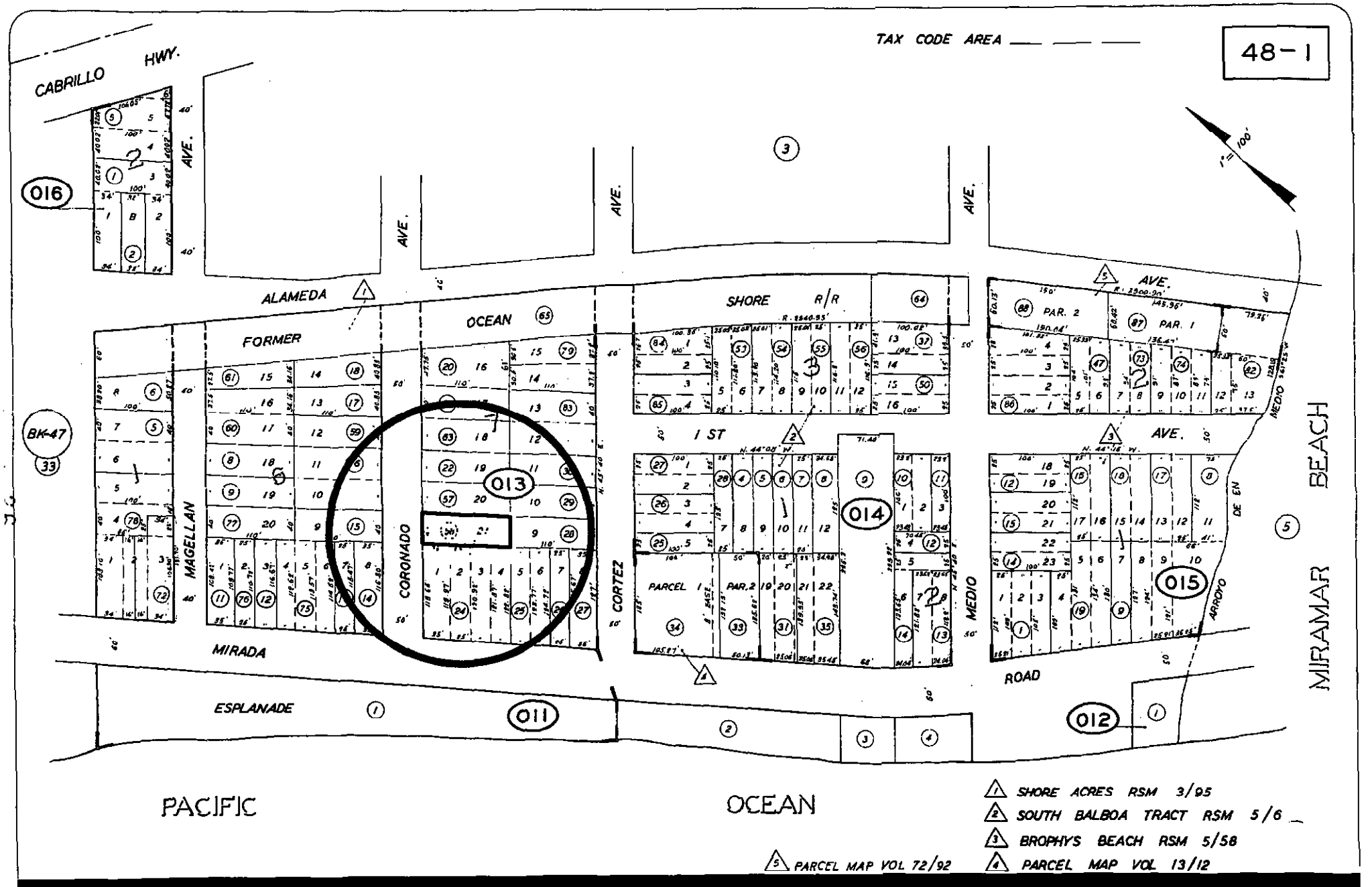
San Mateo County Board of Supervisors Meeting

Applicant: Hodge

Attachment: D

File Numbers: PLN 2000-00676

00-676.grk 3-13-03.dc

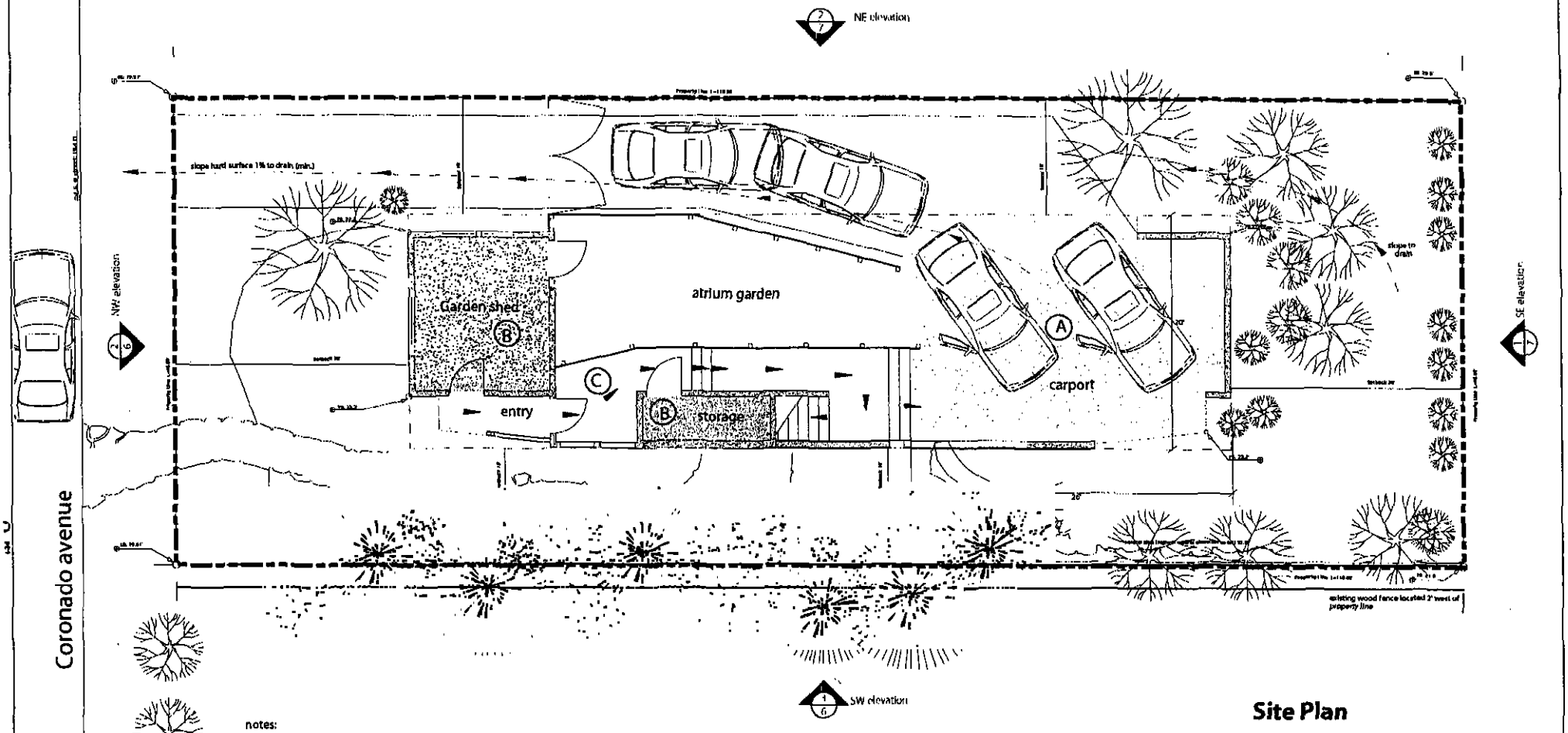


San Mateo County Board of Supervisors Meeting

Applicant: Hodge

Attachment: I:

File Numbers: PLN 2000-00676



notes:

1) Bench mark: top of fire hydrant @ SE corner of Mirada Road & Medio Ave.
(Elev. = 27.79' per County of San Mateo)

2) Topography and plat information provided by Raymond B Thinggaard, licenced Surveyor # CA 3820 (file#G-82, 6/30/00)
Thinggaard Land Consulting: 3524 Breakwater Avenue, Hayward, CA PH: 732.6608

Site Plan

A. Carport (378s.f.)

B. Garden shed & storage (200 s.f.)

c. Entrance (open)

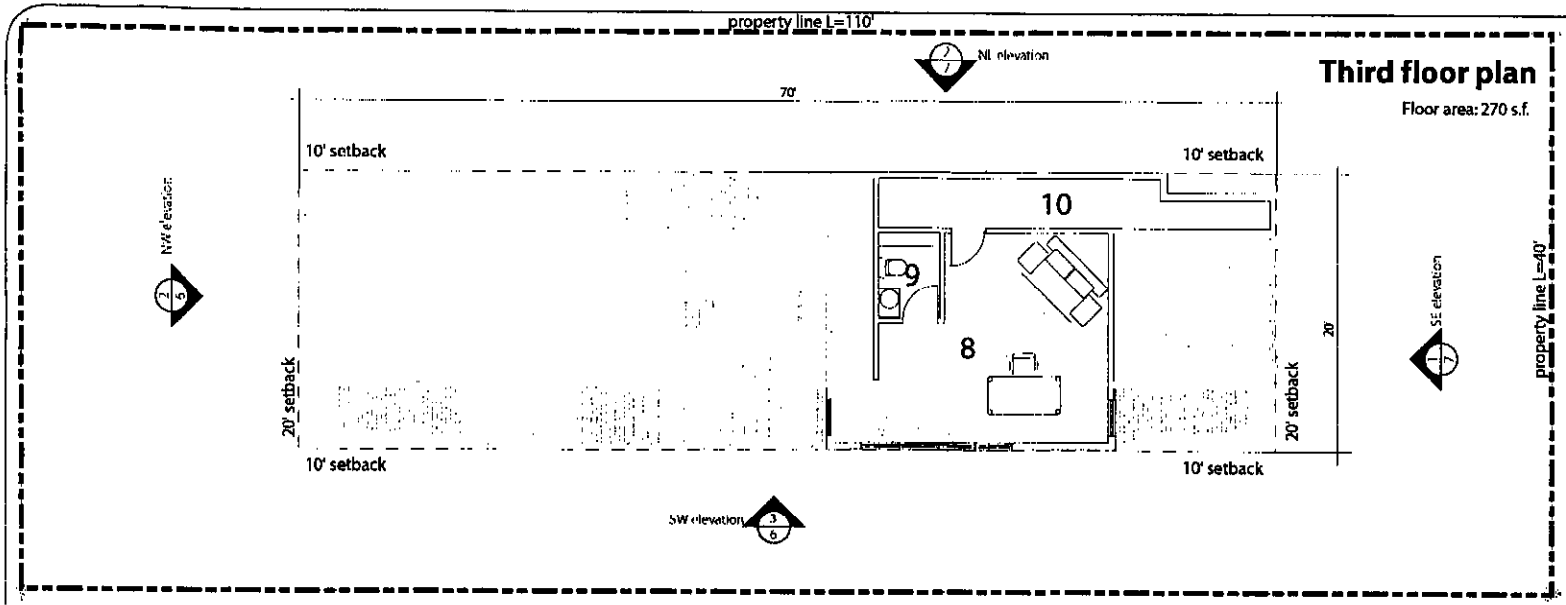
Hodge House coronado avenue APN: 048-013-580 project revision 8.07.02 David Hodge T. 415 621 7300 **3**

San Mateo County Board of Supervisors Meeting

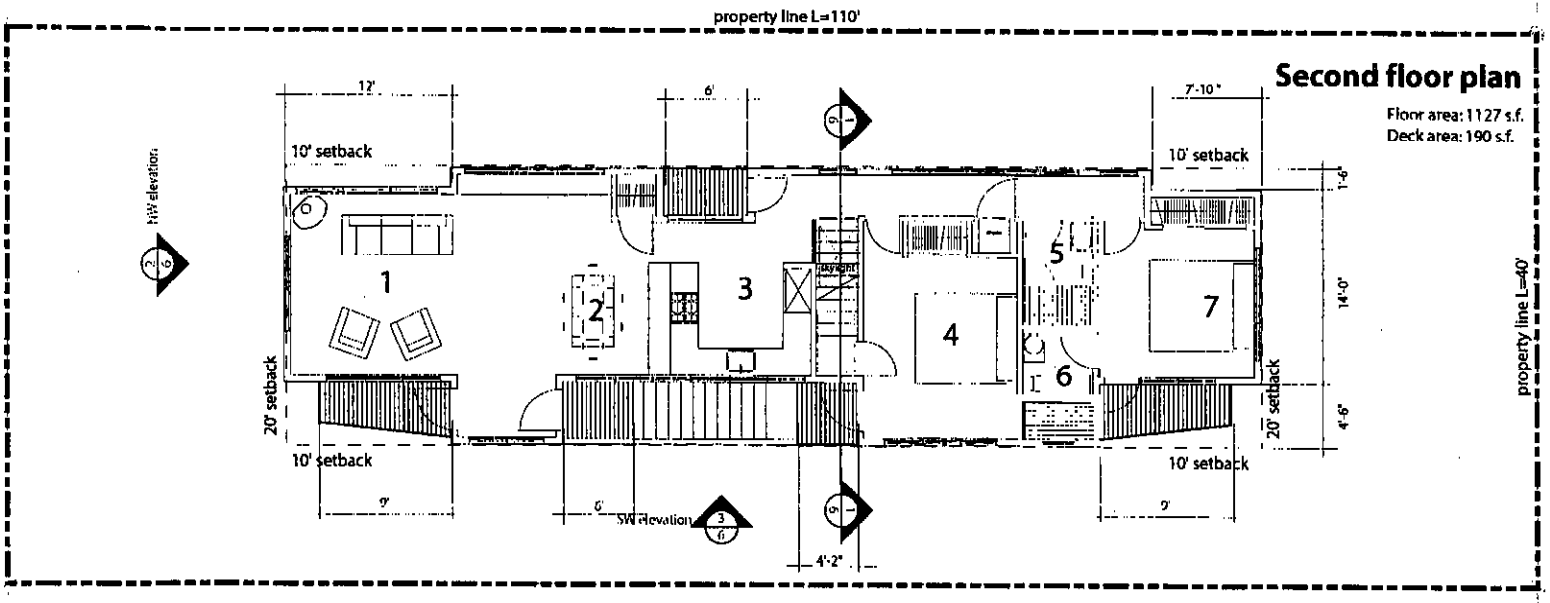
Applicant: Hodge Attachment: E-1

File Numbers: PLN 2000-00676

00-676.cdr 3-13-03 ds



1. Living area
2. Dining area
3. Kitchen
4. Guest bedroom
5. Guest bathroom
6. Master bathroom
7. Master bedroom
8. Study / Loft
9. Powder room
10. Mechanical / HVAC



Hodge House coronado avenue APN: 048-013-580 project revision 8.07.02 David Hodge T. 415 621 7300 **4**

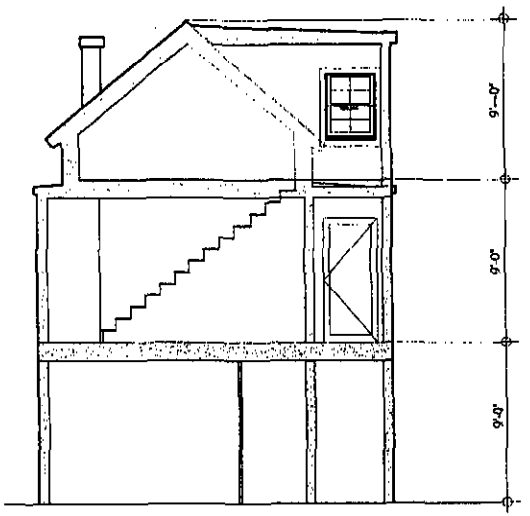
San Mateo County Board of Supervisors Meeting

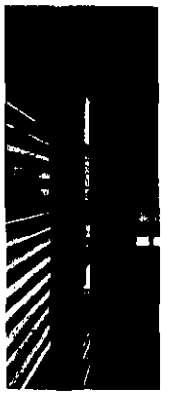
Applicant: Hodge

Attachment: F-2

File Numbers: PLN 2000-00676

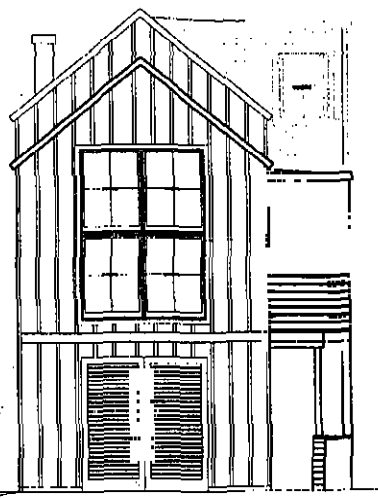
6.1 Section



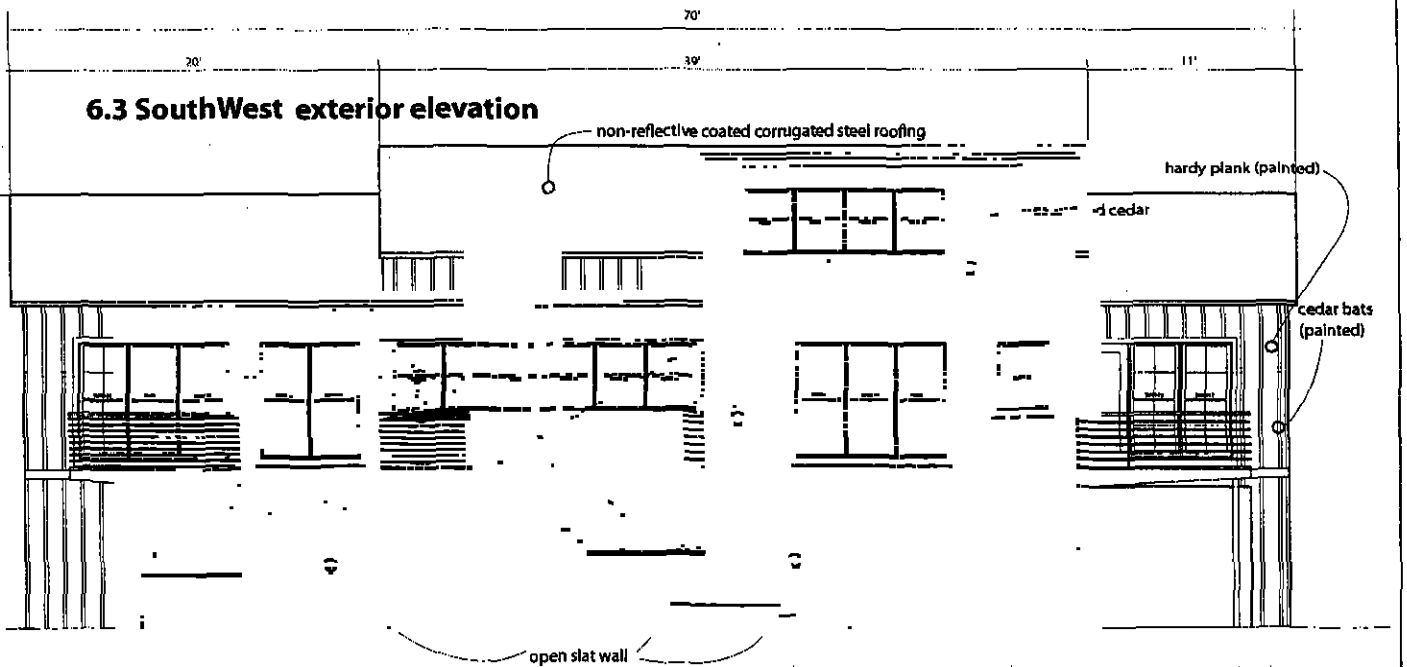


open slat wall (interior) open slat wall (exterior)

