

San Mateo County Environmental Services Agency

Application for Appeal

Planning and Building Division
County Government Center • 455 County Center, 2nd Floor
Redwood City • CA • 94063 • Mail Drop PLN 122
Phone: 650 • 363 • 4161 Fax: 650 • 363 • 4849

- To the Planning Commission
To the Board of Supervisors

1. Appellant Information

Name: Barbara K. Maus
Address: P.O. Box 1284
El Granada, CA
Phone, W: H: 726-4013
Zip: 94018

2. Appeal Information

Permit Numbers involved:
PLN-2005-00271
Bruce Stephens/Charles (partners) CDA
I hereby appeal the decision of the:
[X] Staff or Planning Director
[Zoning Hearing Officer]
[Design Review Committee]
[Planning Commission]
made on 12-14-2006 to approve/deny the above-listed permit applications.

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

- [X] yes
[ ] no

Appellant's Signature: Barbara K. Maus
Date: 1-13-06

3. Basis for Appeal

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

See attached BOS Appeal consisting of my letter to Pl. Comm public hearing 12-14-05 and appeal dated 9-13-05 plus Exhibits 1 through 12. Each & every issue & document must be addressed & be made a part of the Staff Report. Thank-You
CC of all to: Coastal Commission

TO: San Mateo County Board of Supervisors  
FROM: Barbara K. Mauz  
Date: January 4, 2006  
RE: Appeal of PLN 2005-00271 (Stebbins) - APN 048-021-230

RECEIVED  
2006 JAN -4 P 6:07  
SAN MATEO COUNTY  
PLANNING COMMISSION

Please make this appeal along with all of the attachments a part of the Official Public Record regarding the above named Appeal. This appeal contains my letter dated December 13, 2005 along with my original appeal dated September 13, 2005 with Exhibits numbered 1 through 12 as described below for the following reasons:

My issues generally were not properly addressed and because of new issues presented in my letter of 12/13/05 were not addressed (See attached) and because of,

Lack of analysis for cumulative effects of this project and reasonably foreseeable future projects, as required by CEQA. At the Planning Commission, the staff asserted there were no future developable lots up the hillside, but they presented no data to prove this was true. The CEQA analysis would be the legal and correct way to disclose how this project's impacts would interact with those that might be built up the hill in the future.

The 8 inch diameter water main is prima facie evidence that future projects will in fact be enabled by this project, also triggering the need for analysis of growth inducing impacts and cumulative impacts on storm water runoff, etc. LUP Policy 2.7 requires "Phased development of public works facilities to ensure that permitted public works capacities are limited to serving the needs generated by development which is consistent with LCP policies." Since the projects up the hill have yet to be submitted, it can not be said whether those projects (which could be served by the water main) are in fact consistent with LCP policies. Should this project be approved, there must be a condition of approval on the CDP that restricts the water main to only serving this project.

Exhibit 1, 1a, 1b depicting subject Ephemeral Stream, 2 (Letter of 2/27/01 from Dr. Lajoie - 2 pg.), 3 (Letter of 4/7/00 from Coastal Commission - 2 pg.), 4 (Diagram depicting proposed Buildout Infra-Structure for proposed house??), 5 (GSD Map showing planned Class 3 Sewer Main plans), Exhibit), 6 (County Map showing location of proposed projects), 7 (County Map showing proximity to Mirada Surf Greenbelt/Open Space Areas), 8 (GSD Letter from GSD Engineer expressing concerns of the area with regard to feasibility of proposed projects and infra-structure there), 9 (County Map showing Ephemeral Stream), 10, Letter of 12/14/05 from Chuck Kozak - 3 pg.), Exhibit 11 (Memo from MCCC Planning & Zoning Committee) and, Exhibit 12 (Letter of 12/13/05 from HMB Planning Commissioner, Kevin Lansing).

The County's response to this appeal does not resolve either of the appeal issues; namely, (1) further compromise of coastal resources in the form of an ephemeral stream and riparian corridor that has already suffered from prior development and, (2) lack of CEQA compliance as to the cumulative and growth inducing impact of oversized infrastructure servicing this project.

*Barbara K. Mauz*  
Barbara K. Mauz, Appellant

See attached Appeal Letter of 12/13/05, Appeal of 9/13/05 and Exhibits 1 through 12

*Att: Ken Doe Road - sent via E-mail + Fax -*

TO: San Mateo County Planning Commission

FROM: Barbara K. Mauz

Date: December 13, 2005

RE: Appeal of PLN 2005-00271 (Stebbins) - APN 048-021-230

Please distribute this memo to each Planning Commissioner and make it along with the attachments a part of the Official Public Record regarding the above named Appeal.

The County's response to this appeal does not resolve either of the appeal issues; namely, (1) further compromise of coastal resources in the form of an ephemeral stream and riparian corridor that has already suffered from prior development and, (2) lack of CEQA compliance as to the cumulative and growth inducing impact of oversized infrastructure servicing this project.

#### STREAM/RIPARIAN ISSUE

As shown by previously submitted material and both Coastal Commission staff and a retired USGS Professor Emeritus, Ken Lajoie have documented with written statements and a decades long aerial photo history along with a map showing the ephemeral stream's route, the historical existence and continuing presence of the ephemeral stream and adjacent riparian area. The fact that the stream is ephemeral and thus not indicated on the USGS "Blue Line" map does not mean that the stream and adjacent riparian area are not there.

The Blue Line map does not trump either the current or previous reality of resources on or under the ground. Dr. Lajoie personally delivered his materials to Marcia Raines, Terry Burnes & David Holbrook at his presentation of them before the Board of Supervisors on my behalf at my appeal of Dennis Doherty's illegal culvert work involving this ephemeral stream on February 27th, 2001. I recommend that the Planners involved in the writing of this Staff Report take a look at Dr. Lajoie's original letter, aerial photos & stream route/topo maps in File PLN 2000-00493 for that appeal and cease their deceptive activities --- there is NO Channel A or Channel B unless the applicants did additional severe cut and fill, splitting this Ephemeral Stream and creating two separate channels --- THAT would clearly be criminal.

Further, LCP Pol. 8.1 -- Definition of Landforms includes STREAMS and WATERWAYS that do require protections and Scenic Setbacks of any proposed development from the stream's/waterway's edge\* -- this IS an Ephemeral Stream.

The County's setback of a proposed structure from the stream resources by only scant square footage where there ARE required setbacks by the County's own LCP does not constitute what the County calls a "sensitive response" of the applicant to the presence of what the County is calling split "drainage swales A & B".

Continued ...

RE: Appeal of PLN 2005-00271 (Stebbins) - APN 048-021-230 Page 2

\*LCP Pol. 8.6 (a) states, Set back development from the edge of streams and other natural waterways a sufficient distance TO PRESERVE THE VISUAL CHARACTER of the waterway. And, \*LCP Pol. 8.6 (b) states, PROHIBIT STRUCTURAL DEVELOPMENT WHICH WILL ADVERSELY AFFECT the VISUAL QUALITY of perennial streams and associated riparian habitat, except for those permitted by Sensitive Habitats Component Policies.

This ephemeral stream is ONE CONTINUOUS STREAM that originates from the hills above and has flowed down through this channel where water has been witnessed during past rainy seasons by neighbors and also by myself. Bruce Stebbins' partner, Bruce Gherles, cut down numerous trees including some that were Heritage Sized on the lower part of the streambank a part of a cut and fill operation. In July 2005, when attempting to document this operation that included their depositing of toxic Eucalyptus Chips into the streambed, the Gherles'/Stebbins' hired out-of-state tree cutter grabbed my pocket camera out of my hands, tossed it to Mr. Gherles' who refused to return it to me.

This stream flows mostly underground since it was buried under J.L. Johnson's haul road as documented in the Mirada Surf Final EIR; the haul road is now being used as a walking trail to Quarry Park. The stream continues its flow under the trail, into the lower Mirada Surf Tree Grove it then veers south under the trail to the south side where it nourishes the willows/riparian/wetland areas near SR1, then through a culvert under SR1 where it nourishes the willows/riparian/wetland areas on the west side Mirada Surf Bluff before it makes its way west to the ocean as can be seen in Dr. Lajoie's aerial photos. Note, I included the stream route map and Dr. Lajoie's letter of February 27th, 2001 in my appeal as Exhibits 1 and 2 respectively.

The applicant's own biologist states at the conclusion of his report that one visit during the dry season cannot provide conclusive evidence of the presence or absence of ephemeral stream resources.

Any current degraded state or absence of vegetation or soils indicative of wetland and stream resources is easily seen as a reflection of the prior development the County shows on their maps to have taken place around those resources. As shown by the Bolsa Chica decision, even damaged coastal resources are worthy of protection because without it, those resources cannot be recovered and may even disappear altogether.

Also, the people who walk up the Quarry Park Trail will be deprived of the natural experience of walking beside this Ephemeral Stream and the tree covered Streambank and instead, be confronted with a row of house(s) that appear to be planned further up the steep, tree covered hillside above this area.

This area and the steep hillside is directly adjacent to the three (3) established Greenbelt/Open Space Entities of Mirada Surf Hillside/Tree Grove Areas, Quarry Park and P.O.S.T.'s "Wicklow" Lands. The County is not demonstrating good planning with plans to allow a small subdivision to be constructed directly adjacent to these beautiful Greenbelt/Open Space Areas. Where are the County's required protections for these beautiful Greenbelt/Open Space Areas?

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#### CEQA ISSUES

The overdone scale of infrastructure proposed for this project (e.g., 8 inch diameter water line, where 6 inch diameter is the state standard) can easily become growth inducing. Measured by flow area, the capacity of an 8 inch pipe is almost double that of a 6 inch pipe (the relative flow area ratio being 16 to 9). If development in the proposed project area is indeed "in its final phase" (as the County staff report claims), then there is no need to provide so much water supply capacity to the few remaining vacant parcels. The fact that surplus water service capacity has historically been an inducement for coastal zone development is more than a fair argument, which is all that CEQA requires for any impact analysis (including a cumulative one) to be necessary.

Also, this Ephemeral Stream/Streambank including the trees on the Streambank has been functioning as part of the Greenbelt that separates El Granada from Miramar. The trees that were cut down along with the remaining trees on that Streambank are a part of the Greenbelt. The Greenbelt is there by law as part of the General Plan to meet the requirements of Section 65910 of State Government Code requiring formulation of an Open Space Ordinance i.e., Open Space Element and to ensure consistency between the General Plan and the Zoning Ordinance.

The house that is proposed to be placed on the upper Streambank area would eradicate what remains of the Greenbelt that is there to separate one developed area from another --- it would be breached leaving large stretches of Southern El Granada being confronted with a direct view to the proposed house in Miramar, thus intruding into the public viewshed. This also constitutes a significant environmental impact under CEQA.

El Granada is a one-of-a-kind designed Community by famed architect, Daniel H. Burnham, in 1906 and, according to author/historian, Barbara VanderWerf - El Granada (including the Mirada Surf Lands: Field, Tree Grove and Hillside Areas) a remarkable County Scenic Corridor and also is a County Historic Resource.

Daniel Burnham's spatial organization of El Granada included large acreages designated Rural Land, Greenbelt/Open Space Areas\* including the Mirada Surf Field, Tree Grove and Hillside Areas of which this Ephemeral Stream and Tree Covered Streambank are an integral part.

The State Office of Historic Preservation considers both the 1906 Daniel H. Burnham General Plan for the town of Granada and the 1907-1909 Shoreline Investment Company implementation of the Burnham General Plan as a Significant Historical Resource. The presence of a Significant Historical Resource triggers special consideration under CEQA.

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The San Mateo County Department of Environmental Management also has determined that the town design of Granada is a Historic Resource. The Cultural Resources Inventory States that the town design is unique as it is the only one of its type in the County and is the work of the famous Architect and City Planner Daniel Burnham.

As a Historic Resource, El Granada falls under the protection of the San Mateo County Historic Preservation Ordinance, specifically Section 7730.1, Section 7730.2 and Section 7730.4. The last Section states that the purpose of the Ordinance is to integrate the preservation of Historic Resources into public and private land management and development processes.

The Public Resources Code requires that significant Historic Resources be protected from substantial adverse change. Substantial adverse change to a Historic Resource is defined as demolition, destruction, relocation, or ALTERATION such that the significance of an Historical resource would be impaired.

Because El Granada is listed as a Historic Resource at the County Level, CEQA requires the lead agency to carefully consider possible Impacts when a proposed development project may adversely affect, impact or otherwise involve the Historic Resource and to require mitigation measures.

Further, under Historical & Archaeological Resources Policies in the General Plan - it states, in part, that the County SHALL:

5.1 Protect County Historic Resources for their historic, cultural, social and educational values and the enjoyment of future generations. And per 5.5, Integrate historical preservation into the planning process of the County.

These required General Plan Policies are not being complied with regarding PLN2005-00271.

#### NON-RESPONSIVE STAFF REPORT

The County's Staff Rpt. also did not address in any way the applicant's plans to suspend a 4" diameter sewer lateral from their proposed bridge across the Ephemeral Stream on the Ephemeral Streambank. There is water flowing underground in this Ephemeral Stream and suspending a sewer lateral as proposed could release raw sewage into the stream that flows into the willows/wetland/riparian areas in lower East Side Mirada Surf and also on the West Side Mirada Surf Bluff and into the ocean in the case of an earthquake or other natural disaster. No analysis of the impacts of a possible pipe rupture has been performed, as required by CEQA.

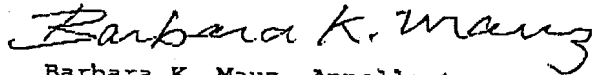
An 8" diameter water main extension would be capable of servicing hundreds of houses. This infrastructure could be used to service a future small subdivision---in addition to the small subdivision that the County has allowed to be built on a piecemeal basis along Magellan Avenue. The State Standard for water mains is 6" diameter.

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The fact that the County dismisses the main appeal issues with subjective opinion and an inconclusive biologist's report (while listing 15 or 20 irrelevant areas where the project may comply with general plan, zoning and design review requirements), indicates that this appeal has not received a careful staff review and response and thus the appeal is being denied a fair and considered hearing, as required by law. By continuing this approach, the County will encourage more citizen appeals in the future, and more escalation of planning and development issues to state regulatory authorities. This, in turn, contributes to unnecessary delays, costs, and uncertainties for applicants, staff, boards, and commissions, as well as the taxpaying public.

The County should honestly and openly respond to the issues raised in this appeal and engage in a legitimate effort to resolve them. Please uphold the appeal and remand the project back for further study and analysis.

Thank-you,



Barbara K. Mauz, Appellant

Attach. (Dr. Lajoie's Letter of 2/27/01 & His Stream Route Map)

CC: California Coastal Commission  
Granada Sanitary District Board/Legal Counsel & MCCC Board

September 13, 2005

To: San Mateo County Planning Commission

From: Barbara K. Mauz

Appeal of CDP  
Re: PLN 2005-00271

The CDP for the above named proposed project requires that all LCP policies be met, and since this has not been shown with regard to the numerous LCP Policies shown below; these Policies were neither addressed by the applicant nor investigated by staff, a CDP should be denied or conditioned so as to at least mitigate the violations.

This project involves a well documented\* Ephemeral Stream that for the most part is flowing underground due to it being covered over/buried for a "haul road" by notorious contractor, J.L. Johnson, where he wanted to use it for timber harvesting and was stopped from doing that by the County --- people now use it as a trail up to Quarry Park. As previously stated, this Ephemeral Stream flows for the most part underground, year around and the evidence of that are the Willows/Wetland areas at the base of the Quarry Park Trail & SR1 where it then flows through a culvert under SR1 where it nourishes the Willows/Wetland areas along Magellan & SR1 as it flows along the Mirada Surf Bluff and into the ocean there.