6.2 NorthWest exterior elevation



6.3 SouthWest exterior elevation



Hodge House coronado avenue APN: 048-013-580 project revision 8.07.02 David Hodge T. 415 621 7300 **6**

San Mateo County Board of Supervisors Meeting

Applicant: Hodge Attachment: G-1

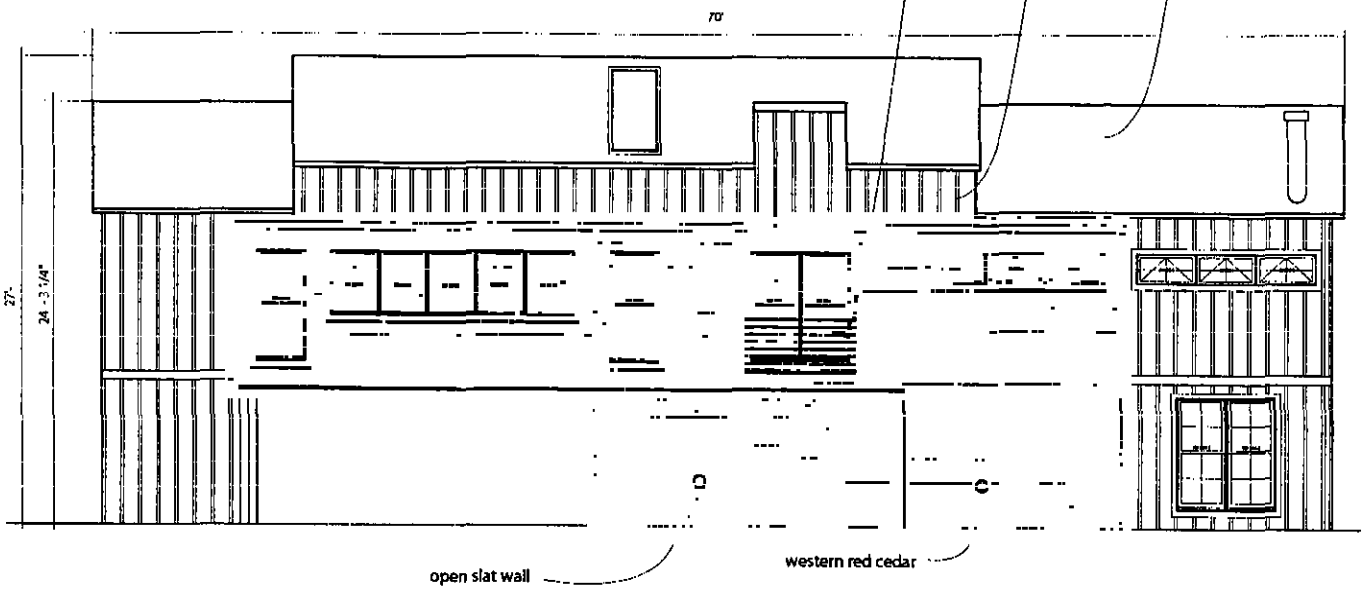
File Numbers: PLN 2000-00676

00-676.cdr 3-13-03 ds

Approximate color palette

7.1 SouthEast exterior elevation

7.2 NorthEast exterior elevation



Hodge House coronado avenue APN: 048-013-580 project revision 8.07.02 David Hodge T. 415 621 7300 **7**

San Mateo County Board of Supervisors Meeting

Applicant: Hodge Attachment: G-2

File Numbers: PLN 2000-00676

D A V I D H O D G E

China Osborn
Planning and Building Division
455 County Center 2nd Floor
Redwood City, CA 94063

3. Basis For Appeal

To: San Mateo County Planning and Building Division

Subject: PLN2000-000676
Address: 198 Coronado Ave.
Parcel: 048 013 580

I would like to appeal the April 9th 2003 decision by the San Mateo County Planning Commission. We have requested a Use Permit, Coastal Development Permit and Design Review Permit to develop our home at the above address and feel the Planning Commission's decision to uphold the appeals are unfair and illegal. We have met all of the requirements set out by the San Mateo County Planning Department and they have recommended an approval for our project. The project was approved by the Zoning Hearing Officer on November 7th of 2002.

The finding: All opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have not been investigated and proven to be infeasible.

We have demonstrated there are no options for a merger of lots. Our parcel is surrounded by development. To the west is Landis Beach Luxury Inn, to the south, 111 Cortez, is a home currently under construction and to the east is a parcel with a pend[illegible] CDP application under consideration by the California Coastal Commission. [illegible] lot is owned by Thomas DaRosa and he has clearly stated he is not interested in selling his lot. Like myself he would like to build a home for himself and his family.

In addition during the last several years we have worked with the Midcoast Council to meet their requests, we have fought for our rights for a water and a sewer hook up from the Coastside Water District and have been required to demonstrate the legality of our lot with a clear chain of title dating back to the inception of the development. We have shown there are no wetlands on or near our parcel and there was nothing significant found in the archaeological report completed in December of 2001.

228 Kelly Avenue, Half Moon Bay, CA 94019 650 726 4200

We have patiently waited for over 3 years for various approvals. We have spent countless dollars on architectural fees, engineering cost and have paid for geologic, archaeologic, and biologic reports. We have paid attorneys to be at various hearings to protect our interests and we have spent numerous hours attending these and other meetings debating whether or not we should be allowed to build our new home. We are tired of the delays and ask for your support in helping us build our home.

I would also like to point out that several of the appellants made untrue statements at the Planning hearing. Barbara Mauz stated our property and the DaRosa property were illegally subdivided. As I mention above we have a clear chain of title dating back to the inception of the development showing it as a legal, buildable parcel. Also Leonard Warren who was standing in for Ric Lohman made several erroneous remarks. He stated our property and the ones in close proximity contained wetland species. According to the biologist we contracted to survey our property, Philip Greer from Wetland Research, Inc., he testified there were no such plants on our property nor could he find any significant natural wetland plant growth in the vicinity. Leonard Warren also stated the home currently under construction to our south, 111 Cortez, was stopped by the county. This is not true. I bicycle by this project every day and I see progress being made.

I [illegible] because feel our appellants sole purpose is to delay development in any form; they do not have a concern for real zoning issues. Their tactics have caused us valuable time, money and emotional energy and have denied us the privilege of building and living on our property. Again, we have clearly met all of the requirements set out by the San Mateo County Planning Department.

We ask you to carefully consider this matter. We feel we have been treated unfairly by the Planning Commission. Their decision to uphold these appeals is unjust and illegal. We would like you to approve our project.

Sincerely,

David and Hi-Jin Hodge

Pg 2 of 2

COUNTY OF SAN MATEO
ENVIRONMENTAL SERVICES AGENCY
PLANNING AND BUILDING DIVISION

DATE: March 12, 2003

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration of an appeal of the Zoning Hearing Officer's approval of a Use Permit, Coastal Development Permit, and Design Review, pursuant to Sections 6133.3.b(1)(a), 6328.5, and 6565.7, respectively, of the County Zoning Regulations, to allow the construction of a new 1,975 [illegible]-family residence, with an additional 193 square feet of deck space, on a 4,400 sq. ft. non-conforming parcel, where 10,000 sq. ft. is the minimum parcel size, located at 198 Coronado Avenue in the unincorporated Miramar area of San Mateo County. This project is appealable to the California Coastal Commission.

File Number: PLN 2000-00676 (Hodge)

PROPOSAL

The applicant is proposing to develop a 4,400 sq. ft. parcel with a new 1,975 sq. ft. single-family residence, of which 1,397 sq. ft. is living space, 378 sq. ft is garage space, and 200 sq. ft. is unfinished storage space. The proposed residence is three stories with the lower story encompassing only the garage and storage space, while the top two stories are living space. The height of the proposed structure is 27 feet. Zoning Regulations for this district require a minimum parcel size of 10,000 sq. ft. and a minimum parcel width of 50 feet. The project parcel is less than 5,000 sq. ft. and is 40 feet wide. A Use Permit is required to develop the property because it does not meet minimum parcel size requirements for the zoning district.

RECOMMENDATION

Deny the appeal and approve Use Permit, Coastal Development Permit, and Design Review, County File Number PLN 2000-00676, by making the required findings and adopting the conditions of approval.

BACKGROUND

Report Prepared By: China Osborn, Project Planner, Telephone 650/599-7217

Owner/Applicant: David Hodge

Appellants: Robert Lamar, Nicholas Licato, Ric Lohman, Barbara Mauz

Location: 198 Coronado Avenue, south side of street between Mirada Road and Alameda Avenue

APN: 048-013-580

Parcel Size: 4,400 sq. ft.

Existing Zoning: R-1/S-94/DR/CD (Single-Family Residential/10,000 sq. ft. minimum parcel size/Design Review/Coastal Zone)

General Plan Designation: Medium Density Residential (2.4 - 6.0 dwelling units/acre)

Sphere of Influence: City of Half Moon Bay

Existing Land Use: Vacant

Parcel Legality: Lot 21, Block 7 as part of Shore Acres Subdivision, recorded on December 18, 1905

Flood Zone: FEMA Flood Zone Map indicates the parcel is located in Zone V8, area of 100-year coastal flooding with velocity per Community Panel No. 0603 11 252 B, effective July 5, 1984

Water Supply: Coastside County Water District

Sewage Disposal: Granada Sanitation District

Environmental Evaluation: Exempt under provisions of CEQA, Section 15303, Class 3, regarding construction of a new single-family residence in an urban area

Setting: The project site is located within the Shore Acres Subdivision in unincorporated Miramar, adjacent to the City of Half Moon Bay. The site is located on the south side of Coronado Avenue, approximately 119 feet east of Mirada Road. The site is relatively flat and existing vegetation consists of native and non-native grasses. There are no trees on the project parcel and there are few trees in the neighborhood in general. The parcel immediately to the west of the project site, along Mirada Road, is developed with the Landis Beach Luxury Inn Bed and Breakfast. Although the parcels to the immediate east and south are vacant, new single-family homes have been proposed for both sites. The parcel to the south, at 111 Cortez, has an approved Coastal Development Permit (CDP) and was issued a building permit to begin construction on January 9, 2003. The parcel to the east has a pending CDP application that is currently under consideration by the California Coastal Commission. There are other intermittent single-family residences along Coronado, north and east of the project.

Chronology:

Date	Action
January 11, 2000	- San Mateo County Board of Supervisors adopted an Urgency Ordinance establishing temporary zoning regulations for R-1 Zoning Districts in the Mid-Coast Area.
September 22, 2000	- David and Hi-Jin Hodge submit their application for a Coastal Development Permit and Use Permit to develop their parcel with a single-family residence. The proposed project is, therefore, subject to compliance with the regulations under the Urgency Ordinance adopted in January 2000.
September 2001	- California Coastal Commission approves ordinance changes adopted by the San Mateo County Board of Supervisors, changing the Zoning on the project parcel from R-1/S-9 to R-1/S-94.
November 7, 2002	- *Zoning Hearing Officer considered and approved project.*
November 26, 2002	- Planning Division staff received two letters of appeal of the proposal.
March 12, 2003	- Planning Commission Meeting.

DISCUSSION

A. KEY ISSUES

1. Basis for Appeal

Planning Division staff received two letters of appeal for this proposal (see Attachment G). Following is a summary of the points of appeal and staff's response:

a. Possibility of wetlands on the subject parcel or parcels adjacent to subject parcel.

As a part of the initial review of the project, staff referred to the County's Sensitive Habitat Maps and determined that according to those maps there are no sensitive habitats in the vicinity of the project. Additionally, staff completed a site inspection of the proposed development site and found that the area is partially developed and there did not appear to be any species or habitats of concern on the parcel.

As a result of the appeal, which expressed a concern of the possibility of wetlands on or near the proposed development site, staff requested that the

applicant submit a biological report addressing the issue of wetlands, prepared by an independent consultant for staff's review. The report submitted by the applicant states that there are no areas on the subject parcel that meet San Mateo County's Local Coastal Program's definition of a wetland, which reads:

> *...In San Mateo County, wetlands typically contain the following plants: cordgrass, pickleweed, jaumea, frankenia, marsh mint, tule, bullrush, narrow-leaf cattail, broadleaf cattail, pacific silverweed, salt rush, and bog rush. To qualify, a . . . . . of some combination of these plants, unless it is a mudflat.*

The conclusion of the report submitted is that approximately 90 percent of the parcel's vegetative cover is comprised of non-wetland plant species and that the soils and hydrologic characteristics of the parcel are not typical of wetlands. Therefore, the project site does not meet the LCP's definition of a wetland.

Additionally, the report addresses the possibility of wetlands in the area surrounding the subject parcel. The consultant notes that, similar to the subject parcel, the parcel directly to the east primarily contains non-wetland plants. The biologist did notice the presence of wetland plants further to the east of the project site primarily in the Southeast corner of lot 18 (see Parcel Map, Attachment C, for location of parcel). The biological report also notes a patch of California blackberry (a native plant species) on lot 19.

After reviewing the biological report, staff spoke to the consultant at length regarding whether the results of his site visit were that wetlands are present on lots 18 and 19, east of, but not directly adjacent to the project site. The consultant could not conclude definitively that there were no wetlands because at the time of the site inspection the consultant could not take soil samples from those lots as they are private property, not owned by the applicant. Therefore, the biologist had no means to determine whether the soils present on lots 18 and 19 meet the definition of a wetland under the County's LCP. The consultant, however, did state that it was his opinion that the presence of these wetland plants was most likely the result of recent construction in the area that increases watering and slightly changes the topography due to grading, thus, resulting in pooling of water in lower-lying, undeveloped parcels. Nevertheless, as previously stated, no conclusive results could be made regarding the presence of wetlands on lots 18 and 19 on Coronado Avenue.

Policy 7.18 of the LCP establishes buffer zones for development from wetlands. While the normally required setback for development is 100 feet from the outermost line of wetland vegetation, the setback may be reduced to 50 feet if (1) there is no alternative development site, and (2) protection of the wetland resource is demonstrated. Though there is no conclusive evidence that there is a wetland east of the project site, if there is a wetland, the project meets the 50-foot setback requirement and pursuant criteria. The biological report stated that

the closest wetland plant was found in the central portion of lot 19, east of the project site. The proposed house, with a 10-foot setback, is 50 feet from the closest edge of lot 19 and even further from the central portion of that lot. Therefore, the project will be at least 50 feet from the area that potentially contains a wetland habitat. Moreover, no alternative exists for the property owner as far as location of the house. The project site is 40 feet wide and the zoning requires 10-foot setbacks. Therefore, the applicant is limited to a 20-foot wide buildable area and has no option for relocating the proposed development further away from the possible wetland. Finally to comply with the LCP Policy 7.18 requirement that wetland habitats are protected from development, staff has added to Condition of Approval No. 7, two requirements to further protect any potential wetlands: (1) the stormwater management plan shall be reviewed by a biologist for comment regarding its effectiveness at preventing contamination of any wetland, and (2) the applicant shall by required to install silt fencing around the entire project site, which shall be maintained throughout construction.

Staff believes that wetlands are not present on this project site. Based on the biological report submitted and the subsequent conversations with the consultant that completed the report, the likelihood that wetlands exist in the vicinity of the project is negligible. If wetlands do exist, the project meets the setback requirements from wetland vegetation established by the County's LCP. Furthermore, it is the determination of staff, that if proper stormwater controls are in place both during and after construction, the project will not have a negative impact on any wetland, if one exists in the vicinity of the project.

b. The proposed development fails to conform to requirements under Section 6300.9 of the County Zoning Regulations relating to minimum lot size.

Section 6133.3.b(1)(a) of the County Zoning Regulations allows development of an unimproved non-conforming parcel provided that the proposed development meets all other zoning requirements. The proposed residence meets all zoning district requirements, other than minimum parcel size, and staff believes that all of the required findings for a Use Permit can be made. Therefore, staff finds no reason to deny this application based on the non-conforming parcel size.

c. Required findings under Section 6300.3(b)3, part b and part e regarding attempts on behalf of the applicant to acquire additional land to create a standard size lot and granting of special privileges cannot be made.

Staff addresses the applicant's attempts to acquire additional contiguous lands in Section A.5.b of this report. The real estate broker representing the applicant at the time of the purchase of the subject parcel submitted a letter to the Planning Division confirming that none of the adjacent parcels were available for purchase by the applicant. As stated in the "Setting" description

under the Background Section of this report, all contiguous lands are currently developed or have development plans in process.

Staff does not believe that issuing this permit will be granting a special privilege to the applicant as other similar proposals have been approved by the County in recent years. Staff completed a survey of all single-family residences in the immediate vicinity of the proposed project along Coronado and Cortez Avenues and found that the County has approved nine (9) homes on substandard parcels. Therefore, staff does not believe that approving this permit is granting a special privilege to the applicant as others have historically been allowed to develop substandard parcels.

d. The County has required other property owners to consolidate substandard parcels.

Each project has its own complexities and in some cases one may not be able to utilize the Non-Conformities chapter of the County Zoning Regulations to develop a substandard parcel. In the early 1980s, when the zoning for this area was changed and the minimum parcel size increased to 10,000 sq. ft. from 5,000 sq. ft., the County adopted a merger policy, which required that all contiguous lots, under common ownership, be merged. Contiguous lot not held in common ownership were not merged and stand as separate, legal building sites because they were created by the Shore Acres Subdivision - a legal subdivision recorded with the County in 1905.