\*On February 27<sup>th</sup>, 2001 U.S.G.S. Aerial Photos THAT DON'T LIE were presented to the Board of Supervisors by retired U.S.G.S. Geologist, Ken Lajoie at my appeal against Dennis Doherty's destructive activities & violation of the Ephemeral Stream mouth by his illegal culvert work. These Aerial Photos showed 68-70 years existence of this Ephemeral Stream. Mr. Lajoie gave these Aerial Photos along with a map showing the Stream's course along with other materials to Marcia Raines and Planner, Dave Holbrook. The County Planning Department HAS these Aerial Photos and other materials ON FILE. Staff very clearly needs to include these Aerial Photos in an overall investigation of the Stebbins/Gherles projects. See Mr. Lajoie's BOS Presentation Letter - Exhibit 1 and Stream Course - Exhibit 2. It should be noted that the Coastal Commission also has possession of Mr. Lajoie's materials to go by now and can now change their jurisdictional boundaries as they had originally intended to do -- they didn't have them at the time of their site visit.

Additionally, on April 4th, 2000 the Coastal Commission's Biologist, Dr. John Dixon walked up along this Ephemeral Stream's Streambed and examined it in relation to Dennis Doherty's violation that Fran Pollard & myself reported & according to letter written to Dave Holbrook by the Coastal Commission's Enforcement Officer dated April 7, 2000 it reads:

"Pursuant to our site visit, John Dixon, our biologist, indicated that he believes that the drainageway located near the access road is actually a streambank, under the coastal Commission's definition, as well as the Department of Fish & Game's definition of a stream. This stream constitutes an environmentally sensitive habitat area (ESHA), and, thus, any development proposed within 100 feet of the ESHA would be appealable to the coastal Commission." See Jo Ginsberg's letter - Exhibit 3.

Continued.



Re: Appeal of CDP re: PLN 2005-00271 - Bruce Stebbins

Dr. Dixon IS THE COASTAL COMMISSION'S BIOLOGIST and he certainly must have had a good basis for his determination such as the existence of hydric soils, wetland plants or wetland animals in the Streambed of this Ephemeral Stream.

The applicant, Bruce Stebbins and his partner, Bruce Gherles caused destruction of the hydric soils, wetland plants and animals in the Ephemeral Streambed with severe alteration to the Ephemeral Stream which is a Significant Landform via massive Cut & Fill and the blowing of toxic Eucalyptus Chips into the Streambed which should not go unpunished and have violated a whole series of LCP Policies including:

LCP Policy 8.1 - define landforms as NATURAL TOPOGRAPHIC AND LANDSCAPE FEATURES WHICH INCLUDE BUT ARE NOT RESTRICTED TO, ridgelines, hillsides, canyons, coastal terraces, headlands, mountains, rock outcroppings, hills, cliffs, bluffs, sand dunes, beaches, wetlands, estuaries, STREAMS and arroyos.

LCP Policy 8.6a: Set back development from the edge of streams and other natural waterways a sufficient distance to preserve the VISUAL CHARACTER OF THE WATERWAY.

LCP Policy \*8.17 - Alteration of Landforms: Require that development be located and designed to CONFORM WITH, rather than change landforms. MINIMIZE the alteration of landforms as a consequence of grading, cutting, excavating, filling or other development.

County LCP Policies 7.1 through 7.13 provide protection to the Ephemeral Stream which have been ignored and not addressed by either the applicant or staff. LCP Policy 7.5 requires that the applicant demonstrate that there will be no significant impact on sensitive habitats and that has not been done either.

There is great concern that the County and applicant have not taken into consideration the destructive negative impacts and possible growth inducing impacts of putting these Monster Houses directly adjacent to the three (3) contiguous Greenbelt/Open Space Entities of Mirada Surf, Quarry Park & P.O.S.T.'s "Wicklów" property nor, were the negative impacts of the destruction of this natural area which is directly adjacent to the Quarry Park Trail --- walkers on that trail would be robbed of the natural experience of walking alongside the tree covered Streambank and Ephemeral Stream and instead be confronted with this Monster House and what could be a ROW of Monster Houses as indicated by their growth inducing, buildout water and sewer infrastructure plans where CEQA DOES apply.

An 8" Diameter Water Main Extension has been included in this "Staff Level" Blanket CDP and this is the third one that is marching straight up that Streambank towards vacant land of questionable legality. An 8" Diameter Water Main is capable of servicing HUNDREDS of Houses! See Exhibit 4.

Page 2

Re: Appeal of CDP re: PLN 2005-00271 - Bruce Stebbins

See Exhibit 5 which shows that there are plans to take a Class 3 Sewer Main Extension all the way up the steep hillside and directly adjacent to both the Urban/Rural Boundary and the three Greenbelt/Open Space Entities of Mirada Surf, Quarry Park and "Wicklow" and County Plat Map Exhibit 6 that shows their real intent is to facilitate a "mini-subdivision" with a ROW of Monster Houses up the steep hillside that would stretch to vacant land over to the South which Peter Douglas and Chris Kern have already described as being land of questionable legality --- this "Shore Acres" area is a Paper Subdivision from the 1900's and ALL of these lots are groups of antiquated Sub-Standard Lots!

"CEQA applies to all discretionary projects proposed to be carried out or approved by California public agencies, including state, regional, COUNTY, and local agencies, unless an exemption applies. CEQA applies to private activities that require discretionary government approvals." P.R.C. §21001.1, 21002, 21080; Guidelines §15002

In this case, CEQA requires the County to do an initial study to assess the potential environmental impacts of the water and sewer line extensions. This is necessary to avoid an illegal piecemealing or segmentation of the environmental impacts of extending water and sewer lines for the ultimate purpose of building a whole group of houses or a mini-subdivision rather than just a single house. A project for CEQA purposes must mean the whole of an action such that a project cannot legally be divided up into smaller pieces and then studied independently of one another.

The CEQA categorical exemption does not apply here due to:

- 1. There is cumulative impact (the sewer and water extension helps to facilitate a bigger project: the building of a group of homes, i.e., a mini-subdivision and,
- 2. There are unusual circumstances that could impact the environment (the hanging of an exposed sewer pipe (4" Diameter Sewer Lateral on a "Driveway Bridge" OVER the Ephemeral Stream, which could rupture and cause pollution of the Ephemeral Stream that flows down into Mirada Surf and to the ocean) - has any one of you EVER heard of a 4" Diameter Sewer Lateral or THIS being allowed???

From CEQA guidelines:

[http://ceres.ca.gov/topic/env\\_law/ceqa/guidelines/art19.html](http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art19.html)

"Cumulative Impact: All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant."

"Significant Effect: A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances."

Re: Appeal of CDP re: PLN 2005-00271 - Bruce Stebbins

There is a CEQA violation with these plans (e.g. not documenting the cumulative, growth inducing impact of the proposed project in terms of (1) infrastructure expansion beyond that needed for the project itself and (2) setting the stage for a mini-subdivision without having gone thru a valid subdivision review process, the last review having been 100 years ago and clearly uninformed of present conditions affecting traffic, water, public services, environmental impact and other subdivision review criteria.)

Please deny the CDP and remand the project back for proper CEQA/Environmental Examination and compliance with LCP Policies and the Coastal Act.