Even if a substandard lot is a legal building site, development of that lot must meet the provisions of minimum standards for development before it can be improved, which include sewer and water capacity. If a non-conforming parcel does not have sewer and water rights, the property owner must obtain these rights before the parcel may be developed. In some cases, the only option for the property owner is to acquire priority sewer or water connections, which require, in this zoning district a minimum parcel size of 8,800 sq. ft. This is an example in which a property owner would not be allowed to develop a substandard parcel via the Non-Conformities chapter and may be required to purchase and/or merge contiguous parcels. This, however, is not the case for this applicant. The subject property has sewer and water rights and, therefore, subject to issuance of a Use Permit, is developable by right as a legal parcel.

e. The approval of the non-conforming residential development does not comport with the County local Coastal Program as it related to build out of the Mid-Coast.

Staff recognizes that the build-out numbers projected in the early 1980s in the Local Coastal Program (LCP) may not have counted single separate lots less than 5,000 sq. ft. Long Range Planning staff is currently working on an LCP update in which build-out is being recalculated and new projections will include

single, developable lots, such as the subject parcel. As this parcel is a legal lot, even if it wasn't counted in the original build-out numbers for the Mid-Coast, County Counsel has informed that the current owner is within his rights to develop the parcel as requested, because the project meets all other zoning requirements.

Moreover, LCP Policy 1.22 establishes maximums for the number of building permits that can be issued each year. Thus far, the maximum number of building permits has not been reached and, therefore, staff finds no reason to believe that this project will adversely affect infrastructure in the area. In conclusion, because the parcel on which the project is proposed is a legal lot and the maximum number of building permits has not been issued for this year in the Mid-Coast area, staff finds no reason to deny this project, which meets all zoning requirements.

2. [illegible]

Staff has determined that the project complies with all applicable General Plan policies, specifically the following:

a. Chapter 4 - [illegible]. The proposal complies with Policy 4.35 (*Urban Area Design Concept*), which requires that development enhance the visual quality of urban areas. Even though the proposed development is on a substandard parcel, the project has been scaled so as to meet the required setbacks of the zoning district and thereby maintains the visual character of the area. The structure is being designed with a pitched roof, decks, and articulation along the front and rear of the house, which will break up the mass of the building and provide visual relief. The use of natural colors and materials in the design of the house will further incorporate the architecture of the residence into the surrounding neighborhood.

b. Chapter 8 - Urban Land Use. The project complies with Policy 8.38 (*Regulation of Development in Urban Areas – Height Bulk and Setbacks*), which states that the height, bulk and setback requirements should be regulated in order to ensure that the size and scale of the development are compatible with the parcel size. The proposed structure conforms with respect to the required front, side, and rear yard setbacks and lot coverage. The project also conforms to the height requirements for the district and incorporates a style that is articulated and, therefore, minimizes bulk in shape.

c. Chapter 15 - Natural Hazards. The project complies with Policy 15.47.b (*Review Criteria for location of Development in Areas of Special Flood Hazard*) regarding structural integrity of development in flood hazard areas. This Policy requires that structures are elevated above base flood elevation and that they do not exacerbate the potential flood hazard of surrounding structures. The project is located in Flood Zone V8, which requires all new and substantially improved

buildings are elevated to or above the base flood elevation (BFE) of 27 feet above sea level. Additionally, the project incorporates structural features, such as break-away walls and has an elevated living space such that the proposal complies with this policy and the development requirements of the Federal Emergency Management Agency (FEMA).

3. Conformance with Zoning Regulations

a. Development Standards.

The subject property, at the time of the application, was zoned R-1/S-9/DR/CD. Ten months prior to the receipt of the application for the proposed project, an interim ordinance imposed new [illegible] area ratio (FAR) standards for this zoning district. Because this application was submitted after the interim ordinance was established and before the implementation of new S-94 regulations in September of 2001, the proposed development is measured against the zoning standards for the S-9 combining district, under the interim zoning ordinance. The following table summarizes the project's conformance with the R-1/S-9 Zoning Regulations, Section 6300, and Interim Ordinance number 3943 adopted by the Board of Supervisors on January 11, 2000:

STANDARD	REQUIREMENT	PROPOSED
Minimum Parcel Size and Width	10,000 sq. ft. 50 ft.	4,400 sq. ft.* 40 ft.*
Minimum Front Setback	20 ft.	20 ft.
Minimum Side Setbacks	10 ft.	10 ft.
Minimum Rear Setback	20 ft.	20 ft.
Maximum Height	28 ft.	27 ft.
Maximum Lot Coverage	30%	30%
Maximum Building Floor Area	50 %	45%
* Section 6133.3.b(1)(a) of the San Mateo County Zoning Regulations allows development of a non-conforming parcel, subject to issuance of a use permit.		

As previously stated, the S-9 Zoning, was replaced by the S-94 Zoning district after the applicant submitted the application for development to the Planning Division. Although the project is not subject to the standards of the S-94 district, because all future development in the area will be subject to the new standards, staff feels that a discussion of how this project compares to the new development standards is applicable.

The addition of Section 6300.9.11.10 to the San Mateo County Zoning Regulations established standards for the S-94 combining district. The new

S-94 district changed the requirements for Floor Area Ratio (FAR) and façade articulation. Currently in the S-94 district, a parcel the same size as the applicant's would only be allowed 48 percent FAR. The applicant is only proposing, however, an FAR of 45 percent and, therefore, meets this requirement. The S-94 designation also added a requirement that new development is either limited within daylight plane envelope or that development make use of façade articulation to add interest to the exterior of the structure. The proposal, as discussed in Section A.1.a of this report, incorporates articulated elements, which diminish any perceived overwhelming mass of the structure and provide design features, which are complimentary to the character of the surrounding neighborhood. Therefore, staff has determined that the project conforms to both the old and new zoning regulations established for this neighborhood.

b. Design Review Standards

The proposed project is located within a Design Review District. Staff has reviewed the proposed project and determined that the proposal conforms to the applicable Design Review standards of review as stated in Section 6565.7 of the Zoning Regulations.

4. Conformance with Coastal Program

Staff has determined that the proposed project is in conformance with the Local Coastal Program (LCP). Staff has completed an LCP checklist and the following LCP components are relevant to this project:

a. Archaeological Resources Development

Policy 1.24 of the LCP requires protection of archaeological and paleontological resources. Review by the California Archaeological Inventory determined that there was a possibility of archaeological sites on the subject property and, as a result, MRC Consulting completed an archaeological reconnaissance of the site. This independent study found no evidence of archaeological deposits or cultural resources at the site; however, the possibility for subsurface deposits does exist. The study, therefore, recommends mitigation measures to be implemented, if evidence of archeological resources is found during construction. These recommended measures have been incorporated into the Conditions of Approval for the project and, therefore, staff believes that the project is in conformance with this Policy.

b. Visual Resources and Design Review

Policy 8.12 (*General Regulations*) requires that the Design Review Zoning District Regulations (DR) apply to development in urban areas of the Coastal Zone. The proposed addition conforms with DR standards, as indicated in Section A.3.b of this report. This policy also requires that all development

protect ocean views from public viewing points. After completing a site visit, staff has determined that this project will not disturb ocean views from any adjacent roadways or public lands. Staff noted that the view towards the ocean is blocked by existing development, such as the Landis Beach Luxury Inn and Miramar Beach Restaurant, on Mirada Road, which runs adjacent to the beach. The proposed development sits within the envelope of existing buildings on Mirada road and will not exacerbate the existing conditions of obstructed views towards the ocean.

The applicant is proposing to apply earthtone colors and a landscape plan to enhance the structure, and ensure that the house will be consistent with structures in the vicinity and will blend with the natural setting of the area. Therefore, staff feels that the project is in conformance with this policy.

c. Hazards

Policy [illegible] *Development in Floodplains*) requires that development located in flood hazard areas meet the requirements of the Building Inspection Section for structurally safe construction in a flood zone. As discussed in Section A.2.c of this report, the project complies will all applicable standards for new construction in a flood hazard area.

5. [illegible] with [illegible]

The subject parcel lies within the R-1/S-94 Zoning District, which requires a [illegible] 10,000 sq. ft. Due to the fact that the subject parcel was part of a legal subdivision, but only consists of 4,400 sq. ft., this parcel is considered legal non-conforming. Section 6133.3.b.1.a of the County Zoning Regulations regarding non-conforming parcels, allows development on an unimproved non-conforming parcel that is less than 5,000 sq. ft., subject to issuance of a use permit. The following findings as required by Section 6133.3.b.3 of the County Zoning Regulations, must be made to approve a use permit for the proposed project:

a. The proposed development is proportioned to the size of the parcel on which it is being built.

The proposed structure will meet all of the zoning requirements of the interim regulations required at the time of submittal, including setbacks, height, lot coverage and floor area ratio. Additionally, the proposed residence has incorporated an articulated façade, which will add interest to the exterior of the structure and reduce the appearance of the mass of the structure. Therefore, staff believes that the project is appropriately proportioned to the parcel size.

b. All opportunities to acquire additional contiguous land have been investigated.

The applicant has indicated in the application that all efforts to acquire additional contiguous land have been exhausted. The real estate broker representing the applicant at the time of the purchase of the subject parcel submitted a letter to the Planning Division confirming that none of the adjacent parcels are available to purchase by the applicant. The parcel to the west (048-013-240) of the subject parcel is developed with a Bed and Breakfast. The letter indicated that the real estate broker representing the applicant spoke with the agents representing the owners of the parcels to the east (048-013-570) and south (048-013-280) of the subject property and that both owners were planning to develop their parcels. Staff confirmed that applications for CDPs for new single-family dwellings were submitted to the Planning Division for the parcels to the east and south of the subject property on November 24, 1999, and March 4, 1999, respectively. Based on the information provided, staff believes that this finding can be made.

c. **The proposed development is as <u>nearly</u> in conformance with the Zoning Regulations currently in effect as is <u>reasonably</u> possible.**

The proposed single-family residence meets all of the Zoning Regulations currently in effect at the time of the application and also meets the Zoning Regulations recently adopted that replaced the old S-9 regulations applicable to the project. The only regulation that the project does not meet is with regard to parcel size. As the project meets all of the development requirements of the Zoning Regulations and the property owner has indicated that all attempts to acquire adjacent properties have been refused, staff believes that the project is as in conformance with all regulations as is reasonably possible.

d. **The establishment, maintenance, and/or conducting of the proposed use will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the said neighborhood.**

Staff believes that this finding can be made and that the proposed non-conforming single-family residence will not have a negative impact on surrounding properties. The proposed structure will be proportioned to the parcel size and will be in harmony with local development. Furthermore, the conscientious design of the project to meet the FEMA requirements for development in flood hazard areas limits the potential damage to the subject property or surrounding properties as a result of wave run-up. Staff feels that the development of this single-family residence, therefore, will not cause harm to neighboring properties and that this finding can be made.

e. ***Use permit approval does not constitute a granting of special privileges.***

The proposed development of a single-family residence on a non-conforming parcel will be similar to other single-family residences in the surrounding

neighborhood. Use Permits have been granted to other compatible residences on non-conforming parcels located in the general vicinity of the project site. Therefore, staff believes that the approval of the use permit would not constitute a granting of a special privilege.

B. REVIEW BY MIDCOAST COMMUNITY COUNCIL

On May 29,2002, staff referred this project to the Midcoast Community Council (MCCC) Planning and Zoning Subcommittee for review and comments. The subcommittee met on the proposed project on September 20, 2002. Staff received formal comments from the Chair of the subcommittee on October 14, 2002. Following are the comments of the Midcoast Community Council and staff's response to those comments:

The committee is unanimously concerned that the size of this parcel does not meet the minimum 10,000 sq. ft. lot size for the area.

As discussed in Section A.3 and A.5 of this report, development of a substandard lot is permissible in any zoning district, per Section 6133.3.b.1.a of the County Zoning Regulations, subject to the issuance of a Use Permit.

All development in this area has a direct impact on the visual resources component of the LCP and Zoning Regulations.

Staff reviewed the project for conformance with all Local Coastal Program (LCP) requirements and Design Review criteria for visual quality and found the project to be in conformance with all applicable policies. Staff feels that the visual impact of this project will be negligible due to existing development in the area and the fact that the project meets all height and setback requirements for the zoning district.

The applicant made the design changes we requested.

The applicant redesigned the project at the request of the Planning and Zoning Subcommittee. The subcommittee had no objection to the design of the final project as submitted to the Midcoast Community Council on September 20, 2002.

This project has not been counted in our build-out numbers and will have long term *impacts on the community infrastructure including traffic, schools and drainage.*

Staff discusses this item in Section A.1.e of this report.

There is a definite imbalance being created by the piecemeal development of the west side of the Highway in Miramar. Long Range Planning in this area is and has been historically lacking and inconsistent in this area.

Staff feels that these comments are subjective and should have no bearing on the approval of this project. Prior to the LCP amendment of the early 1980s and the change of the

zoning in the Miramar area to S-9 (10,000 sq. ft. minimum parcel size), the project had been zoned S-7 (5,000 sq. ft. minimum parcel size) which allowed smaller lots to be legally developed in this area, without issuance of Use Permits. Since 1983, the minimum parcel size has been 10,000 sq. ft. and the County, as a part of the LCP amendment required the merger of contiguous lots in common ownership of less than 10,000 sq. ft. There are, however, parcels in the area that remain, which are less than 10,000 sq. ft. As previously stated, the subject parcel is a legal parcel and therefore, subject to issuance of a Use Permit can be developed per the County Zoning Regulations. Furthermore, the County General Plans designates this area as an urban area and assumes that all lots in the area will be developed. Staff finds no reason to deny this project based on a philosophical belief regarding development in the area, when the project meets all requirements of the County Zoning Regulations, General Plan, and Local Coastal Program.

C. ENVIRONMENTAL REVIEW

This project is exempt from environmental review under provision of Section 15303, Class 3, of the California Environmental Quality Act, regarding construction of a new single-family residence in an urban area.

D. REVIEWING AGENCIES

1. Department of Public Works
2. Building Inspection Section
3. Half Moon Bay Fire Protection District
4. Mid-Coast Community Council
5. Coastside County Water Department
6. Granada Sanitation District
7. Sonoma State University
8. Coastal Commission

ATTACHMENTS

A. Recommended Findings and Conditions of Approval
B. Location Map
C. Assessor's Parcel Map
D. Site Plan and Floor Plans
E. Elevations
F. Comments of the Mid-Coast Community Council
G. Letters of Appeal
H. Biological Report

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San Mateo County
Local Coastal Program
Wetland Delineation Study

198 Coronado Avenue
APN 048 013 580
Lot 21 Shore Acres Block 7
Miramar, San Mateo County, California

Prepared for:

David Hodge
49 Mission Street
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Prepared by:

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Contact: Phil Greer/ Crystal Levine
Telephone: (415) 454-8868

January, 2003

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1.0 INTRODUCTION

Wetlands Research Associates, Inc. (WRA) conducted a wetland delineation study to determine whether any portions on the vacant lot at 198 Coronado Avenue in Miramar, San Mateo County, California ("Study Area") met the wetland definition utilized by San Mateo County in its certified Local Coastal Program, which implements the California Coastal Act. The Study Area is located on Coronado Avenue in the unincorporated Miramar area of San Mateo County, California (Figure 1), southwest of State Route 1 and northeast of Mirada Road. The Study Area is further identified as APN 048 013 580 and as Lot 21 of Block 7 in the Shore Acres of Half Moon Bay Subdivision. It covers approximately 4,400 sq. ft. (0.1 acre).

1.1 COASTAL ACT AND LOCAL COASTAL PROGRAM DEFINITION

The Coastal Act defines wetlands as:

> *"Wetland" means lands within the Coastal Zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.*
>
> (Public Resources Code § 30121)

The San Mateo County Local Coastal Program ("LCP"), which has been certified by the Coastal Commission to implement the Coastal Act, defines a wetland as:

> *The County will:*
>
> *Define wetland as an area where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants which normally are found to grow in water or wet ground. Such wetlands can include mudflats (barren of vegetation), marshes, and swamps. Such [illegible] fresh or saltwater, along streams (riparian), [illegible] areas (near the ocean and [illegible] below extreme high water of spring tides), marginal to lakes, ponds, and manmade impoundments. Wetlands do not include areas which in normal rainfall years are permanently submerged (streams, lakes, ponds, and impoundments), nor marine or estuarine areas below extreme low water of spring tides, nor vernally wet areas where the soils are not hydric.*
>
> *In San Mateo county, wetlands typically contain the following plants: cordgrass, pickleweed, jaumea, frankenia, marsh mint, tule, bullrush, narrow-leaf cattail, broadleaf cattail, pacific silverweed, salt rush, and bog rush. To qualify, a wetland must contain at least a 50% cover of some combination of these plants, unless it is a mudflat.*
>
> (Section 7.14, San Mateo County Local Coastal Program, June 1998)

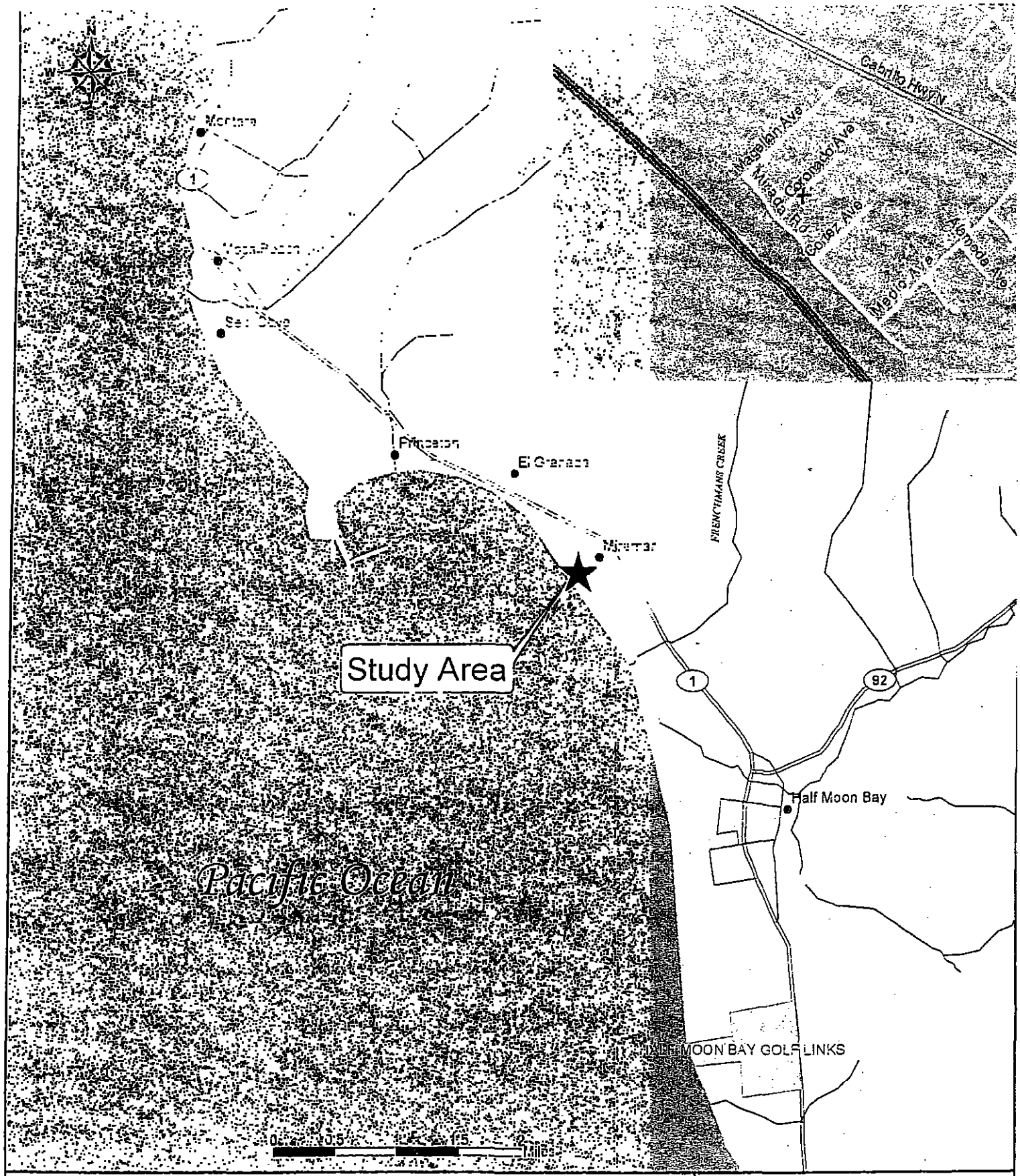

Figure 1. Location of Shore Acres Miramar Study Area

Wetlands Research Associates, Inc.

Date: January 2003
Basemap: ESRI Media Kit
Map By: Chris Zumwalt
Filspath: I:\Land Projects\13002\GIS\ArcMap\Fig 1.mxd

2.0 METHODS

Soils and vegetation were examined at locations within the Study Area that had the potential to meet the County wetland definition. Prior to conducting field studies, available reference materials were reviewed. These included National Wetland Inventory maps (US Fish and Wildlife Service 1985, Half Moon Bay quadrangle) and the Soil Survey of San Mateo Area (US Soil Conservation Service 1961).

2.1 WETLAND VEGETATION

Plant species were assigned a wetland status according to the U.S. Fish and Wildlife Service list of plant species that occur in wetlands (Reed 1996). This wetland plant classification system is based on the expected frequency of occurrence of plants in wetlands.

OBL	Obligate, always found in wetlands	> 99% frequency
FACW	Facultative wetland, usually found in wetlands	67-99%
FAC	Facultative, equal in wetlands or non-wetlands	34-66%
FACU	Facultative upland, usually found in non-wetlands	1-33%
UPL/NL	Not found in local wetlands	<1%

The plant species listed in the LCP wetland definition are presented in Table 1 along with their US Fish and Wildlife Service wetland indicator status (Reed 1996). This list is made up of mostly obligate species with two facultative wetland species. It includes most but not all dominant OBL and FACW species found in coastal wetlands in San Mateo County. Sedges (e.g. *Carex obnupta*, OBL) and willows (e.g., *Salix lucida*, OBL and *Salix lasiolepis*, FACW) are notable omissions to this list. Strict adherence to the LCP list and definition could result in some wetland areas dominated by OBL and FACW species being determined as uplands. In order to avoid this, we considered any OBL or FACW species equivalent to the typical species listed in the LCP wetland definition.

Vegetation was examined at sampling points to determine whether its composition met the requirement contained in Section 7.14 of the County LCP. Areal cover was determined for plant species in an area approximately 5 feet in radius. All identifiable species were recorded; dominants were determined as those plants which had greater than 20% cover. Areas with at least 50% cover of any OBL and FACW species [illegible] wetland definition.

Table 1. Typical plants found in San Mateo County LCP wetlands. [1]

COMMON NAME	SCIENTIFIC NAME	STATUS [2]
frankenia	*Frankenia salina*	FACW+
jaumea	*Jaumea carnosa*	OBL
bog rush	*Juncus effusus*	FACW+
salt rush	*Juncus lesueurii*	FACW
marsh mint	*Mentha pulegium*	OBL
pacific silverweed	*Potentilla anserina*	OBL
pickleweed	*Salicornia virginica*	OBL
tule	*Scirpus acutus*	OBL
bulrush	*Scirpus maritimus*	OBL
cordgrass	*Spartina foliosa*	OBL
narrow-leaf cattail	*Typha angustifolia*	OBL
broadleaf cattail	*Typha latifolia*	OBL

[1] To qualify, a wetland must contain at least a 50% cover of some combination of these plants, unless it is a mudflat.
[2] Indicator status taken from the revised 1996 National List of Vascular Plant Species that Occur in Wetlands

2.2 HYDRIC SOILS

The Natural Resource Conservation Service defines a hydric soil as:

"A hydric soil is a soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part."

(Federal Register July 13, 1994, US Department of Agriculture, Natural Resource Conservation Service.)

Soils formed over long periods of time under wetland (anaerobic) conditions sometimes possess characteristics that indicate that they meet the definition of hydric soils.

According to the Technical Notes issued by the National Technical Committee for Hydric Soils (NTCHS), the definition of hydric soils must be met for a soil to be considered hydric:

> *Several terms are frequently used to describe hydric soil delineation methodology. These are: Hydric Soil Definition, Hydric Soil Criteria, Hydric Soil Lists, Hydric Soil Indicators, and, lastly, hydric soils. According to the deliberations of the National Technical Committee for Hydric Soils (NTCHS), each of these terms has a specific meaning and use. All hydric soils must satisfy requirements of the Hydric Soil Definition. Hydric Soil Criteria are used to generate Hydric Soil Lists. Hydric Soil Lists that have a probability of being hydric. Hydric Soil Indicators are primarily morphological indicators used for field identification of hydric soils. Hydric Soil Criteria and Hydric Soil Lists are primarily used as offsite assessment tools. A hydric soil is a soil that meets the Hydric Soil Definition; presence of one (or more) of the Hydric Soil Indicators is evidence that the definition has been met.*
>
> NTCHS Technical Note 1 (1998)

The relationship between soil saturation and the anaerobic conditions required to meet the hydric soil definition is inconsistent and dependent on many biological and environmental factors. Soils which meet the hydric criteria for saturation may not necessarily meet the anaerobic requirement of the hydric soil definition. Although hydric soil criteria 3 and 4 (frequent ponding or flooding) are technically approved for use as field indicators, they may not necessarily identify soils which meet the anaerobic definition.

Because it is difficult to determine whether a soil is anaerobic through direct field observations of soil morphology, the NTCHS has issued a manual that provides guidance on the field indicators (redoximorphic features) that may be observed in various soil types for that soil to be considered hydric. The presence of one (or more) of the Hydric Soil Indicators ("Field Indicators") as described in the Field Indicators of Hydric Soils in the United States (Version 4.0, March1998) was used to determine the presence of a hydric soil. However, the absence of a Field Indicator can not be used to determine the absence of a hydric soil. In the field, when Field Indicators are lacking, other evidence of anaerobic conditions, including Hydric Criteria 3 or 4, may be used to determine whether a hydric soil that meets the Hydric Soil Definition is present.

In the field, a shovel was used to collect soil samples (approximately 18 inches deep). Soil profiles were described including horizon depths, color, redoximorphic features, texture, and structure and evaluated for redoximorphic features as described by the NTCHS (1998). Soil color using a Munsell soil color chart (Gretag Macbeth, 2000).

3.0 STUDY AREA DESCRIPTION

The 4,400 sq. ft. (0.1 acre) Study Area is in unincorporated Miramar, San Mateo County, at approximately 20 feet in elevation (NGVD). It is located within the Shore Acres of Half Moon Bay subdivision, which is partially developed, and contains scattered residences throughout. Topography of the area is mostly flat and sloped to the northwest. Portions of the Study Area and all adjacent

parcels contain fill material that has raised the surface elevation and altered surface drainage patterns. Coronado Avenue and several nearby residences have been constructed on fill material. The adjacent vacant lot 20 and lots 9 and 10, which are currently under construction, also contain fill material which has raised their elevation above that of the Study Area (See Appendix A for lot locations). There is a raised berm along the southwest property boundary and a patch of higher ground in the north corner of the Study Area. A utility right-of-way and Coronado Avenue front the Study Area to the northwest. Several vacant lots are present on the opposite side of Coronado; some [illegible] beyond these. Three additional vacant lots (lots 20-18) to the northeast of the Study Area separate it from a residence at the end of Coronado Avenue. Additional residential development is present to the east. The lots adjacent to the southeast are currently under construction (lots 9 & 10). A hotel/restaurant which overlooks the Pacific Ocean borders the Study Area to the southwest.

3.1 Plant Communities

The Study Area and adjacent properties contain primarily non-native grasses such as Italian ryegrass (*Lolium multiflorum*-FAC), and weedy or ruderal herbaceous plant species including bristly ox-tongue (*Picris echioides*-FAC) and burclover (*Medicago polymorpha*-FACU). Some wetland plant species were observed in adjacent lots. No shrubs or trees were observed outside those installed as residential landscaping.

The Study Area and immediately adjacent Lot 20 were vegetated by non-native grasses and ruderal herbs. Lots 19 and 18 contained many of the same plants, but additional species not present in the Study Area were also observed. A large patch of California blackberry (*Rubus ursinus*, FAC+) was observed in the central portion of Lot 19. Two wetland plant species were also observed. Curly dock (*Rumex crispus*, FACW-) was observed across the back (SE) portion of both lots, and bog rush (*Juncus effusus*, FACW+) was observed in the front (NW) portion of Lot 18 and the north corner of Lot 19. Although wetland plants were present, both lots 19 and 18 appeared to be dominated by a non-wetland species, bristly oxtongue.

3.2 Soils

The Study Area is outside the limit of detailed soil survey conducted for the Soil Survey, San Mateo Area (USDA 1961). However, two soil types were mapped in nearby coastal terrace areas and are likely to be present within the Study Area.

- Denison clay loam, nearly level (DcA)
- Denison loam, nearly level (DmA)

The Denison series consists of nearly level to sloping, dark-colored, moderately well drained to imperfectly drained soils on low terraces which occur along the coast north of Half Moon Bay. The surface horizon in the non-hydric Denison series is a low value and chroma, black (10YR 2/1) loam to clay loam. DcA is the most extensive soil of the series; DmA is similar except that the uppermost 3 to 30 inches is loam.

The Field Office Official List of Hydric Soil Map Units of San Mateo Area, California (Local Hydric

Soil List) (USDA, Soil Conservation Service 1992) indicates that none of the component soil phases of the two Denison mapping units are classified as hydric soils because they fail to meet the Criteria for Hydric Soils (NTCHS 1991).

The List also identifies any named or unnamed hydric soil inclusions which may occur in a soil mapping unit. Inclusions are soil components of minor extent which usually can only be located by on-site investigation. No hydric inclusions are listed for either of the two mapping units.

On-site investigation of soil profile characteristics is necessary to determine if soils within a site have profile characteristics similar to those of the site's soil mapping unit components or listed hydric and non-hydric inclusions. On-site investigation of soil profile characteristics was conducted by WRA as part of this Wetland Delineation Study.

It was noted during the site visit that the Study Area and adjacent lots all appeared to have been filled in the past. Therefore, descriptions of mapped soil types may not be applicable.

3.3 HYDROLOGY

The principal apparent hydrologic sources for the Study Area are direct precipitation and surface runoff from north and east of the Study Area. Groundwater inputs are likely insignificant given the clay loam soils.

The most recent U.S. Fish and Wildlife Service (USFWS) wetland inventory map for the Study Area was completed in 1985 (Half Moon Bay Quadrangle 1985). The map indicates that the Study Area is primarily represented by upland areas. However, wetland inventory maps prepared by USFWS are for habitat purposes and are not considered to be jurisdictional determinations because they are developed from large scale aerial photographs and are not sufficiently accurate for delineation.

On the 23rd of January, 2003, shallow surface ponding was observed in lots 18 and 19; this ponded water was exiting through a small swale in the northwest corner of Lot 19 and flowing towards the ocean through the right-of-way between the lots and Coronado Avenue. Lot 20 had no ponded water. Trenches dug in Lots 9 and 10 (currently under construction) were full of water and were observed to be discharging water onto the Study Area.

4.0 RESULTS

Vegetation within the Study Area did not meet the San Mateo County LCP wetland vegetation definition. The majority of the Study Area (characterized by sample point 1) was dominated by two plant species, Italian ryegrass (FAC) and bristly oxtongue (FAC). Other species observed included burclover (FACU), birds-foot [illegible] (FACW-), slender wild oats (*Avena barbata*-UPL), wild radish (*Raphanus sativa*-UPL), scarlet pimpernel (*Anagallis arvensis*-FAC), Bermuda buttercup [illegible] *pes-caprae*-UPL), cut-leaf plantain (*Plantago coronopus*-FAC), prickly lettuce (*Lactuca serriola*-FAC), crane's bill geranium (*Geranium molle*-UPL), mallow (*Malva* sp.) and vetch (*Vicia* sp.).

[illegible] Area (characterized by sample point 2) was dominated by a single species, Italian ryegrass (FAC); sub-dominants included birds-foot trefoil (FAC), California aster (*Aster chilensis*-FAC), curly dock (FACW-) and bristly oxtongue (FAC). Curly dock (FACW-) was the only wetland plant species observed within the Study Area; it had less than 10 percent cover at both sample points and through out the Study Area.

Data sheets from sample points are provided in Appendix B.

No hydric soils were observed in the Study Area. Soils in most of the Study Area were gravelly fill material overlying native Denison soil (sample point 1). Fill soils were very dark gray (10YR 2/1.5) and variable in texture reflecting several source of fill material. Asphalt, nails and other debris were found in the pit. No redoximorphic features were observed within 16 inches of the surface. Soil was moist but not saturated. This morphology does not meet any of the hydric soil Field Indicators or the hydric soil definition.

Soils in the unfilled portion of the Study Area were black (10YR 2/1) clay loam with no redoximorphic features were observed within 18 inches of the surface (sample point 2). Soil below 1 inch was moist but not saturated. The surface (A) horizon appearred to be at least 18 inches thick, no increase in clay with depth that would restrict infiltration and promote saturation and reduction was observed. This soil appeared to be the non-hydric Denison clay loam, nearly level soil that is mapped in the vicinity. The non-hydric Denison loam, has a low value, low chroma, black (10YR 2/1) surface horizon without redoximorphic features as a result of accumulation of organic matter under upland grassland vegetation (USDA 1961). The Denison loam and clay loam nearly level mapping units are not listed as a hydric soil on the Local Hydric Soil List. Lack of saturation indicates that this not a hydric soil, considering the much above normal rainfall in December and the rainfall in the days prior to the site visit. Unsaturated soils can not be reduced and therefore cannot meet the hydric soil definition.

Wetland hydrology was not observed within the Study Area. Rainfall occurred on the Study Area on each of three days prior to the site visit totaling approximately 0.3 inches. Surface water was present in the rear portion of the Study Area on January 23rd, 2003. The low area appeared to have been artificially created by surrounding fill (berm along SW boundary, dirt pile in NE corner, and fill on Lots 20, 9 and 10). The fill blocks natural drainage patterns through the site and causes temporary ponding; however, the area does not remain wet long enough to support a wetland plant

community. During the site visit, water was being discharged onto the Study Area from the adjacent construction site. This artificial water source will likely cease once construction is completed and water from the adjacent property is re-directed to the neighborhood storm water system. Soil was saturated only in the top 1 to 1.5 inches of the profile (sample point 2) and did not extend into the primary rooting zone for plants indicating temporary perched water. Given the unsaturated and permeable soils in the area, this is a temporary condition primarily resulting from recent rain and the increased runoff due to construction activity on adjacent lots.

5.0 CONCLUSION

No potential San Mateo County LCP wetland areas were identified within the Study Area. Most of the site was determined to be previously filled upland vegetated by non-native facultative and upland species. A slightly lower area in the back (SE) portion of the Study Area had observable surficial ponding; however, this area was not determined to be a wetland due to its lack of wetland vegetation, absence of hydric soils, and temporary hydrologic conditions.

6.0 REFERENCES

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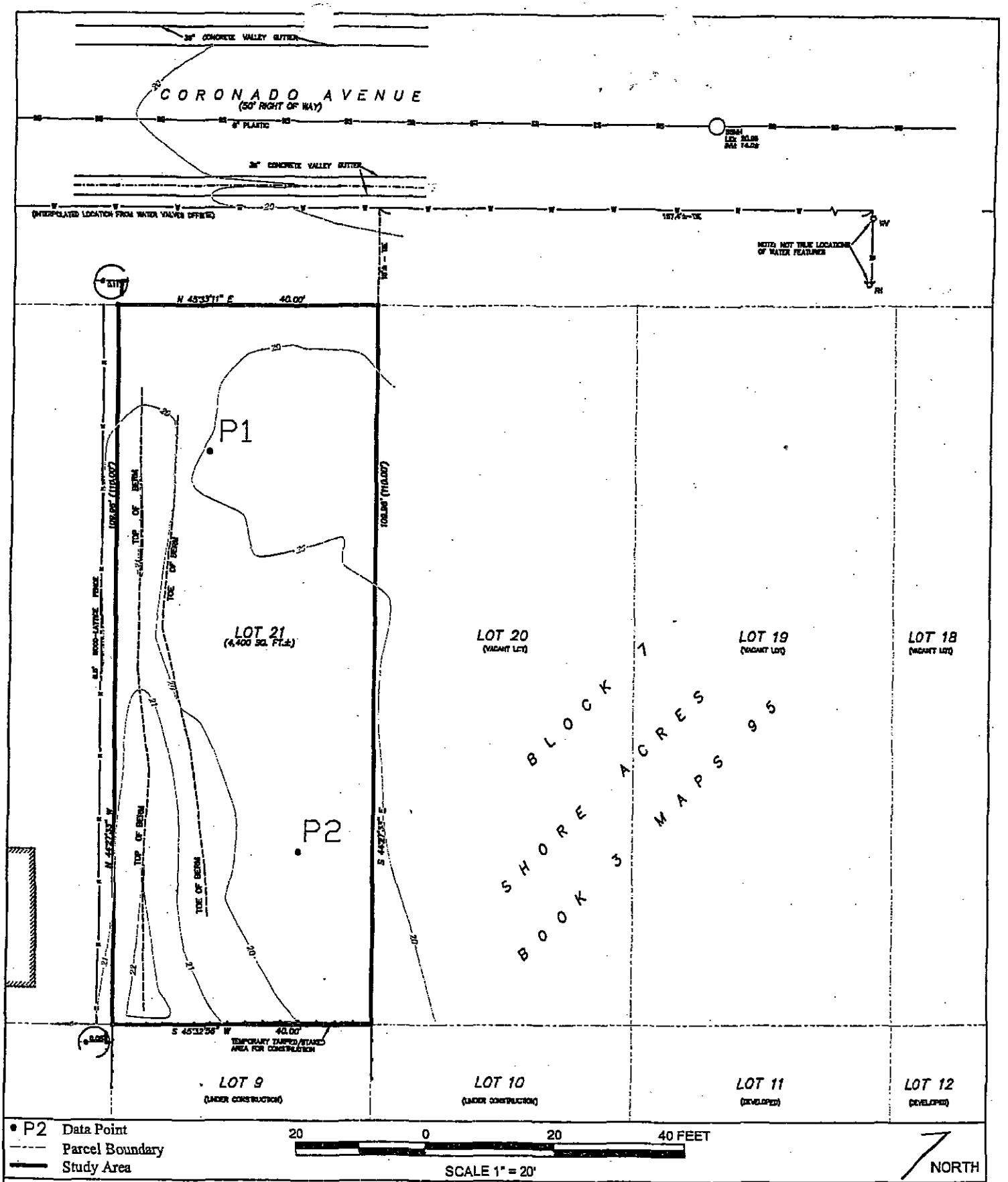
Appendix A

Location of Sample Points within the Shore Acres Miramar Study Area



Appendix A

Location of Sample Points within the Shore Acres Miramar Study Area

Wetlands Research Associates, Inc.