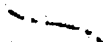

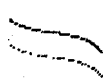
*Barbara K. Mauz*

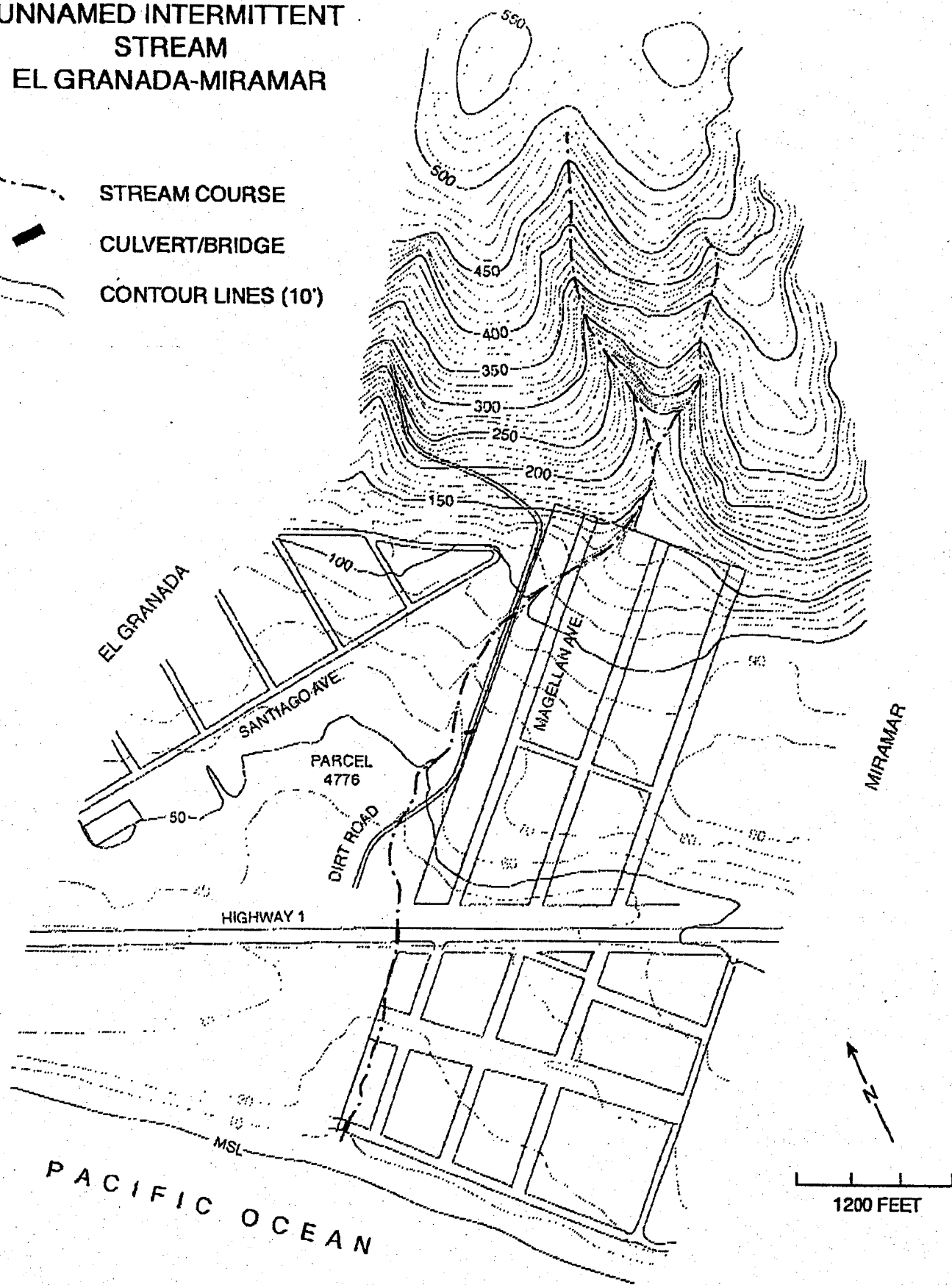
Barbara K. Mauz, Appellant

*note: orig. exhibits 1-9 are now attached to current appeal with additional exhibits.*

E. LAJOIE

# UNNAMED INTERMITTENT STREAM EL GRANADA-MIRAMAR

-  STREAM COURSE
-  CULVERT/BRIDGE
-  CONTOUR LINES (10')



CONTOUR AND CULTURAL DATA FROM 1962 CALTRANS ORTHOPHOTO MAP 9 (SCALE 1" = 200')

KENNETH R. LAJOIE  
FEBRUARY, 2001

1901

012 January - map  
P13

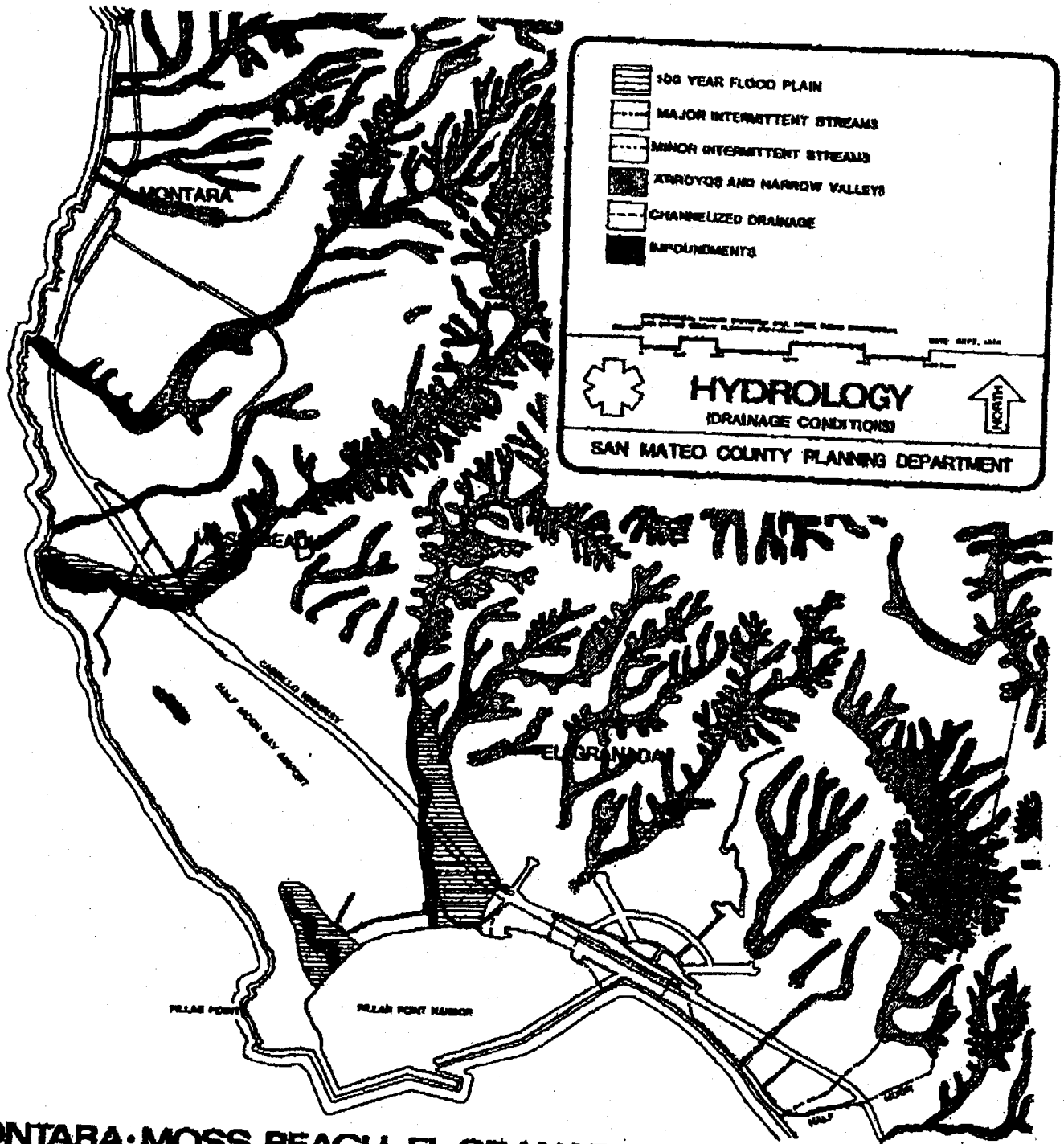
This report and maps created by the Soil Conservation Service, U. S. Department of Agriculture, in cooperation with the U. S. Army Corps of Engineers, in support of the  
major project of the Corps soil survey report, with the Soil Conservation Service, U. S. Department of Agriculture, in cooperation with the U. S. Army Corps of Engineers,  
conducted from aerial photographs flown in 1948, 1953 and 1956.



For Kathryn Carter  
for Mirada Surf Final EIR.

Exhibit 1a





**MONTARA · MOSS BEACH · EL GRANADA COMMUNITY PLAN**

*From Community Plan  
in Mirada Surf Final EIR*

FIGURE 6

*Exhibit 16*

Exhibit 2

February 27, 2001

San Mateo County Board of Supervisors  
400 County Center  
Redwood City, CA 94063

Re: PLN 2000-00493  
APN 047-330-010

Dear Members of the Board,

I am Kenneth R. Lajoie, a geologist recently retired after thirty years service with the US Geological Survey in Menlo Park, CA. While with the USGS, I conducted extensive research and published several reports on the geology of coastal San Mateo County.