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Appendix B

Sample Point Data Sheets

Project Site: Shore Acres Miramar, Lot 21
County: San Mateo
Applicant/Owner: David Hodge

WRA Investigator(s): Phil Greer, Crystal Levine Date: 23-Jan-03
Habitat: upland
Plot ID: Sample Point 1

VEGETATION

Dominant Plant Species	% Cover	Indicator Status (1996 List)	Sub-dominant Plant Species	% Cover	Indicator Status (1996 List)
Lolium multiflorum	80	FAC	Picris echioides	7.5	FAC
			Medicago polymorpha	5	FACU
			Rumex crispus	2.5	FACW-
			Oxalis pes-caprae	1	UPL
			Geranium molle	1	UPL
			Lactuca serriola	1	FAC
			Vicia sp.	1	
			Malva sp.	1	

Percent cover by FACW and/or OBL wetland plant species: 2.5%
Sample plot dominated by wetland plant vegetation (>50%)? NO

Comments: Vegetation was composed entirely of non-native species reflecting disturbed conditions.

Project Site: Shore Acres Miramar, Lot 21
County: San Mateo
Applicant/Owner: David Hodge

WRA Investigator(s): Phil Greer, Crystal Levine Date: 23-Jan-03
Habitat: upland
Plot ID: Sample Point 1

SOILS

Map Unit Name: Denison loam, nearly level/ Denison clay loam, nearly level
Drainage Class: Well drained Mapped Type Confirmed? NO

Profile Description

Depth (inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture
0-20	None	10YR 2/1.5	None	None	Gravelly fill

Comments: Gravelly fill material, contained concrete, nails, asphalt, sandstone, granite and soil. No *horizon development. No redoximorphic features were observed.*

HYDROLOGY

Depth of Ponded Surface Water: None
Depth to Saturated Soil: None

Comments: No observed hydrology. Area of higher ground.

WETLAND DETERMINATION

No wetland parameters present.

Project Site: Shore Acres Miramar, Lot 21
County: San Mateo
Applicant/Owner: David Hodge

WRA Investigator(s): Phil Greer, Crystal Levine
Habitat: lowland
Plot ID: Sample Point 2

Date: 23-Jan-03

VEGETATION

Dominant Plant Species	% Cover	Indicator Status (1996 List)	Sub-dominant Plant Species	% Cover	Indicator Status (1996 List)
Lolium multiflorum	70	FAC	Lotus corniculatus	10	FAC
			Aster chilensis	10	FAC
			Rumex crispus	5	FACW-
			Picris echioides	5	FAC

Percent cover by FACW and/or OBL wetland plant species: 5%
Sample plot dominated by wetland plant vegetation (>50%)? NO

Comments: Vegetation was composed of non-native species except for *Aster chilensis*, reflecting disturbed conditions.

Project Site: Shore Acres Miramar, Lot 21
County: San Mateo
Applicant/Owner: David Hodge

WRA Investigator(s): Phil Greer, Crystal Levine Date: 23-Jan-03
Habitat: lowland
Plot ID: Sample Point 2

SOILS

Map Unit Name: Denison loam, nearly level/ Denison clay loam, nearly level
Drainage Class: Well drained Mapped Type Confirmed? YES

Profile Description

Depth (inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture
0-18	A	10YR 2/1	None	None	Clay loam

Comments: No redoximorphic features were observed.

HYDROLOGY

Depth of Ponded Surface Water: 1-2 (inches)
Depth to Saturated Soil: None (inches)

Comments: Shallow ponding observed. Area at slightly lower elevation as a result of fill deposited in surrounding areas. Soil was saturated in top 1 to 1.5 inches of the profile. Soil was only moist below indicating that observed surface water was not saturating into the primary rooting zone. Water is being discharged onto the Study Area by adjacent construction. Lack of saturation below indicates this is a temporary condition. The plot does not have an apparent long-term source of hydrology.

WETLAND DETERMINATION

No wetland parameters present.

DA ROSA PROPERTY
BIOLOGICAL RESOURCES ASSESSMENT

MIRAMAR, CALIFORNIA

DE NOVO REVIEW OF A-2-SMC-01-032

Submitted to:

David Byers
McCracken, Byers & Haesloop
1528 S. El Camino Real, Suite 306
San Mateo, California 94402
(650) 377-4890

Prepared by:

LSA Associates, Inc.
157 Park Place
Pt. Richmond, California 94801
(510) 236-6810

LSA Project No. MCK230

LSA

March 26, 2003

TABLE OF CONTENTS

FIGURES

INTRODUCTION

This report presents the results of a delineation by LSA Associates, Inc. (LSA) of the potential extent of wetlands on the Da Rosa property (APN 048-013-570) in unincorporated San Mateo County, near the community of Miramar. This report is intended to determine whether any areas on the Da Rosa property met the wetland definition utilized by the County of San Mateo (the County) in its certified Local Coastal Program (LCP), which implements the California Coastal Act (CCA).

On January 14, 2002, the Coastal Commission requested additional information on the potential impacts of the proposed development to environmentally sensitive habitat area, including, but not limited to, habitat for the San Francisco garter snake or California red-legged frog. Information was also requested for a wetland delineation identifying any wetlands as defined by the San Mateo County LCP on or adjacent to the site. This report is intended to address these issues.

PROJECT SITE DESCRIPTION

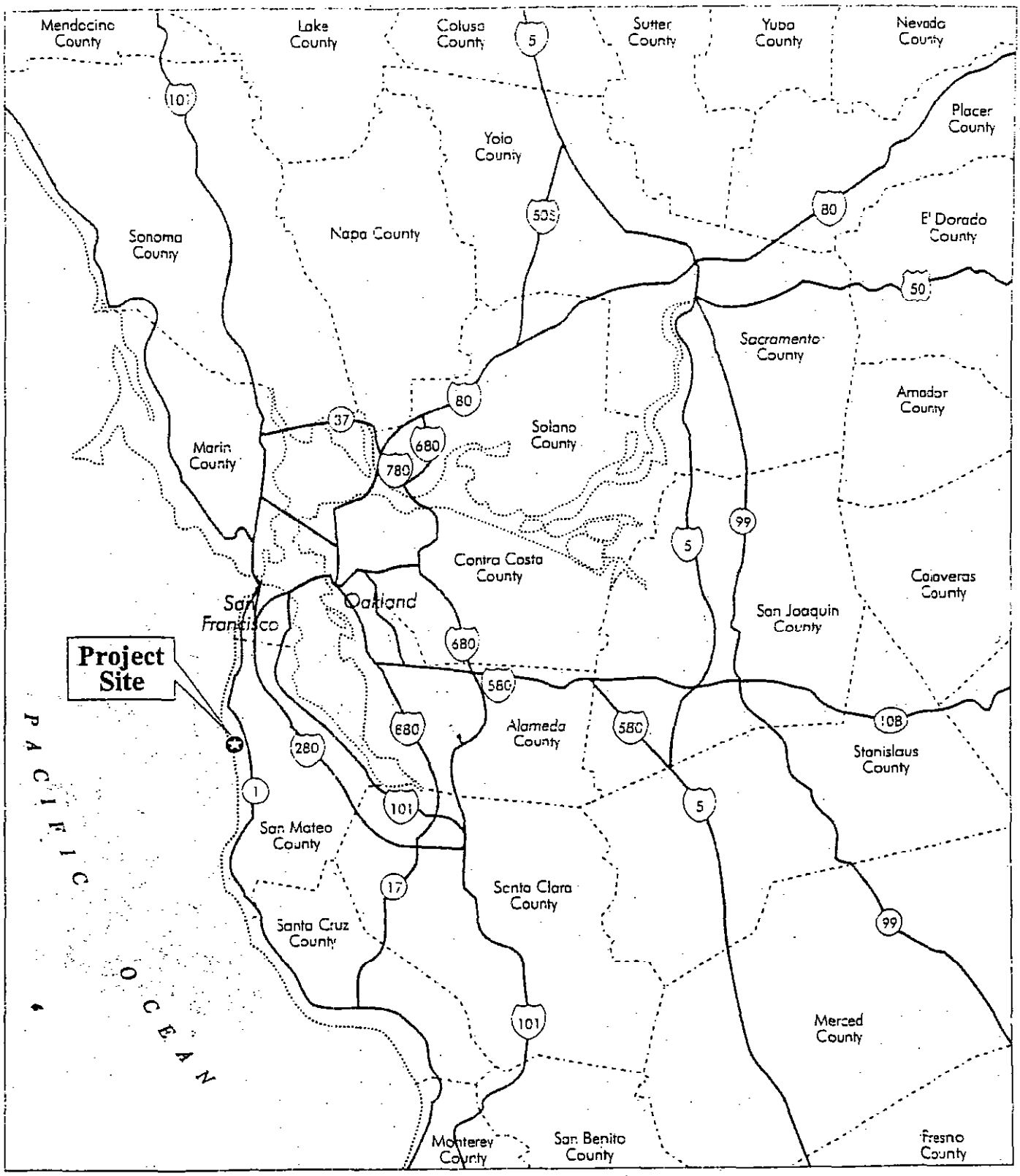
The project site is located in unincorporated San Mateo County on the coast north of Half Moon Bay, California, a few blocks north of the town limit of the community of Miramar (Figure 1). The Da Rosa property faces onto Coronado Avenue, within one block of the Pacific Ocean. The Miramar restaurant is on the north side of Coronado Avenue, just northwest of the site and the Miramar Beach Hotel is immediately to the west. It lies at an elevation of approximately 20 feet NGVD. Figure 2 illustrates the location of the property in relation to local streets and to the community of Miramar.

The property is a vacant lot, 40 feet wide and 100 feet deep, in a existing residential and commercial neighborhood. The lot is one of several vacant lots in the neighborhood. There are several existing residences to the southeast along Cortez Avenue. Houses were being constructed on two nearby lots at the time of the assessment. One residence was under construction to the east on Coronado Avenue and one to the south along Cortez Avenue., contiguous with the Da Rosa parcel

Vegetation

Nomenclature used in this report follows that of *The Jepson Manual: Higher Plants of California* (Hickman 1993).

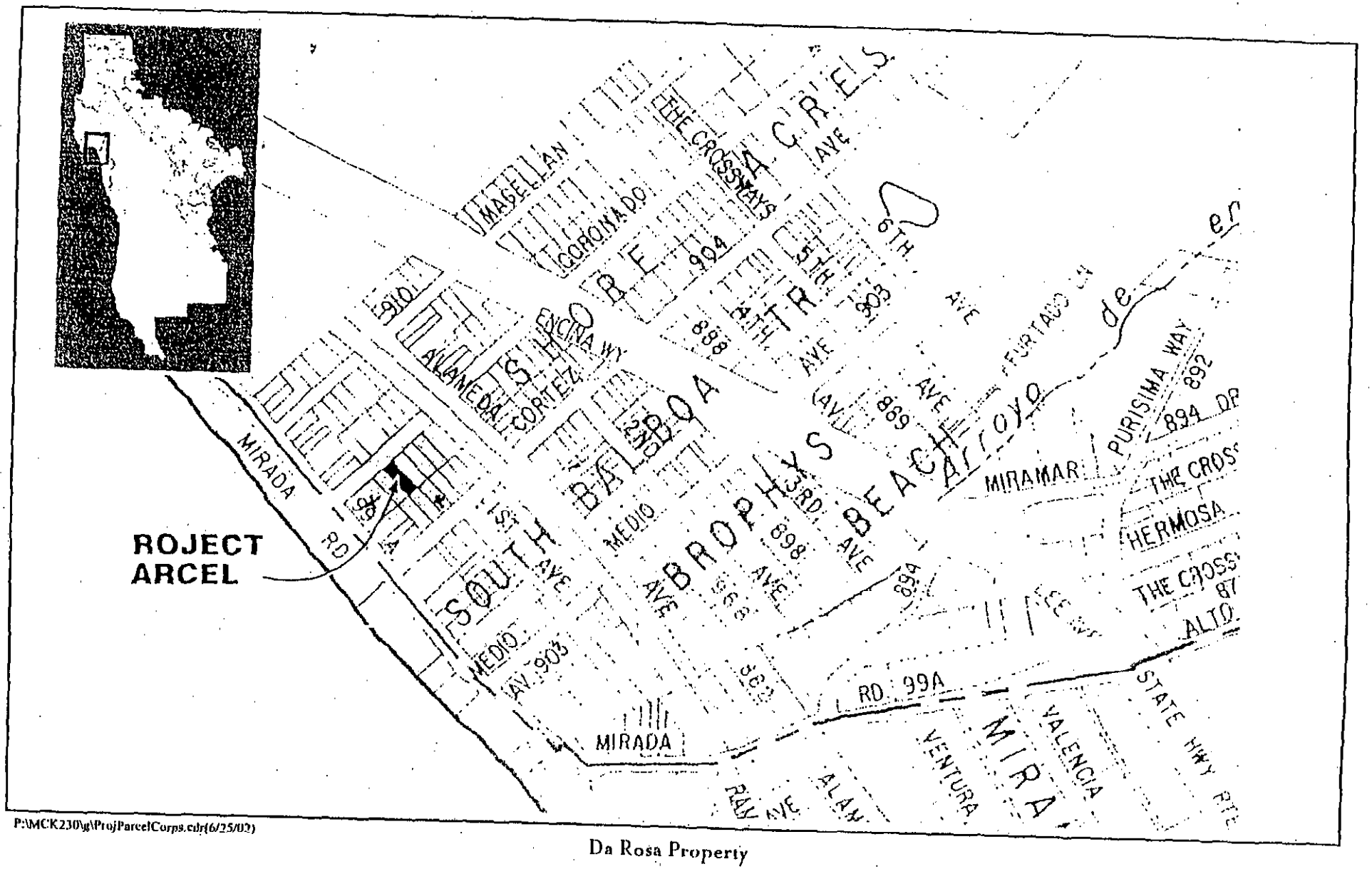
The lot supports a relatively homogeneous mix of ruderal plants that are periodically mown. In the past the site may also have been disced for weed abatement. Dominant plant species on the site include bristly ox-tongue (*Picris echioides*), common vetch (*Vicia sativa*), and ripgut brome (*Bromus diandrus*). Associated species include Italian ryegrass (*Lolium multiflorum*), wild oats (*Avena fatua*), fennel (*Foeniculum vulgare*), fumitory (*Fumaria officinalis*), Bermuda buttercup (*Oxalis pes-caprae*), poison hemlock (*Conium maculatum*), Harding grass (*Phalaris aquatica*), California blackberry (*Rubus ursinus*), wild radish (*Raphanus sativa*), and annual fescue (*Vulpia* sps.).



Da Rosa Property

Regional Location

FIGURE 1 OF 3



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Da Rosa Property

Project Parcel

FIGURE 2 OF 3

The first ten feet of the property adjacent to Coronado Avenue are nearly bare of vegetation, apparently due to compaction, disturbance, and infertile surface material resulting from recent widening construction on Coronado Avenue. The road edge may have also been sprayed with a pre-emergent herbicide.

Soils

The Natural Resource Conservation Service (formerly the Soil Conservation Service, SCS) has not published detailed soil maps of the Miramar area of San Mateo County, but based on soil survey maps of nearby areas, the likely local soil types can be determined. Soil Survey maps exist for El Granada, just to the north of the project site, and areas just to the south of the project site, between Miramar and Half Moon Bay (SCS, 1961). Soils along the coast, but interior to the beach, in these areas are nearly level Denison clay loams and Denison loams (SCS 1961).

Denison series soils are "dark-colored, moderately well drained to imperfectly drained soils on low terraces" that formed from granitic alluvium under grassy vegetation (SCS 1961, pg. 49). The black surface soil is slightly to moderately acidic. The black sub-surface soil displays a prismatic structure that is heavy and extremely hard when dry. It is neutral to slightly acidic and may be mottled in the subsoil. The phase of Denison clay loam associated with nearly level terrain has high water-holding capacity and very slow runoff, with slightly to nonexistent erosion hazard. Denison most commonly occurs on level terrain in San Mateo County. Denison loam is similar, but the upper 3 to 30 inches is loam. Some coarser material may be deposited in higher areas. Denison loam also has a high water holding capacity and " is moderate in the surface soil and moderately slow to slow in the subsoil" (SCS 1961, pg. 49).

Appendix A provides a copy of the SCS soil map and series description.

Hydrology

The property is nearly level with many hummocks created by the deposition of fill. Water can drain off the property in almost any direction, as the property is slightly elevated above the adjacent lots. A very slight slope leading down to Coronado Avenue was apparent, and another slope along the northeast side of the property leads down to the adjacent parcel. Sources of water are direct rainfall, runoff from Coronado Avenue, and, for limited areas along the property boundary, runoff from adjacent parcels.

There are no streams on or adjacent to the lot. Two natural creeks or drainages are present in the vicinity of the property. The Arroyo de en [illegible] approximately 900 feet south of the parcel and an unnamed drainage is 500 to 600 feet north of the property.

REGULATORY BACKGROUND

California Coastal Act

The California Coastal Act created the California Coastal Commission, which regulates development along the coast. In addition to preserving [illegible] access to beaches and retaining the natural beauty

of the coast, the Coastal Commission is also charged with wetland preservation. Regional regulation is implemented by Local Coastal Programs (LCP).

The San Mateo County LCP defines wetlands as areas "where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils, or to support the growth of plants which are normally found to grow in water or wet ground" (San Mateo County 1998, section 7.14). In other words, the County LCP has two requirements for a wetland: 1) wetland hydrology sufficient to 2) form hydric soils or support the growth of hydrophytic vegetation.

The San Mateo County LCP also states:

> *In San Mateo County, wetlands typically contain the following plants: cordgrass, pickleweed, jaumea, frankenia, marsh mint, tule, bulrush, narrow-leaf cattail, broad-leaf cattail, pacific [sic] silverweed, salt rush, and bog rush. To qualify, a wetland must contain at least 50% of some combination of these plants, unless it is a mudflat.*

This condition appears to limit wetlands under the County LCP definition to areas supporting at least 50 percent of some of the listed plants. The listed plants are all typically . . . wetlands which have semi-permanently to permanently flooded or saturated conditions. These areas are commonly recognized as marshes and bogs. The first four listed plants and salt rush are typical salt marsh plants associated with tidal and other estuarine marshes and coastal strand habitats. Tule and narrow-leaf cattail are the typical emergent vegetation associated with perennial marshes and ponds. Pacific Silverweed and bog rush are also typically associated with bogs, along the borders of lagoons, or springs/seeps.

The Coastal Commission staff, however, has stated in the past that they do not consider this restrictive interpretation to be consistent with the Coastal Act requirements and view the list of plants as examples of the types of plants (i.e., hydrophytic plants) that can occur in wetlands.

METHODS

WETLAND IDENTIFICATION METHODOLOGY

While the San Mateo County LCP defines the criteria for wetlands, it does not provide procedures or technical criteria for defining wetland boundaries. California Coastal Commission (1984) standards also do not define detailed procedures or technical criteria for wetland boundary assessments. Therefore, field investigations of potential wetlands occurring on the project site were conducted using the routine determination method given in the *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987). This method establishes specific sample sites within suspected wetlands that are then examined for hydrophytic vegetation, hydric soils, and wetland hydrology. The Manual also defines wetland criteria for each element using applicable sources of information. These technical criteria are summarized below.

Data obtained through these field procedures was then used to determine the presence of and boundary lines between a wetland and an adjacent upland using the LCP definition.

Technical Criteria

The LCP addresses three technical criteria to assess the presence of wetlands. These criteria are adequate hydrology (a mandatory element) that results in the formation of hydric soils or supports the presence of wetland vegetation (one of the two criteria must be met).

Vegetation Criterion. Hydrophytic species typically have morphological, physiological, and/or reproductive adaptation(s) which allow the plants to grow, effectively compete, reproduce, and/or persist in anaerobic soil conditions. The FWS National Wetland Inventory has developed indicator status categories to define hydrophytic species (Reed 1987). The categories are based on the estimated probability that plants would or would not occur in wetlands. These categories are listed below:

Indicator Categories

Obligate Wetland (OBL). Occur almost always (estimated probability >99%) under natural conditions in wetlands.

Facultative Wetland (FACW). Usually occur in wetlands (estimated probability 67% to 99%), but occasionally found in nonwetlands.

Facultative (FAC). Equally likely to occur in wetlands or nonwetlands (estimated probability 34% to 66%).

Facultative Upland (FACU). Usually occur in nonwetlands (estimated probability 67% to 99%), but occasionally found in wetlands (estimated probability 67% to 99%).

Obligate Upland (UPL). Occurs almost always (estimated probability >99%) under natural conditions in nonwetlands.

Plant species occurring in the obligate or facultative wetland categories represent species which would normally be found in wetlands (*i.e.*, hydrophytic species) and in most wetlands comprise the dominant character of the community. Facultative species have about an equal opportunity of being found in wetlands as in uplands. The term facultative in biological considerations means the ability to grow in other than normal conditions. Facultative species, because they can grow and be found in wetlands, are considered as positive indicators of wetland conditions. Facultative species, however, are a poor character to define upland/wetland boundaries or the presence of wetlands in the absence of other evidence such as hydric soils or wetland hydrology because of their broad tolerance and adaptability to a variety of conditions. Facultative species are probably better classified as mesophytic species rather than true hydrophytic species. In cooler and moister coastal areas in particular, facultative species often comprise the dominant species in upland areas. Facultative upland and upland plants are rarely present in wetlands and are not considered to be indicators of wetland conditions.

For this assessment, a dominance of plants in the obligate and facultative wetland categories as defined by Reed (1987) were generally considered to be positive indicators of wetlands. Facultative species were identified as wetland plants if hydric soils or wetland hydrology was present.

Soil Criterion. Hydric soils are defined by criteria set forth by the National Technical Committee for Hydric Soils (SCS and NTCHS 1991). These criteria are based on the depth and duration of soil saturation. A hydric soil is a soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

The following criteria reflect those soils that meet this definition:

1. All Histosols except Folists, or

2. Soils in Aquic suborder, Aquic subgroups, Albolis suborder, Salorthids great group, Pell great groups of Vertisols, Pachic subgroups, or Cumulic subgroups that are:

   a. Somewhat poorly drained and have a frequently occurring water table at less than 0.5 foot (ft) from the surface for a significant period (usually more than 2 weeks) during the growing season, or

   b. poorly drained or very poorly drained and have either:

      (1) a frequently occurring water table at less than 0.5 ft from the surface for a significant period (usually more than 2 weeks) during the growing season if textures are coarse sand, sand, or fine sand in all layers within 20 inches (in), or for other soils

      (2) a frequently occurring water table at less than 1.0 ft from the surface for a significant period (usually more than 2 weeks) during the growing season if permeability is equal to or greater than 6.0 in/horizon (h) in all layers within 20 in, or

(3) a frequently occurring water table at less than 1.5 ft from the surface for a significant period (usually more than 2 weeks) during the growing season if permeability is less than 6.0 in/h in any layer within 20 in, or

3. Soils that are frequently ponded for a long duration (7 days to one month for a single event) or very long duration (greater than 1 month for a single event) during the growing season, or

4. Soils that are frequently flooded for a long duration (7 days to one month for a single event) or very long duration (greater than 1 month for a single event) during the growing season.

Hydric soils are commonly identified in the field by using indicators of persistently saturated soil, technically known as redoximorphic features. These features are caused by anaerobic, reduced soil conditions that are brought about by prolonged soil saturation. The most common redoximorphic features are distinguished by soil color, which is strongly influenced by the frequency and duration of soil saturation. Hydric soils tend to have dark (low chroma) colors which are often accompanied by reddish mottles (iron mottles), reddish stains on root channels (oxidized rhizospheres), or grey colors (gleying).

Common indirect field characteristics of hydric soils identified in the Corps Manual and CCC guidance (1994) are 1) a chroma of 2 or less with mottling and 2) a chroma of 1 or less without mottling.

Soil chroma is a measure of the brightness of a soil color. Low chroma soils, particularly dark brown and black soils, tend to have high organic matter contents. High organic matter is often a characteristic of wetlands, but is also common in non-wetland or upland communities such as grasslands. Chroma and mottling can also be reflective of historic soil development under aquic conditions and may be relic characteristics, lasting perhaps hundreds of years. Soils formed in alluvial and marine environments often exhibit such visual characteristics. Therefore, while chroma and mottling are useful field characteristics, they do not provide absolute evidence of active hydric soils in areas where natural conditions have been altered or where the soils may have developed under aquic conditions.

The native soils in the Miramar area are naturally very dark, thus low soil chroma was not considered a strong hydric indicator for purposes of this study. Soils were identified as hydric if accompanied by stronger, consistent hydric indicators such as mottling, rhizospheres, or gleying.

Hydrology Criterion. Wetland hydrology [illegible] areas where the presence of water has an overriding influence on characteristics of vegetation and soils due to anaerobic and reducing conditions, respectively (Corps 1987). Cowardin et al. (1979) describes several water regime modifiers to describe wetland and deepwater habitats. For nontidal, palustrine wetlands such as occur on the site, the modifiers range from permanently flooded to temporarily flooded, intermittently flooded and artificially flooded. However, the FWS classification system does not provide specific technical guidance to define each modifier.

The Corps Manual (1987) defines a similar suite of hydrologic zones for the purposes of defining wetland hydrology. These hydrologic zones are based on the duration of inundation and/or soil saturation during the growing season. The Corps Manual considers areas experiencing a duration of

continuous soil saturation or inundation greater than 12.5 percent of the growing season to have wetland hydrology. Areas with between 5 and 12.5 percent of the growing season (irregularly inundated or saturated) can be either wetlands or uplands. Areas with less than 5 percent are not wetlands.

The growing season is essentially year-round in coastal California regions such as the San Mateo coast. The percent figures above translate to a minimum of 45.6 days of continuous saturation or inundation to positively be a wetland. Irregularly inundated or saturated conditions range from approximately 18 days to 45 days. Thus, areas with a minimum of 18 days of continual saturation or inundation can be wetlands, but are not necessarily.

Because it is often impracticable to directly measure inundation duration periods, Corps procedures define a number of indicators which can be used to assess wetland hydrology. These indicators include recorded data such as stream gages and, : . . . . : used, field indicators such as visual observation of soil saturation, watermarks, drift lines, matted vegetation, sediment deposits, and drainage patterns. Technical guidance also considers the effects of atypical or abnormal rainfall in assessing the presence of wetland hydrology. Field observations of the presence of indicators (or lack there of) may need to be tempered or considered in relation to the presence of unusual rainfall patterns (i.e., above normal or below normal).

Field Methodology

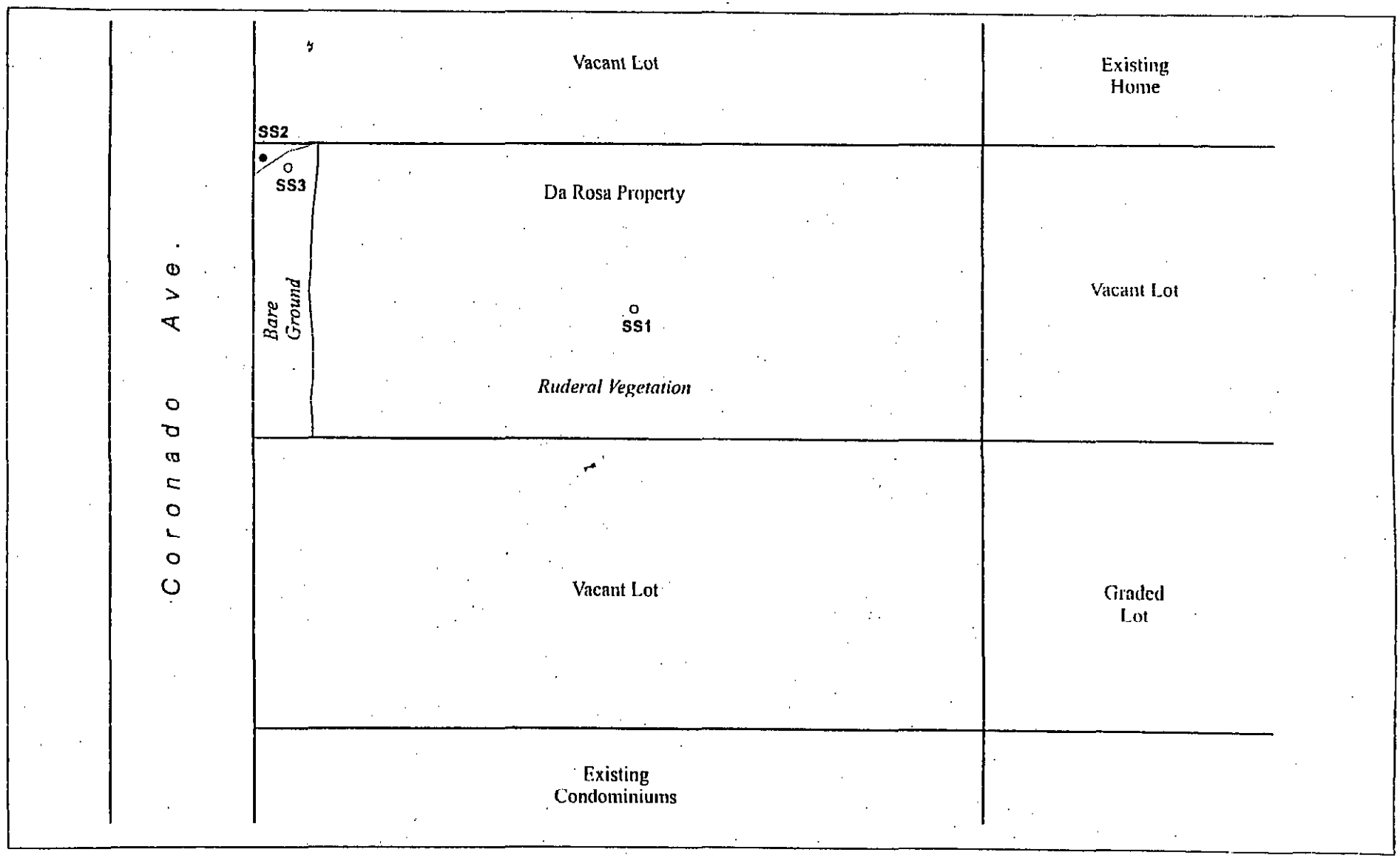
An initial site assessment was conducted on March 6, 2002. A second assessment was conducted on March 27, 2002 by a LSA staff soil scientist and a botanist to collect field data. Over an inch of precipitation had fallen in the area during the week prior to the March 27th survey and over 3.8 inches in the previous month (University of California 2001). The long term (1948 through 2001) average rainfall for the month of March is 3.94 inches.

Potential wetlands were identified by the presence of basins, ditches, or other depressed topographic features, suppressed vegetation, or the presence of hydrophytic vegetation. Sample sites were established at points with vegetation representative of . . . . . Where a particular sample site exhibited wetland characteristics, additional sample sites were established as necessary to determine the location of the wetland boundary. LSA established three sample sites within the study area. Field data sheets for . . . . B, and their location are shown on the attached delineation map (Figure 3).

Data was only collected on the Da Rosa parcel. The potential presence of offsite wetlands was visually assessed from the Da Rosa parcel or from public roads.

ENVIRONMENTALLY SENSITIVE HABITAT AREAS

The potential for environmentally sensitive habitat areas (ESHAs), including endangered species habitat, to occur on or adjacent to the property was evaluated based on visual assessment of the habitats on and adjacent to the property, review of existing available information (i.e., California Natural Diversity Data Base, ... [EIP Associates 1998]), and LSA's generally familiarity with the resources in western San Mateo County.



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Da Rosa Property
Wetland Delineation
FIGURE 3 OF 3

SS2 ● WETLAND SAMPLE SITE

SS3 o UPLAND SAMPLE SITE

N

LSA

0 20
FEET

RESULTS

WETLANDS

As previously described, the lot supports a relatively homogeneous mix of ruderal plants that are periodically mown. Dominant plant species on the site include bristly ox-tongue (*Picris* , FAC), common vetch (*Vicia sativa*, UPL), and ripgut brome (*Bromus diandrus,* UPL).

Three samples sites were established on the lot in areas where wetland-adapted plant species seemed particularly numerous. One sample site (SS #1) was sampled in an area of wetter vegetation near the center of the property. Two additional sample points were established in a low, ponded area in the northeastern corner of the site, adjacent to Coronado Road. SS #2 was located within the ponded area, while SS #3 was located in a clearly upland location nearby. Figure 3 shows the location of the sample sites.

Vegetation

Vegetation within the Da Rosa parcel is composed of a ruderal mix of upland and marginally wetland herbaceous species. SS#1 was located in an area that was representative of the most hydrophytic in the parcel. The site was dominated by bird's foot trefoil (*Lotus corniculatus,* FAC), Italian rye, and Bermuda buttercup (*Oxalis pes-caprae,* UPL). Based on these dominants, the site meets the federal hydrophytic vegetation criterion (two of species can occur in wetlands); however, the two species are both classified as facultative (FAC) species, which by definition have about an equal chance of occurring in uplands as wetlands. Typically, species with a FAC ranking are poor indicators of wetland conditions especially in coastal areas.

SS#2 describes the vegetation in the low elevation area in the northern corner of the property. This area falls within the largely barren shoulder of Coronado Avenue, which had recently been widened and resurfaced. The asphalt was new, and the road shoulders were freshly graded and largely devoid of vegetation. There was more vegetation around the SS #2 location, however, than along other parts of the road. Dominants plants at this sample site included bristly ox-tongue (FAC) and Italian ryegrass (FAC), both facultative plants. Other associated plants occurring in the potential wetland were English plantain (*Plantago lanceolata,* FAC), Bermuda buttercup, curly dock (*Rumex crispus,* FACW), hedge-nettle (*Stachys ajugoides,*OBL), and annual fescue (*Vulpia* sp.).

The plant community surrounding the low area in the northern corner is representative of the remainder of the parcel in that it is composed of ruderal species with no particular affinity for wetlands.

Soils

The soil at SS#1 is very dark, but soils on all parts of the project site are dark, even when there are no other hydric indicators. No other evidence of hydric soil conditions was noted at SS#1. Neither iron mottles, manganese mottles nor rhizospheres were present inside or outside of the potential wetland at SS#2. Within the potential wetland, however, the soil displayed occasional gley mottles below five inches.

Hydrology

The project site is nearly level with small hummocks created by the deposition of fill. Water can drain off the property in almost any direction. There is a very slight slope down to Coronado Avenue and a slope on the northeast side of the property that leads down to the adjacent parcel on that edge of the parcel.

The area immediately northeast of the Da Rosa parcel contained shallow standing water when our assessment was made. This water is overland runoff that has been blocked and confined by the elevated fill surfaces on the Da Rosa property and the newly-refurbished Coronado Street roadway. This water may have been runoff from Coronado Avenue (the new road surface is center-crowned) and the adjacent lot to the east. This standing water extended into the low area on the northern corner of the Da Rosa property.

Regulatory Status of Potential Wetland

The wetland boundary was established based on a shift from denser wetland vegetation at the edge of the ponded area to sparse upland vegetation in adjacent areas. The non-wetland sample point (SS#3) confirms that soil outside the wetland is not hydric. This feature is approximately 20 square feet (0.007 acre) in size (Figure 3). No other areas on the property exhibit convincing evidence of wetland conditions.

This small wetland has clearly developed at its present location as a result of blockage of overland runoff by the recent Coronado Street improvement work, by the previous placement and spreading of fill material on the Da Rosa property, and increased runoff from Coronado Street and adjacent residences. In particular, the recent improvements appear to have cutoff or reduced the drainage across the adjacent property that likely flowed down the older roadway.