I am writing this letter in support of a citizen's appeal regarding the definition of a riparian wetland habitat along a small, unnamed stream near the southern boundary of land parcel 4776 between El Granada and Miramar in coastal San Mateo County (please see enclosed map). Residents from El Granada recently informed me that part of this wetland had been damaged by road construction and home building in the area.

I understand that the wetland along this stream is not recognized as an environmentally sensitive habitat by the County Planning Department or by the Coastal Commission mainly because the stream, itself, is not delineated by a blue line on the USGS 1:24,000 topographic maps (Half Moon Bay and Montara Mountain) covering that area. I should point out that most small, intermittent streams are not delineated on any USGS topographic maps at this scale. Consequently, these maps are virtually useless for locating or defining riparian habitats, or any other wetlands for that matter.

At the request of two El Granada residents, I have inspected three sets of stereoscopic aerial photographs (1943, 1956 and 1974) presently in the archives of the USGS library to ascertain the nature of the disputed stream course (please see enclosed photocopies of these photographs). I have also inspected a 1962 ortho-photographic map from the CALTRANS archives in Oakland, CA and a 1995 ortho-photographic map from the Department of Public Works of San Mateo County (please see enclosed photocopies of these ortho-photographs). Additionally, I inspected the site in the field with local residents on Friday, February 24, 2001.

On all five aerial photographs, which span 67 years, a small stream course clearly delineated by riparian vegetation (most likely willows) extends from the mouth of the hillside watershed above land parcel 4776, across the flat coastal terrace and into the ocean. The stream course is also clearly delineated by the 10' contour lines on the large-scale 1962 CALTRANS ortho-photographic map. On the 1962, 1974 and 1995 photographs part of the stream course is obscured by a grove of eucalyptus trees, but is still visible.

A small culvert allows the stream to flow beneath a dirt road along the southern boundary of land parcel 4776, and a second, larger culvert allows it to flow beneath Highway 1. Prior to severe sea-cliff erosion in the 1960's, a low concrete bridge allowed the stream to flow beneath Mirada Road and into the ocean; presently the stream enters the ocean through a deep gully east of the damaged bridge. Additionally a small culvert beneath the dirt road allows drainage from Magellan Ave. to enter the stream.

The evidence from the aerial photographs, the culverts and the bridge clearly attest to the presence of a stream course along the southern boundary of land parcel 4776, even though it is not delineated by a blue line on the USGS maps. The presence of water-loving vegetation along the stream clearly attests to the presence of a riparian wetland, which by any environmental standard is a sensitive habitat.



I understand that the Planning Department of San Mateo County is presently updating the Coastal Resources Map of the Local Coastal Plan for the urban mid-coast. The aerial photographs I have inspected here, and many others that are readily available, would be extremely useful in delineating environmentally sensitive wetland habitats in the mid-coast area. I would be happy to work with your staff to demonstrate the effectiveness of using aerial photographs for this purpose. A useful means to field check potential wetlands delineated from aerial photographs is a book by Phyllis M. Faber entitled *Common Wetland Plants of Coastal California* (Pickleweed Press, 1996). This field guide is designed specifically to provide students, coastal planners, and public interest groups with a useful tool for identifying and delineating sensitive coastal wetlands.

Please feel free to have your staff contact me concerning any questions they might have regarding the information I have presented here. I look forward to working with them in identifying coastal wetlands, the first step in preserving these sensitive and rapidly dwindling natural environments.

Sincerely,

Kenneth R. Lajoie, Ph.D.  
Geologist  
275 Oakhurst Place  
Menlo Park, CA 94025  
650-322-9791  
kalajoie@aol.com

cc: California Coastal Commission  
Laura Stein, Chair, Mid-Coast Community Council

STATE OF CALIFORNIA—THE RESOURCES AGENCY

## CALIFORNIA COASTAL COMMISSION

GRAY DAVIS, GOVERNOR

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200  
FAX (415) 904-8400

Exhibit 3



7 April 2000

San Mateo County Planning & Building Division  
ATTN: Dave Holbrook  
Mail Drop PLN 122  
455 County Center  
Redwood City, CA 94063

RE: Mirada Surf/Doherty

Dear Dave:

I am writing regarding the alleged Coastal Act/LCP violations on the Mirada Surf/Doherty properties. During our site visit of Tuesday, April 4, 2000, Chris Kern, John Dixon, and I looked at the culvert repair/expansion, the access/haul road, the drainageway, the areas of tree removal, and the Mirada Surf property. Pursuant to our site visit, John Dixon, our biologist, indicated that he believes that the drainageway located near the access road is actually a streambank, under the Coastal Commission's definition, as well as the Department of Fish and Game's definition of a stream. This stream constitutes an environmentally sensitive habitat area (ESHA), and, thus, any development proposed within 100 feet of the ESHA would be appealable to the Coastal Commission. It is our intent to revise our post-certification map to reflect this change.

In addition, as we discussed on site, the County's LCP regulations for repair and maintenance exclusions limit exclusions to repairs that do not increase the size of the structure being repaired. Since an addition to the culvert was constructed, increasing its size, it appears that the work done on the culvert does not properly qualify for an exemption under the County's regulations. You indicated to Mr. Doherty that an after-the-fact coastal permit would be required for the culvert repair and expansion. This coastal permit would be appealable to the Coastal Commission. We further concluded that the pending coastal permit for a single-family residence located near the culvert would be appealable to the Coastal Commission, based on its proximity to the stream.

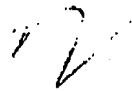
We have yet to determine if the access/haul road graded by J. L. Johnson is exempt from coastal permit requirements because it was allegedly graded pursuant to a timber harvest plan. We will look into that matter.

DAVE HOLBROOK

Page 2

Finally, based on his site visit, it is Dr. Dixon's opinion that the boundaries of LSA's wetland survey of the Mirada Surf property seems to be accurate.

Sincerely,



JO GINSBERG  
Enforcement Analyst

cc: Chris Kern

Exhibit 4

APN 048-021-230

Place 4" lateral in 8" ductile iron pipe at bridge location. Place pipe hangers at 4' o.c., along bridge. Minimum slope = 2%. Cleanout at each side of bridge. Design and connection details to be provided prior to construction of sewer lateral

4" SEWER LATERAL per CSD Standards 14.5' @ 2% min. 6+25 15' LL Inv. = 107.44

Sanitary Sewer Cleanout 6+25 5.5' LL Rim = 112.48 Inv. = 107.00

P.L. = 6+90.00

Water Main Extension & Service See Sheet W-1

P.L. = 6+00

Remove existing eucalyptus trees

Existing asphalt turn-around

91 L.F. 6" Sani. Sewer @ 2%

Existing asphalt turn-around

Ex. Sewer Manhole 5'x34 (5.5' L.) Rim = 103.12' Inv = 97.88'