In our opinion, the wetland on the site is artificial and of incidental origin. The CCA does not provide clear guidance on the regulatory status of artificial and/or incidental wetlands.

Offsite Wetlands

The very small potential wetland on the northern corner of the Da Rosa property is continuous with a larger seasonally-ponded apparent wetland that abuts the Da Rosa property on the northeast. This larger apparent wetland is also of artificial and incidental origin.

ENVIRONMENTALLY SENSITIVE HABITAT AREAS

The Da Rosa Parcel lies within an existing developed residential and commercial area. The site's character is of a disturbed vacant lot and there is no suitable habitat on or immediately adjacent to the parcel for the San Francisco garter snake, California red-legged frog, or other state or federally listed threatened or endangered species. The garter snake and frog are primarily associated with ponds, creeks, and other perennial or nearly perennial aquatic habitats and the associated uplands surrounding such wetlands.

There are no records for either species in the immediate area. The closest potential habitats are the Arroyo de en Medio which is approximately 900 feet south of the parcel, an unnamed drainage is 500 to 600 feet north of the property, and a small agricultural pond approximately 1,500 feet northeast of the property on the east side of Highway 1.

All of these sites border or go through existing urban environments. The property, as well as the three potential habitat areas are [illegible] by [illegible] and/or residential development which effectively isolates movement between these three habitat areas at least in a direct corridor that would encompass the Da Rosa parcel.

The site also lies outside of the boundaries of the California red-legged frog critical habitat unit (Map Unit 14) designated by the Service for the on March 13, 2001 (61 FR 25813), but which was recently withdrawn as a result of settlement agreement regarding the adequacy of the economic analysis for the designation.

CONCLUSIONS

LSA identified one potential wetland on the Da Rosa Property with an area of about 30 square feet. This wetland has developed as a consequence of relatively recent grading and filling both on and adjacent to the Da Rosa property. The primary cause for the creation of the wetland appears to be the recent improvements to Coronado Street (crowning, paving, new shoulders) which appears to have reduced or [illegible] the ability for storm water to drain from the Da Rosa and adjacent parcel onto the roadway. The wetland can be characterized as an artificial and incidental seasonal wetland with ambiguous regulatory status under the CCA.

The wetland is mapped on Figure 3. No other areas of the property exhibit wetland characteristics sufficient to meet CCA or Corps of Engineers wetland criteria.

The property also does not qualify as an ESHA based on presence of sensitive species habitat, as no such species are likely to occupy or use the property.

Planning & Zoning Committee of the Midcoast Community Council
PO Box 64, Moss Beach
CA 94038
Serving 12,000 residents

September 31, 2002

China Osborn
San Mateo County Planning and Building Division
Mail Drop PLN122, 455 County Center
Redwood City, CA 94063
650.363.1841 - FAX: 650.363.4849

Attendance: Karen Wilson, Paul Perkovic, Chuck Kozak, Ami Varsanyi
RE: PLN 2000-00676: A Non-Conformity Use Permit, Coastal Development Permit, and Coastside Design Review for a new 3-level single-family residence. **Location:** 198 Coronado Avenue (between Mirada and Alameda), Miramar **APN:** 048-013-580**Applicant:** David Hodge **Owner:** Same **Planner:** China Osborn **Zoning:** R-1 / S-9 (Single-Family Residential, 10,000 sq. ft. minimum parcel size) **Lot Size:** 4400 sq. ft. **Lot Coverage:** 23.5% (1034 sq. ft.)**Floor Area Ratio:** 52.4% (2308 sq. ft.)**Height:** 22.5 ft. (avg.)

The above application was reviewed by the MCC Planning & Zoning committee on two occasions; the final review was on 9-20-02. Below are our comments and concerns for this project:

- The committee is unanimously concerned that the size of this parcel does not met the minimum 10,000 sq/ft lot size for the area
- All development in this area has a direct impact on the visual resources component of the LCP and Zoning Regulations
- The applicant made the design changes we requested
- This project has not been counted in our build-out numbers and will have long term impacts on the community infrastructure including traffic, schools & drainage
- There is a definite imbalance being created by the piecemeal development of the West side of the Hwy in Mira Mar.
- Long range planning in this area is and has historical been lacking and inconsistent in this area

We respectfully, request the county carefully evaluate all development in this area, as the effects are permanent and may have long term impacts on property values for the neighboring properties and residents of the MidCoast.

We appreciate the applicant's corporation and patients on this project and the sensitive nature of the Zoning, Design, visual impact and Lot Size.

If you have any other questions or concerns, please contact me.

Sincerely,

Karen Wilson

Karen Wilson
Chair, MCC Planning and Zoning Committee
Post Office Box 371273
Montara, CA 94037
650-728-3292 – Montara100@attbi.com

ATTACHMENT M

China Osborn - Building at 048-013-580

From: "Ken Landis" <landis207@attbi.com>
To: <cosborn@co.sanmateo.ca.us>
Date: 4/8/2003 12:00 PM
Subject: Building at 048-013-580
CC: <david@hodgepictures.com>

Hi China,

I wanted to provide written support to the home being proposed by David Hodge on Coronado Ave. As neighbors who live next to the site, we support its development.

I also wanted to comment that we were also appealed by Rick Lohman during our building/planning process (at 211 Mirada Road) and point out that his appeal was deemed completely without merit. After the appeal was overruled, Rick Lohman actually got his appeal fee refunded because he stated that he didn't understand the zoning rules and had gotten incorrect information ...
Just wanted to point out that the purpose of his appeals seem only to be delaying development in any form ... not concern for zoning issues.

Ken Landis
Landis Shores Oceanfront Inn
211 Mirada Road

650-726-6642

ATTACHMENT N-Chan

Kathryn V. Slater-Carter
P.O. 370321
Montara, CA 94037

San Mateo County Planning Commission Members
455 County Center
Redwood City, CA 94063

RE: Appeal of Project PLN2000-00676 - Wed. 3/12/03 - 9:30 a.m.
Applicant: David Hodge
Appellants: LaMar/Licato/Lohman/Mauz
APN: 048-013-580 - 198 Coronado Ave., Miramar

Dear Planning Commission:

With rights come responsibilities.

The County ghas the right to grant CDP's - it also has the responsibility to enforce the Local Coastal Program (not just the Local Coastal Policies).

If the County is gong to approve construction of lots on substandard lots it must retire residential construction potential in other places in the urban midcost -the logic for this is encompassed in the Coastal Commission decision in the Half Moon Bay Pacific Ridge Project.

Essentially the Coastal Commission found that the creation of new lots traffic problems that deny coastal access to visitors from other parts of California. In this case the higher density caused by the smaller lots add traffic to an area particularly known for its traffic jams on weekends.

The County has not done the research and analysis to look at the effects of the increases in density for this area and its effect on beach access for one of the more easily assessable beaches for the handicapped that is close to an urban area. Loss of parking is a key issue as well as loss of highway capacity. Nor has the County appropriately amended its Local Coastal Program or General Plan to allow this level of development.

The County must examine the environmental consequences of the additional density of development on groundwater resources in the area. It has not done the studies necessary to evaluate the effects of such close spacing of wells (50 feet apart) on the ground water supply or on adjacent wells. The County has not done an area specific evaluation on the cumulative effects of wells in the area on ground water supplies or on the nearby wetlands with respect to salt water intrusion.

This issues was raised in a previous appeal, the County said that there was no problem, and the development was approved - BUT the County has not done the necessary studies to support its positions.

The Local Coastal Program is based on and supported by data - this includes the zoning densities. Not only will this area have a far greater density - Seal Cove in Moss Beach has many lots that do not meet the density in the LCP as does the rural residential area in Montara. There are others. The County must look at the overall effects on resources of increases in density and in buildout population - on water demand, on sewer demand, on groundwater resources, on coastal access, on schools the potential necessity to create new schools in an area that does not have large parcels of land available on which to build them without destroying other protected resources, among other issues.

Sincerely,

Kathryn V Slater-Carter

Via e-mail and fax.

Statement of Nicholas Licato, JD PhD
Meeting of the SMC Planning Commission
File No: PLN2000-00676
Applicant: David Hodge
Date: April 9th, 2003

Dear Sirs:

I am making this statement available to China Osborne for inclusion into today's record. I again apologize that I'm unavailable to attend. I would like to address the comments of Terry Burnes from the last hearing session on this application.

I

I sincerely appreciate the efforts of Planning and Mr. Burnes to consolidate lots in these subdivisions over the past 20 years. I don't imagine that the job Mr. Burnes does is easy. I'm sure he has done it well. My homesite in Miramar is an example of his efforts, conforming to zoning, lot merger ordinances and policies. I must emphasize that *I never would have purchased land in this subdivision had I know that Planning would ever become more lenient or wholly abandon the current zoning, ordinances or policies.*

II

Article 1, Section 7(b) of the California Constitution states, "A citizen or class of citizens may not be granted privileges or immunities not granted on the same terms to all citizens." *Thus, the constitution of our ··· makes it unlawful for certain citizens or classes of citizens of our state to be granted special privileges.*

The findings required for a use permit have not changed for over a decade or more. If the county fails to make the findings necessary for a use permit, and there is no legally defensible reason, the applicant is being granted a special privilege.

Any cloud over the "legal" status of this lot can be put before the courts of our state, as an equitable issue, "in rem". Does Mr. Hodge own a legalized building site? Is it fair for Mr. Hodge to put this issue before the Planning Commission? No. He can present his issue to a court for a declaratory judgment, to determine if his parcel was previously legalized under the laws of our state. *But even if he does so and is successful, he must still comply with the use ordinance.*

Planning cannot grant Mr. Hodge both a CDP and a use permit simply because it deems that Mr. Hodge has a legalized parcel. Absent clear and indisputable caselaw on this subject, granting these permits is a grant of a special privilege.

III

I ask that the planning commissioners physically examine the evidence presented by the applicant to Planning, to prove that the applicant made a good faith attempt to secure contiguous lands. Please do not substitute the opinions of planning staff or counsel for the clear read of the required finding in the use permit ordinance. Instead, *adopt a community standard that furthers the stated zoning and policies of Planning, the integrity of the zoning district and interests of the homeowners.* Is the evidence sufficient to make the finding required? Does the evidence effectively protect the integrity of the zoning district? Is the evidence less than what a reasonable person should offer as proof of a good faith attempt to secure contiguous lands?

There is a difference between Planning zoning and policies and the opinions expressed by planning staff and counsel. The contradiction arises from Planning's speculations concerning unsettled matters of law and their definition of terms, in a manner favoring status quo. I ask the Commission to take this opportunity to make an informed and independent decision.

IV

On the issue of "antiquated lots", Mr. Burnes has stated that while these are historic subdivisions, they do not meet what he refers to in his previous statements as *a "European definition of antiquated subdivisions, of 150 to 175 years old."*

While the 50 states share in the historic heritage of the English common law, *most states have adopted an American standard for antiquated subdivisions, ranging from 40 to 100 years old.* Many California counties recognize this American standard, in opposition to the position Mr. Burnes has adopted. Chris Kern at the California Coastal Commission has told me that *the CCC also does not agree with Mr. Burnes.* The CCC position conforms to an American standard. I ask that you defer to the CCC for further guidance in this area.

V

On the issue of modernization of the Miramar subdivisions, I note that there has been no change over the past 13 years regarding dedication of rights of way to county maintenance. *Substantial portions of these subdivisions remain undeveloped. The county cannot claim that these subdivisions are now up to modern standards while no new rights of way have been dedicated over the past few decades.* I have previously pointed out that the county continues to act in a manner that fosters poor development practices and threatens public safety by continuing to permit new developments on undedicated roadways not covered even by private maintenance agreements.

Thank You.

April 9, 2003

San Mateo County Planning Commission Members

Re: Appeal of PLN 2000-00676 - Applicant: David Hodge

Dear Planning Commission Members:

Please make this letter and attached Chain of Title Rpt. Materials re: "Hodge" Parcel a part of the Official County Public Record re: the above named appeal.

The primary entitlement sought is a CDP. Award of a CDP requires compliance with the County's LCP policies and maps. LCP policies require compliance with zoning, the protection of Coastal Resources, and the protection of public access to the Coastal Zone. Clearly, this proposed project does not comply with the required Zoning Lot Minimum for Miramar is 10,000 sq.ft. or, the other elements stated in our appeal.

On all counts, the proposed project fails to meet the above criteria, as detailed in the body of the appeal and in the appellant's letter of March 10th.

Since discretion is by definition case-specific, it is irrelevant to this application that the County has previously approved development on other such non-conforming lots. Current boards are simply not bound by past decisions that have different circumstances or were uninformed. The Coastal Commission has already rejected the County's proposed plan to manage development of small-scale lots by granting them full-scale development rights as noted in our appeal.

Continuing the present interim policy of granting full-scale development rights is only going to exacerbate appeals, lawsuits and loss of County credibility with the Coastal Commission. The County's requirement that the applicant made a good faith attempt to acquire more land and make the lot conforming is too easily met because there is no evaluation of alternatives or whether the attempt was in fact a good faith one.

The fact that a lot was subdivided 100 years ago does not confer the right to receive a CDP, which is based on different evaluation criteria. Even the Subdivision Map Act makes itself subject to "other state law", and the County LCP is the local manifestation of the Coastal Act because without State Coastal Commission approval, it would have no legal effect.

The most recent court case on the development rights of antiquated lots (Gardner) does not support granting such rights to this lot without first evaluating the legality of the lot according to modern standards.

Please, take note of the following:

(1) In the Gardner Case, Footnote #7 indicates that there is a reasonable argument to be made that parcels shown on the maps recorded prior to 1929 do NOT constitute separate legal parcels. The 1929 cutoff is the position that the attorneys for the Coastal Commission have consistently taken.

Continued...

(2) The Hodge property, Parcel 21, was never separated as to ownership from Parcel 09 until 1999, as shown within the Chain of Title Report material attached to this letter and presented to you today. Examination of this material reveals that Parcels 09 and 21, the "Hodge" Parcel, are always sold together until 1999 at which time these two parcels were illegally split.

Land division approval comes under the County's Subdivision Ordinance and, a separate Coastal Development Permit is required under the Coastal Act in order for the "Hodge" parcel to be treated as a separate legal parcel.

LCP policies protective of Coastal Resources such as public views, wetlands and special habitat are violated by the proposed project. There has been no analysis of the cumulative effect that other development on sub-standard lots is having on the wetland and habitat resources that surround the subject lot.

The piecemeal development of sub-standard lots is incrementally adding commuter traffic to a situation where SRs 1 and 92 already operate during peak hours at an unacceptable service level of F. This has obvious safety implications because the Coastside already ranks last in terms of emergency vehicle response time.

The Sub-Standard Lot issues are not going away until such time that the County deals with the critical problems that these lots present as delineated in our appeals and letters are dealt with in an acceptable way. Please uphold the appeal

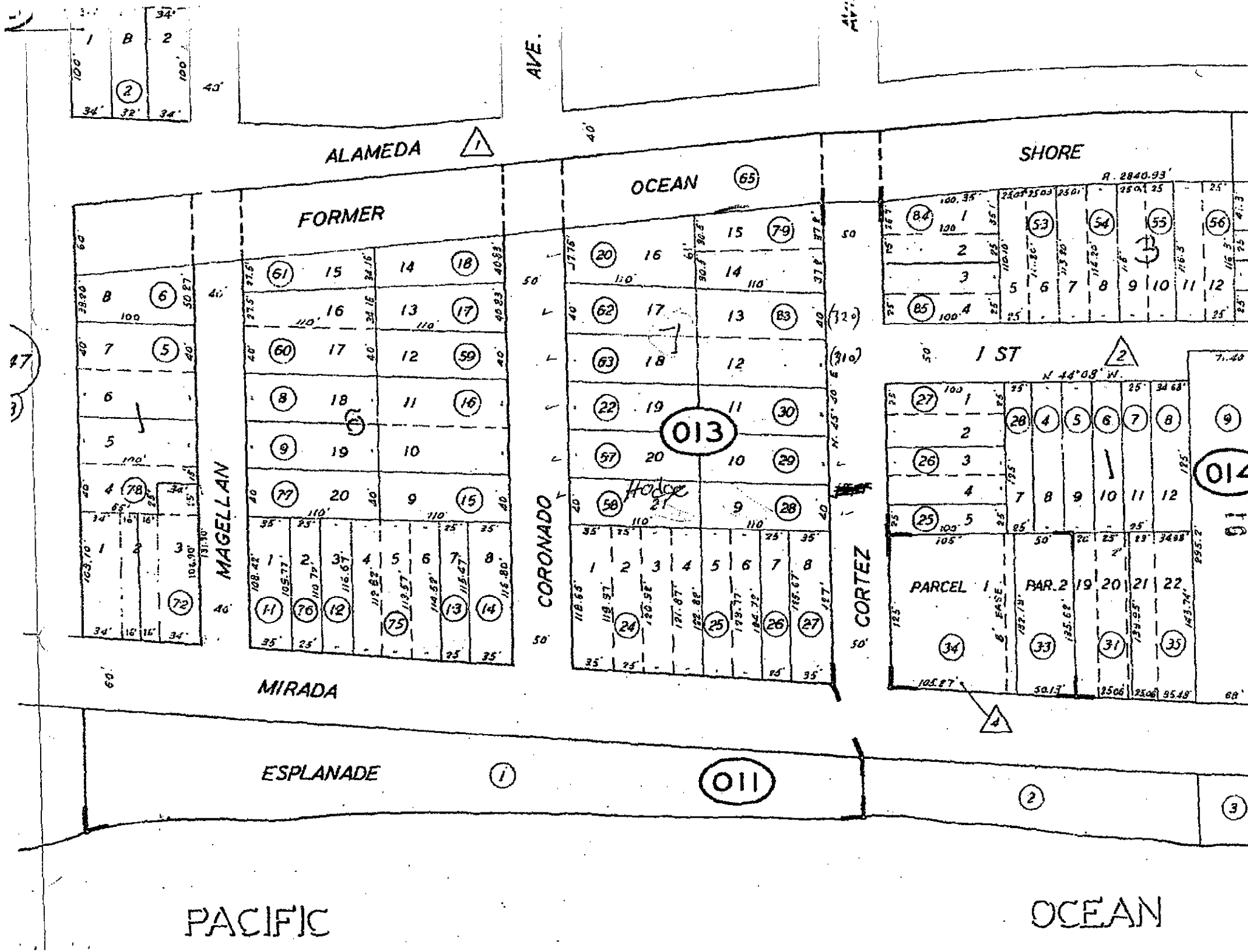
Very truly yours,

Barbara K. Mauz

Barbara K. Mauz, Et AL

Robert LaMar, Nicholas Licato, Ric Lohman, Barbara Mauz - Appellants

Attach.


ALAMEDA
AVE.
OCEAN
SHORE
FORMER
MAGELLAN
CORONADO
CORTEZ
MIRADA
ESPLANADE
1 ST
013
014
011
PARCEL 1
PAR. 2
PACIFIC
OCEAN

Parcel 17 Continued....

BAY, SAN MATEO CO., CALIF.", filed in the office of the County Recorder of San Mateo County on April 15, 1907 in Book "C" of Maps at page 1 and copied into Book 4 of Maps at page 65.

Parcel 18

Description: LOTS 7 and 9 in Block 3, as shown on that certain map entitled "MIRAMONTES TRACT IN THE TOWNSHIP OF HALF MOON BAY, COUNTY OF SAN MATEO," filed in the office of the County Recorder of San Mateo County on November 6, 1905 in Book "E" of Maps at page 64 and copied into Book 3 of Maps at page 83.

Parcel 19

Description: LOT 12 in Block 8, as designated on the map entitled "MAP NO. 3 OF FRANK P. BROPHY'S SUBDIVISION OF THE MIRAMONTES TRACT AT HALF MOON BAY, SAN MATEO, CAL.", which map was filed in the office of the Recorder of the County of San Mateo, State of California on March 19, 1906 in Book "C" of Maps at page 66, and copied into Book 4 of Maps at page 16.

Parcel 20

Description: LOTS 5, 6 and 13 in Block 1, as designated on the map entitled "MAP OF WIENKE ADDITION TO MONTARA", which map was filed in the office of the Recorder of the County of San Mateo, State of California on September 8, 1908 in Book 6 of Maps at page 33.

Parcel 21

Description: LOTS 3 and 4 in Block 1, LOTS 11 and 12 in Block 3, LOTS 12, 19, 20, 23, 24, 25 and 26 in Block 4, LOTS 1, 2, 5 and PORTION OF LOT 6 in Block 6, LOTS 2, 13, 14, 15 and 16 in Block 7, as shown on that certain map entitled "MAP OF THE SOUTH BALBOA TRACT, HALF MOON BAY", filed in the office of the County Recorder of San Mateo County on June 3, 1907 in Book 5 of Maps at page 6.

Parcel 22

Description: LOTS 28, 29 and 30 in Block 2, LOTS 8, 9, 10, 11, 12 and 29 in Block 3, and LOTS 12, 13, 14, 15, 16, and 17 in Block 4, LOT 15 in Block 6, LOTS 9 and 21 in Block 7, LOTS "G", 4, 10 and 12 in Block 8, LOT 12 in Block 9, LOTS 30, 31 and 42 in Block 10, as designated on the map entitled "SHORE ACRES HALF MOON BAY, CAL. FIRST ADDITION TO THE CITY OF BALBOA", which map was filed in the office of the Recorder of the County of San Mateo, State of California on December 18, 1905 in Book "B" of Original Maps at page 12 and copied into Book 3 of Maps at page 95.

RECORDER'S OFFICE COUNTY OF SAN MATEO

Order No.
Escrow No.
Loan No.

WHEN RECORDED MAIL TO:

Michael C Callan
82 Isabella Avenue
Atherton CA 94025

93080667

RECORDED AT REQUEST OF

'93 MAY 18 PM 4 59

WARREN SLOCUM
SAN MATEO COUNTY
OFFICIAL RECORDS

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

Michael C Callan
82 Isabella Avenue
Atherton CA 94025

DOCUMENTARY TRANSFER TAX $ Transfer out of Trust None

— Computed on the consideration or value of property conveyed; OR
— Computed on the consideration or value less liens or encumbrances remaining at time of sale.

Michael C Callan
Signature of Declarant or Agent determining tax — Print Name

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
MICHAEL C CALLAN TRUSTEE OF that Certain Trust dated Oct 12, 1965

hereby GRANT(S) to Michael C Callan jr , an undivided one-fourth (1/4) interest; James Callan, an undivided one-fourth (1/4) interest; Pamela Callan, an undivided one-fourth (1/4) interest; and John T Callan, an undivided one-fourth (1/4) interest, in and to
the real property in the City of Daly City State of California, described as
County of San Mateo

SEE EXHIBIT "A" ATTACHED

93080667

Dated May 18 1993

Michael C Callan trustee

STATE OF CALIFORNIA
COUNTY OF San Mateo } ss.

On May 18, 1993 before me,
Lynda Joy Litzius
personally appeared Michael C Callan

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Lynda Joy Litzius

OFFICIAL SEAL
LYNDA JOY LITZIUS
Notary Public-California
SAN MATEO COUNTY
My Comm. Exp. Sept. 28, 1995

(This area for official notarial seal)

MAIL TAX STATEMENTS AS DIRECTED ABOVE

1002 (1/91)

EXHIBIT "A"

APN	TRACT	LOT(S)	BLOCK
003-438-200	641 RSM 33/45	17, 1'x20'	31
003-438-280	641 RSM 33/45	24 NWly Triangle	
003-438-370	641 RSM 33/45	30, 5' of Ely 20'	
022-027-020	Rockaway Beach	3	5
036-052-010	Farallone City	6	53
036-052-020	Farallone City	7	53
036-262-030	Wienke Add Montara	5,6	1
036-262-110	Wienke Add Montara	13	1
037-014-290	Farallone City	Nly 1/2 18-20	35
037-152-180	Marine View Terrace	3	8
037-183-130	Marine View Terrace	19	12
037-184-010	Marine View Terrace	4	13
038-282-040	Ashwood Estates	4	3
038-282-050	Ashwood Estates	4	3
047-023-260	Princeton	20,21	6
047-025-100	Princeton	7	15
047-033-280	Princeton	21	4
047-035-300	Princeton	18,21,22	8
047-232-060	El Granada	14,15	25
047-232-070	El Granada 17/19	16	25
048-013-280	Shore Acres	9	7
048-013-580	Shore Acres	21	7
048-013-610	Shore Acres	15	6
048-021-150	Shore Acres	28-30	2
048-022-110	Shore Acres	14,15	4
048-022-120	Shore Acres	13	4
048-022-130	Shore Acres	12	4
048-022-230	Shore Acres	Nly Ptn 32,33	4
048-022-250	Shore Acres	16,17	4
048-023-240	Shore Acres	12	9
048-024-170	Shore Acres	8-12	3
048-024-180	Shore Acres	29	3
048-025-010	Shore Acres	42	10
048-025-070	Shore Acres	30,31	10
048-032-060	Shore Acres	10	8
048-032-110	Shore Acres	4	8
048-032-120	Shore Acres	5	8
048-032-160	Shore Acres	12	8
048-033-250	South Balboa	12	4
048-037-030	Shore Acres	6	4
048-041-050	South Balboa	1,2,	6
048-041-080	South Balboa	NEly Ptn 5,6	6
048-043-180	South Balboa	2	7
048-043-220	South Balboa	13-16	7
048-094-260	Miramar	SW Ptn Lot 3	1
048-112-170	City of Naples	2	18
048-121-010	City of Naples	18	19
048-135-140	Surf Beach	16	6
048-135-220	Surf Beach	21,22	6
~~048-135-260~~	~~Surf Beach~~	15	6
048-136-130	Surf Beach	18	9
048-137-090	Surf Beach	29	10
048-155-230	Surf Beach	2	11
048-156-020	Surf Beach	36	12
048-156-050	Surf Beach	31	12
048-171-110	Venice Beach	18,19	4
048-172-100	Venice Beach	6	11
048-174-100	Venice Beach	14	12
048-176-020	Venice Beach	11,12	13
048-176-100	Venice Beach	1,2	13
060-123-260	North Fair Oaks	Strip, Lot 5	44
060-281-290	Oak Grove Park	50 Kremer/Lot 13	A
065-023-050	Amended Map 5/27 Wavecrest	45	17
065-023-090	Amended Map 5/27 Wavecrest	41	17
065-023-100	Amended Map 5/27 Wavecrest	39	17
065-023-110	Amended Map 5/27 Wavecrest	35-38	17
065-023-120	Amended Map 5/27 Wavecrest	32-34	17
065-023-200	Amended Map 5/27 Wavecrest	14,15,40	17
065-025-100	Amended Map 5/27 Wavecrest	33	8
065-025-130	Amended Map 5/27 Wavecrest	28	8
065-025-180	Amended Map 5/27 Wavecrest	20	8

RECORDER'S OFFICE COUNTY OF SAN MATEO

93080667

9400

Order No.
Escrow No.
Loan No.

WHEN RECORDED MAIL TO:

Pamela L. Callan
82 Isabella Avenue
Atherton, CA 94027

RF	10
CO	
LN	
NF	1
AF	3
TC	2
	26

RECORDED AT REQUEST OF

JAN 11 9 36 AM '94

MARILYN J. HOLLAND, RECORDER
SAN MATEO COUNTY
OFFICIAL RECORDS

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

Pamela L. Callan
82 Isabella Avenue
Atherton, CA 94027

DOCUMENTARY TRANSFER TAX $ none *
Computed on the consideration or value of property conveyed, OR
Computed on the consideration or value less liens or encumbrances remaining at time of sale

Signature of Declarant or Agent determining tax — Firm Name

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Michael C. Callan, Jr., James D. Callan, Pamela L. Callan and John T. Callan

hereby GRANT(S) to San Mateo Land Exchange, a California corporation

the real property in the City of
County of San Mateo, State of California, described as

SEE EXHIBIT "A" ATTACHED

SEE EXHIBIT "B" ATTACHED

* "The grantor and the grantee in this conveyance are composed of the same parties who continue to hold the same proportional interest in the property, R & T # 11923 (a)."

94004442

Dated 1-6-94

STATE OF CALIFORNIA
COUNTY OF _____ } ss.

On _____ before me, _____

personally appeared _____

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

Michael C. Callan, Jr.

James D. Callan

Pamela L. Callan

John T. Callan

(This area for official notarial seal)

MAIL TAX STATEMENTS AS DIRECTED ABOVE

1002 (1/91)

Order No.
Escrow No. 381571RC
Loan No.

WHEN RECORDED MAIL TO:
San Mateo Land Exchange,
a California Corporation
59 Callie Lane
Menlo Park, CA 94025

OFFICIAL RECORDS OF
SAN MATEO COUNTY
ASSESSOR-COUNTY CLERK-RECORDER
WARREN SLOCUM

Recorded at Request of
FIRST AMERICAN TITLE COMPANY
94-185706 12/09/94 08:00
Recording Fee: 58.00
12 PP

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DOCUMENTARY TRANSFER TAX $ None
___ Computed on the consideration or value of property conveyed; OR
___ Computed on the consideration or value less liens or encumbrances remaining at time of sale.
As declared by the undersigned Grantor
Signature of Declarant or Agent determining tax - Firm Name
Deed to confirm title already vested in Grantee

QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

John T. Callan, a married man

do(es) hereby REMISE, RELEASE AND FOREVER QUITCLAIM to

San Mateo Land Exchange, a California Corporation

the real property in the City of
County of San Mateo, State of California, described as

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF

THIS DEED IS TO CONFIRM TITLE PREVIOUSLY CONVEYED BY DEED RECORDED JANUARY 11, 1994, SERIES NO. 94004442 AND TO INCLUDE PARCELS OMITTED THEREIN.

94185706

Dated December 1, 1994

John T. Callan

STATE OF CALIFORNIA) ss.
COUNTY OF Orange)

On 12/1/94
before me, Susan L. Connor, personally
appeared John T. Callan

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.
WITNESS my hand and official seal.

Signature

SUSAN L. CONNOR
Notary Public California
ORANGE COUNTY

(This area for official notarial seal)

MAIL TAX STATEMENTS TO:

SAME AS ABOVE

RECORDER'S OFFICE COUNTY OF SAN MATEO

Exhibit A

Parcel 8.

LOTS 28, 29 AND 30 in Block 2, LOTS 8, 9, 10, 11, 12 and 29 in Block 3, LOT 15 in Block 6, LOTS 9 and 21 in BLock 7, LOTS "G", 4, 10 and 12 in Block 8, LOT 12 in Block 9, LOTS 30 and 31 in Block 10, as designated on the map entitled "SHORE ACRES HALF MOON BAY, CAL. FIRST ADDITION TO THE CITY OF BALBOA", which map was filed in the office of the Recorder of the County of San Mateo, State of Californi on December 18, 1905 in Book "B" of original Maps at page 12 and copied into Book 3 of Maps at page 95.

Parcel 9.

LOTS 5, 6 and 13 in Block 1, as designated on the map entitled "MAP OF WIENKE ADDITION TO MONTARA", which map was filed in the office of the Recorder of the County of San Mateo, State of California on September 8, 1908 in Book 6 of Maps at page 33.

Parcel 10.

LOTS 12 in Block 4, LOTS 1, 2, 5 and PORTION OF LOT 6 in Block 6, LOTS 2, 13, 14, 15 and 16 in Block 7, as shown on that certain map entitled "MAP OF THE SOUTH BALBOA TRACT, HALF MOON BAY", filed in the office of the County Recorder of San Mateo County on June 3, 1907 in Book 5 of Maps at page 6.

Parcel 11.

LOT 3 in Block 5, as shown on that certain map entitled "AMENDED AND SUPPLEMENTAL MAP OF ROCKAWAY BEACH", filed in the office of the county Recorder of San Mateo County on November 18, 1907 in Book 5 of Maps at page 44.
APN # 022-027-020.

Parcel 12.

LOT 4 in Block 13, as shown on that certain map entitled "MAP OF RE-SUBDIVISION OF MARINE VIEW TERRACE TRACT SAN MATEO CO. CAL.", filed in the office of the Recorder of San Mateo County on October 30, 1907 in Book 5 of Maps at page 39.
APN # 037-184-030

Parcel 13.

LOT 77 in Block 2, as shown on that certain map entitled "SKY LONDA MAP NUMBER TWO, SAN MATEO COUNTY, CALIF." filed in the office of the County Recorder of San Mateo County on October 21, 1925 in Book 17 of Maps at page 72.

Parcel 14.

LOT 6 in Block 4, as shown on that certain map entitled "MAP OF BROPHY'S BEACH, HALF MOON BAY, SAN MATEO COUNTY", filed in the office of the County Recorder of San Mateo County on January 20, 1908 in Book 5 of Maps at page 58.

Parcel 15.

LOTS 6 and 7 in Block 53, as shown on that certain map entitled "MAP OF FARALLONE CITY, BEING LOTS 45, 46, 47, 48, 49, 50 AND 51 OF HALF MOON BAY COLONY TRACT, SAN MATEO COUNTY, CALIFORNIA", filed in the office of the County Recorder of San Mateo County, State of California on March 10, 1908 in Book 6 of Maps at page 2.

9400442

Order No. 381571

PARCEL IX:

Lot 20 in Block 18 as shown on that certain map entitled "PLAT OF SUBDIVISION NO. 1 OF GRANADA, SAN MATEO COUNTY, CALIFORNIA", which map was filed in the office of the County Recorder of San Mateo County, State of California on November 18, 1907 in Book 5 of Maps at page 43.

A.P. No.: 047-273-260

PARCEL X:

Lot 9 in Block 7, as shown on that certain map entitled "SHORE ACRES HALF MOON BAY, CAL. FIRST ADDITION TO THE CITY OF BALBOA", filed in the office of the County Recorder of San Mateo County, State of California, on December 18, 1905 in Book "B" of Original Maps at page(s) 12 and copied into Book 3 of Maps at page 95.

A.P. No.: 048-013-280

PARCEL XI:

Lot 21 in Block 7 as shown on that certain map entitled "SHORE ACRES HALF MOON BAY, CAL. FIRST ADDITION TO THE CITY OF BALBOA", filed in the office of the County Recorder of San Mateo County, State of California, on December 18, 1905 in Book "B" of Original Maps at page(s) 12 and copied into Book 3 of Maps at page 95.

A.P. No.: 048-013-580

PARCEL XII:

Lot 15 in Block 6, as shown on that certain map entitled "SHORE ACRES HALF MOON BAY, CAL. FIRST ADDITION TO THE CITY OF BALBOA", filed in the office of the County Recorder of San Mateo County, State of California, on December 18, 1905 in Book "B" of Original Maps at page(s) 12 and copied into Book 3 of Maps at page 95.

A.P. No.: 048-013-610

94185708

RECORDER'S OFFICE COUNTY OF SAN MATEO

1994

FIRST AMERICAN TITLE CO.

Order No.
Escrow No. 448341HB
Loan No.

WHEN RECORDED MAIL TO:

David Hodge
c/o 49 Missouri Street #11
San Francisco, CA 94107

DOC # 1999-152945
08/23/1999 08:00R DE Fee:18.00
Page 1 of 2 Doc T Tax Paid
Recorded in Official Records
County of San Mateo
Warren Slocum
Assessor-County Clerk-Recorder
Recorded By FIRST AMERICAN TITLE COMPANY

DOCUMENTARY TRANSFER TAX $ 121.00

X Computed on the consideration or value of property conveyed
Computed on the consideration or value less liens or encumbrances remaining at time of sale.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

As declared by the undersigned Grantor
Signature of Declarant or Agent determining tax - Firm Name

GRANT DEED

2p

APN: 048-013-580
JPN: 048 001 013 58 A

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Coastal Lots Golden Gate Associates, L.P., a California Limited Partnership

hereby GRANT(S) to

DAVID H. HODGE, AN UNMARRIED MAN

the real property in the City of UNINCORPORATED
County of San Mateo, State of California, described as

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF

Dated August 19, 1999

STATE OF CALIFORNIA)
) ss.
COUNTY OF Santa Clara)

On 8-23-99 before me,
Christy Lynn Paul
personally appeared MARIANNE BACIGALUPI

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.
WITNESS my hand and official seal.

Signature Christy Lynn Paul

MAIL TAX STATEMENTS TO:

SAME AS ABOVE

Marianne Bacigalupi

Coastal Lots Golden Gate Associates, L.P., a California Limited Partnership
BY: Marianne Bacigalupi, Green Valley Corp.
GENERAL PARTNER, MARIANNE BACIGALUPI,
SENIOR VICE PRESIDENT

CHRISTY LYNN PAUL
Commission # 1219984
Notary Public - California
Santa Clara County
My Comm. Expires May 17, 2003

(This area for official notarial seal)

Lot 21 in Block 7 as shown on that certain map entitled "SHORE ACRES HALF MOON BAY, CAL. FIRST ADDITION TO THE CITY OF BALBOA", filed in the office of the County Recorder of San Mateo County, State of California, on December 18, 1905 in Book "B" of Original Maps at page(s) 12 and copied into Book 3 of Maps at page 95.

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