Ex. Sewer Main

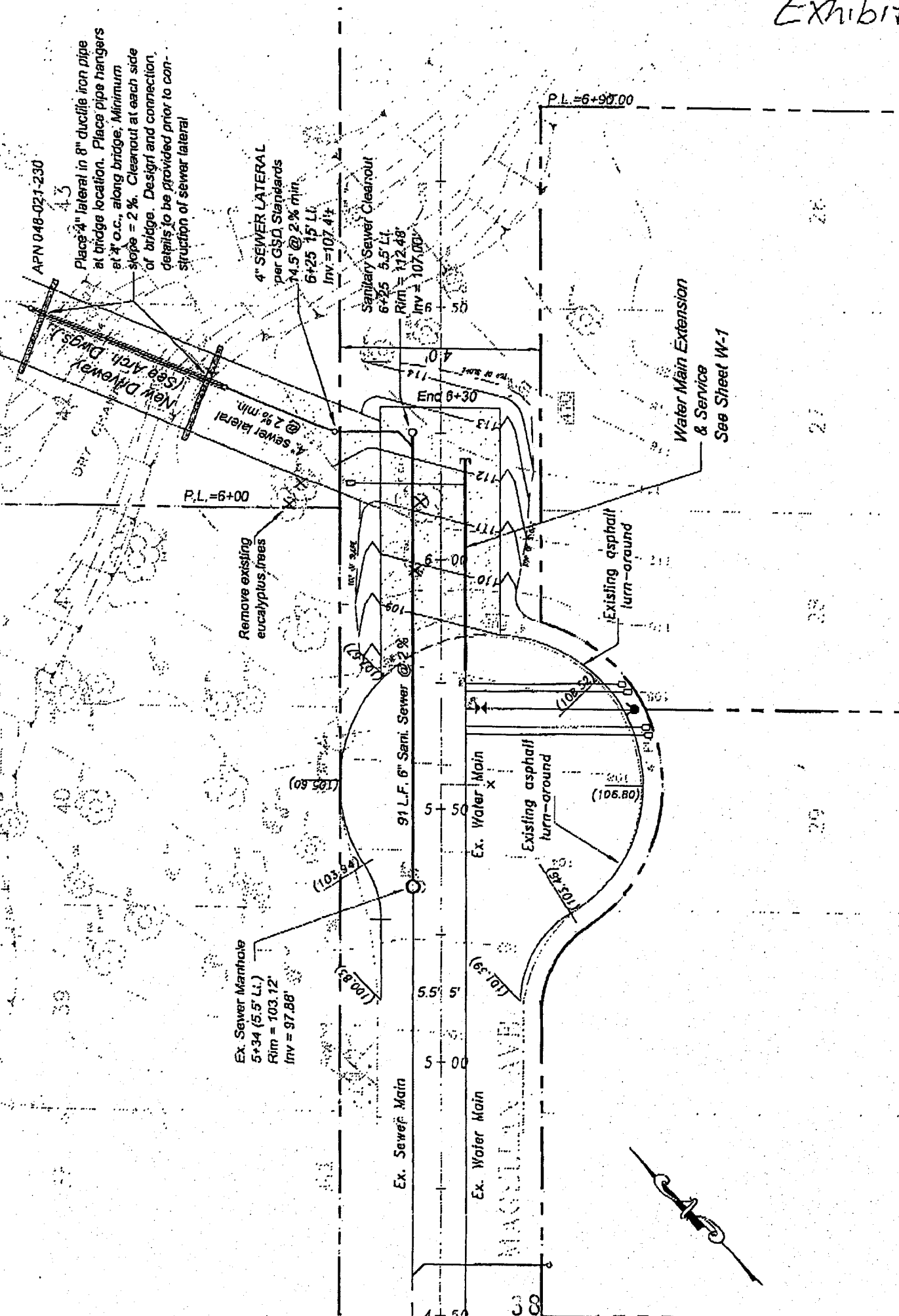
Ex. Water Main

SCALE

Horizontal: 1" = 20'

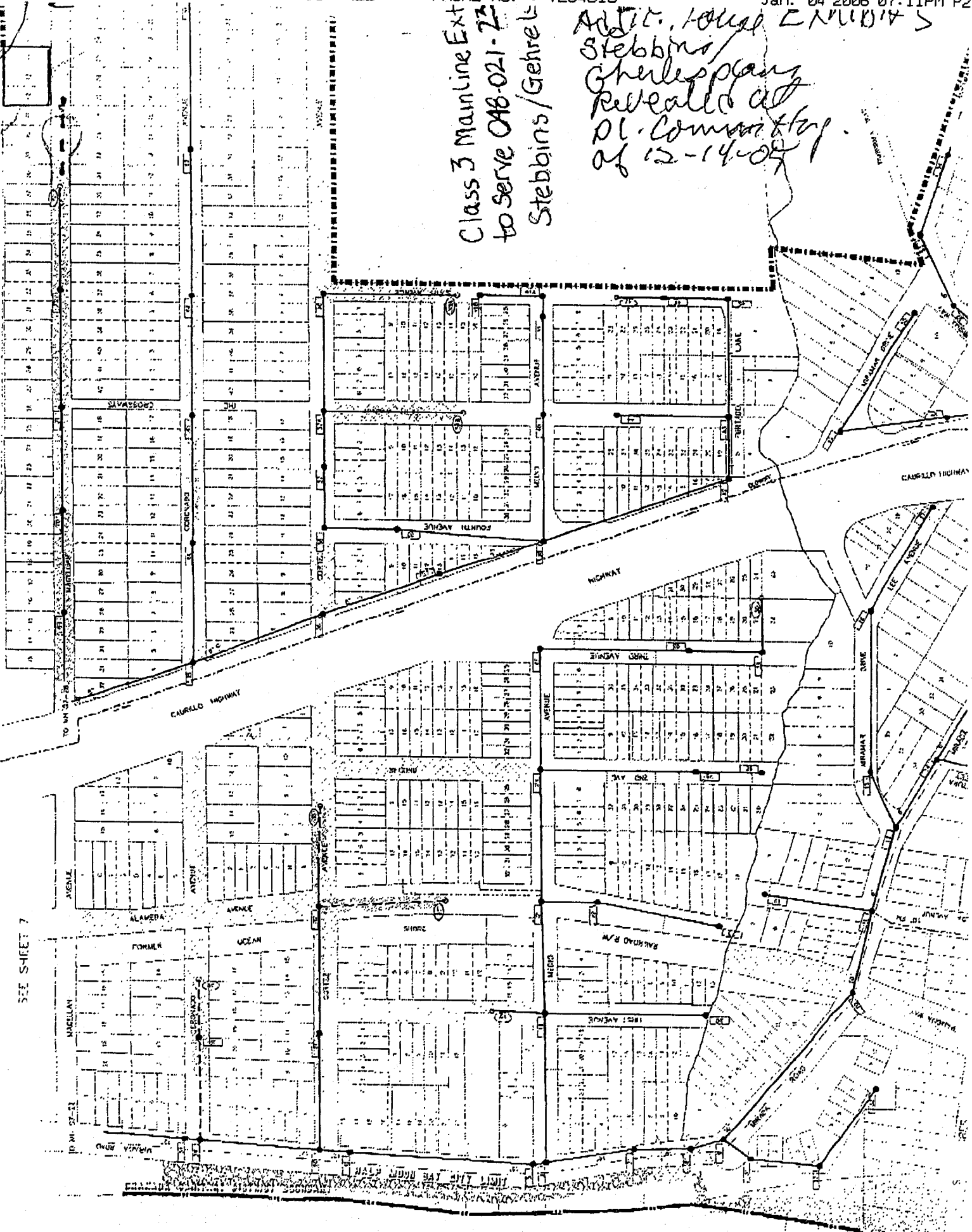
Vertical: 1" = 4'

SCALE



Class 3 Mainline Ext  
to serve OAB-021-22  
Stebbins/Gehrels

Attn: Doug C. M. D. S.  
Stebbins/  
Gehrels  
Revised at  
Pl. Committee  
of 12-14-04

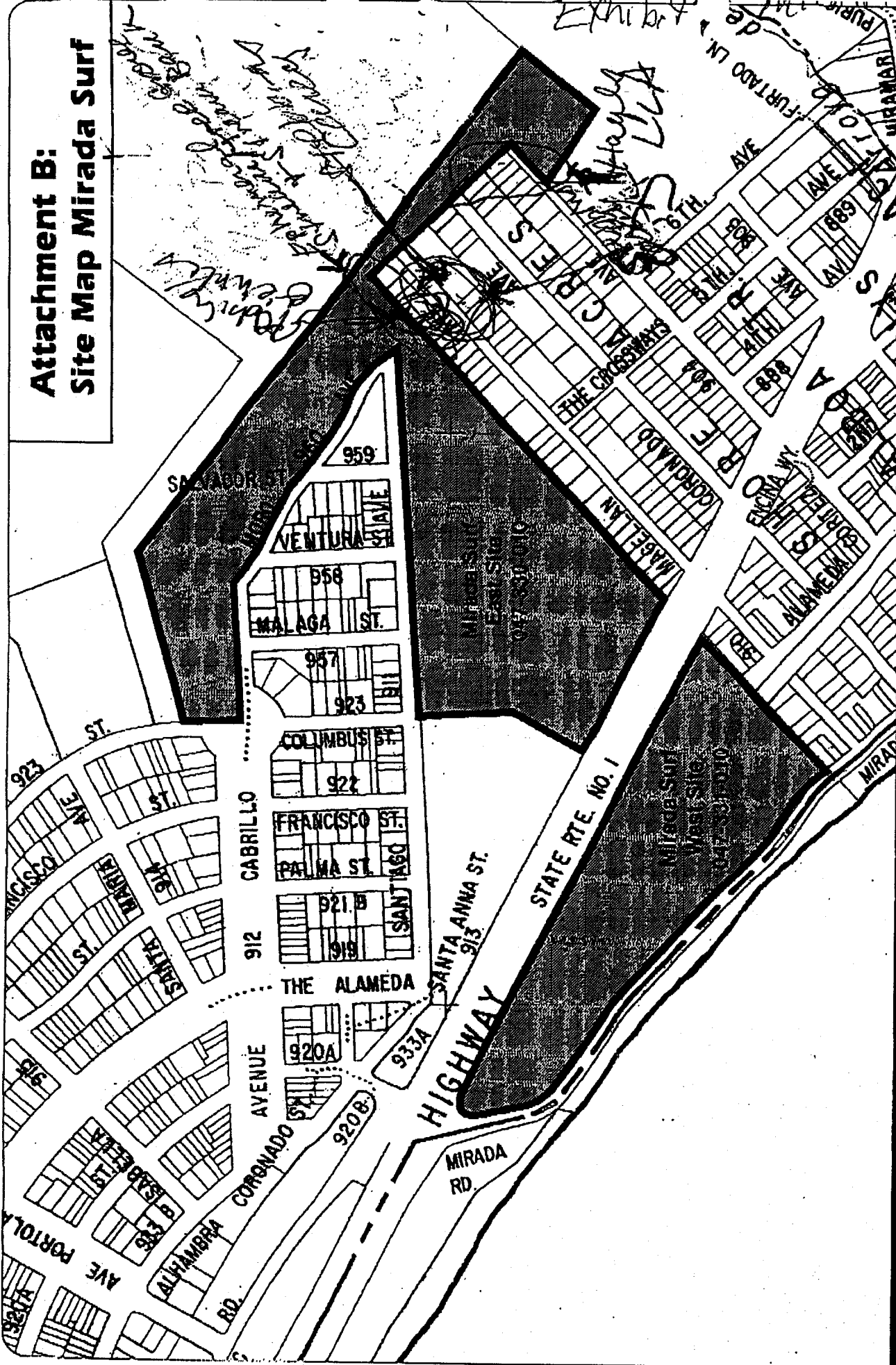


SEE SHEET 7

REAR SIDE



# Attachment B: Site Map Mirada Surf



## San Mateo County Planning Commission Meeting

Applicant: Real Property Division/County Manager's Office     11/1/2005     Attachment: B

*McLaren/Agens Certificate of Compliance from Square Extension of Mirada Surf to Alameda St*

Exhibit 8

Granada Sanitary District

From: Howard Hoffman [HowardHoffman@kennedyjenks.com]
Sent: Monday, September 22, 2003 12:08 PM
To: 'gsdsanitary@comcast.net'; Howard Hoffman; Nathan Nutter; Leo Kerner
Cc: Dist. Mgr. Chuck Duffy; Dist. Counsel Wittwer; Nathan Nutter
Subject: RE: Mainline on Upper Magellan Ave., Miramar

Dear Gina,

In accordance with your request, Associate Engineer Nathan Nutter will be calling you to set up a date and time that is mutually agreeable. Nathan and I reviewed the drawing again so that he will be prepared for his site visit.

There is no State mandate requiring sewer laterals to connect to a sewer main at right angles. Since I have been the District Engineer, I have enforced a policy that laterals usually extend at right angles from a property. This appears to be the end of the line for the sewer (and for the road) going up Magellan. As such, we required the applicant to construct a manhole in the cul-de-sac. The lateral leaves the subject property at a right angle to the curved frontage adjacent to the cul-de-sac. The lateral connects at the closest possible point downstream of the manhole. The applicant's original plan showed the lateral connecting into the manhole, but that is a practice that we usually do not allow, although it had been done in the past. (If a sewer worker is in a manhole, it is rather unpleasant having a lateral that starts to flow).

Since we do not know for a fact that the sewer will never be extended and there are lots farther uphill, we required the manhole to have a stub and plug for future connection. However, it seems unlikely that the County and the Fire Marshall will ever let any future development on the lots farther uphill, as this would require considerable cut and fill on some very steep slopes.

In my experience, the most difficult issues for these steep lots relate to the drainage and the fire access. The subject plans appeared to present no special challenge for providing sewer service. However, in accordance with Board concerns, Nathan will review the plans in the field for conformance with the actual existing topography.

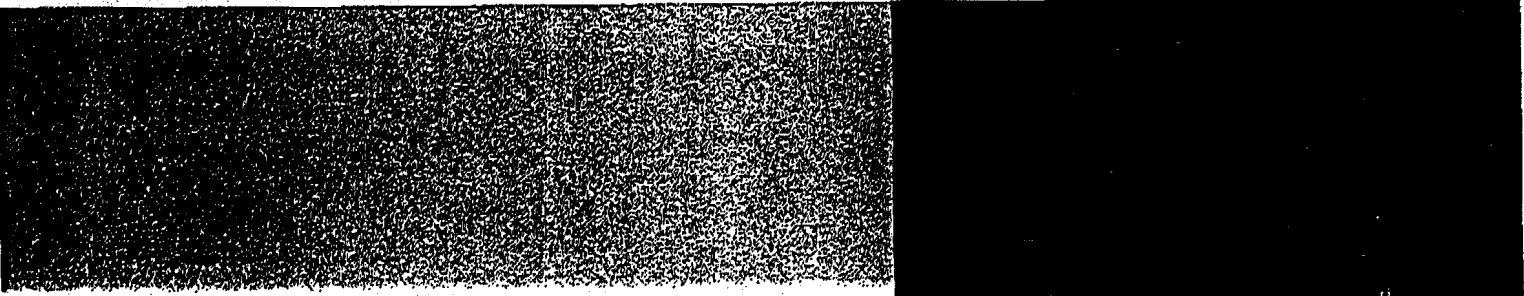
If you, Chuck or any Board Members have any questions after Nathan's site visit, then please feel free to send me another email or give me a call.

Regards,
Howard

Question: Why is the upper lot described above being reviewed by Pl. Dept. + Design Review? Note that the upper north corner is on the Ephemeral Stream (see attach)

Original Message

From: Granada Sanitary District [mailto:gsdsanitary@...]





*Handwritten:* Exhibit 9  
Parcel 014-203  
00251

**Parcels Affected by Recent Intermittent Creek Designation (sensitive habitat) per Coastal Commission (Projected flow of creek based on Public Works 1/400 contour maps.)**

**San Mateo County Planning Commission Meeting**

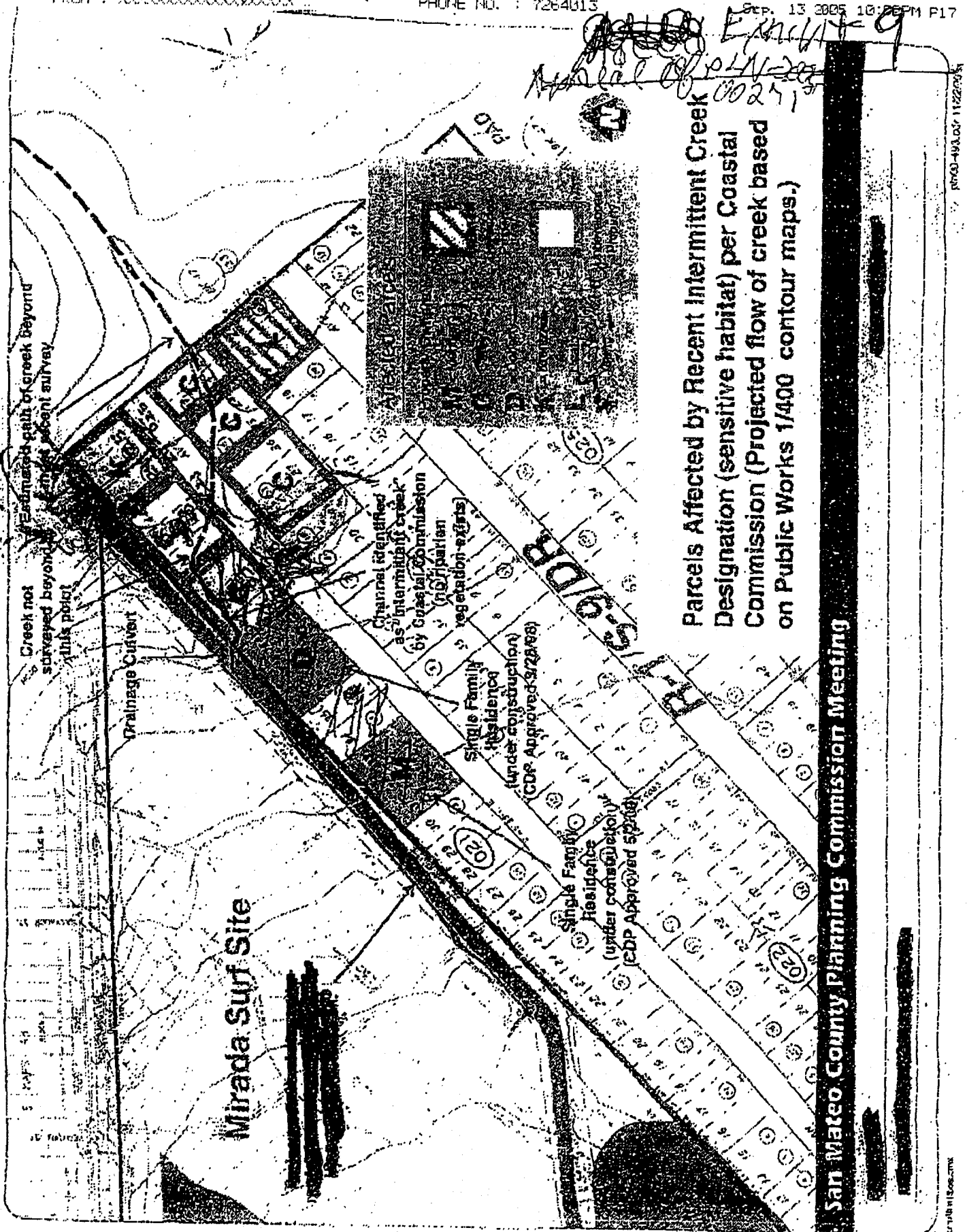


Exhibit 10

December 14, 2005

Via Email: 3 Pages

To: San Mateo County Planning Commission  
County Government Center, 455 County Center, Redwood City, CA 94063

re: Agenda Item #8 for 12/14/05 hearing: Appeal of PLN2005-00271.

Dear Members of the Planning Commission:

Thank you for this opportunity to comment regarding this appeal. I am writing this as an individual, although I was involved in the earlier review of this project as a member of the MCC Planning & Zoning Committee.

I am not advocating either support of the appeal or of the County's position, but would rather bring to your consideration the issues with the process that often result in these appeals. I have studied this particular drainage/stream channel for many years, initially as one of the sources of the Mirada Surf wetlands that lie downhill, and since then in relation to development projects in Miramar, including this one. In examining the nature and shape of the channel, the surrounding topography, and older maps and aerial photographs, I have no doubt that this was once an active seasonal (if not perennial) stream, and was identified as such as recently as the 1950's on official County maps.

What has happened since then to the actual flow of this system is unclear. Most likely it was a combination of (a) the maturing of the 200 acre Eucalyptus forest uphill that is absorbing large amounts of the groundwater, and (b) road building activity upslope from this channel that has altered the flow and hydrology of the water shed. The staff report (page 3) postulates that the channel shape "... may be on account of the presence of highly erodable soils ...", but examination of the channel uphill from the project reveals a contour, shape, and sinuosity that could only have been developed by a regular flow of water. This would give it definition as a natural waterway, and should entail at least consideration of applicable LCP policies in the Sensitive Habitat and Visual Resources Components. That this channel was formed by a once-active stream was never disputed by the Coastal Commission, who based their final judgment on appeals jurisdiction on the lack of waterflow, related plant communities, and lack of mapping as a sensitive habitat.

The land uphill is now owned by a conservation land trust, to eventually be part of our park system. Land management practices being developed could result in the thinning and eventual die-off of most of the Eucalyptus in the next 20 -30 years, and this, along with remedial road-removal, could result in the restoration of some of the historic flow levels to this channel.

In reviewing projects along this channel, a prime concern of mine has always been to try to maintain or restore its natural state, for the possibility of future restoration of the flow, as a deterrent to flooding problems in lower Miramar, and for protection of the lower wetland areas from erosion, siltation, and pollutants. Keeping development away from the channel itself, and encouraging landscaping and restoration to the channel bed help with these efforts. In this case, the applicant has been very responsive in *voluntarily* following these guidelines. I stress the word

voluntarily, because there are no specific County guidelines or policies in place for this type of situation. As the appellant points out, there are valid arguments that the cited LCP policies should apply to this project -- and as staff points out, there are not specifics enough in those policies to make them directly applicable, leaving it open to interpretation. The current Sensitive Habitat Map and Sensitive Habitat definitions are admittedly inadequate, and are undergoing extensive review by the County's long-range planners as part of the LCP Update.

As mentioned above, the applicant in this case, and in other projects on the coast, has been very cooperative in working with the MCC P&Z Committee to address these issues, even though not required by the County. As requested by the Coastside Design Review Committee in their original condition #3 on (stamped) page 39 of the staff report, I have examined the proposed landscaping, and after consultation with the applicant and the landscape designer, worked out a landscape plan that incorporates native plantings to enhance the habitat value of the channel, buffer any flooding and erosion problems, and have variety and flexibility to adapt to changing flow patterns in the future. The applicant was also agreeable to the suggestion to move the footings for the proposed driveway bridge back from the channel edges to avoid any weakening of the bank and subsequent erosion.

Current County practices, policies and guidelines do nothing to enhance or restore degraded natural resources. The more degraded or altered natural landforms and systems are, the more development is allowed to encroach on it, and the less likely any restoration becomes. This project is actually a good model for how these situations could be approached to *improve* a degraded resource while still allowing a reasonable development right for the property owner. But even in this case, there is no guarantee that these conditions would persist with future owners, and no practices in place that this type of approach would be used in other situations.

In this light, I do believe that the appellants claim that this project, and others, are not necessarily exempt from consideration under CEQA has merit -- the continuing degradation of natural resources that are the result of minimized protections under current regulations result in eventual significant "... cumulative impact of successive projects of the same type in the same place ..." (CEQA Guidelines, Article 19, as quoted on (stamped) page 18 of the staff report.) This a situation we are seeing develop throughout the Midcoast communities, as "marginal" or "degraded" wetlands, streams, native habitats are piece-meal eliminated from existence with no hope of recovery. Subsequently, our communities and residents pay the price of lost natural resources, rural character and increased infrastructure costs.

As mentioned above, I am not supporting the appeal but also do not agree with the methodology or conditioning of the approval. I would recommend that your Commission amend the conditions of approval to:

1. Acknowledge that this is an extant stream channel and that there is no substantive evidence that it might not become one again, and that applicable LCP policies do apply to this as a "natural waterway,"
2. Extend the landscape enhancement and protection conditions for the channel to be permanent for the parcel,

- 3. Direct planning staff to prepare guidelines that encourage protection, enhancement and restoration of degraded natural resources during development, and
- 4. Encourage planning staff to develop new policies to require comparable levels of enhancement and restoration as part of the LCP Update process for the Sensitive Habitat Component.

As the letter from the MCC Planning & Zoning Committee was only partially reproduced in the staff report, I am including it as a separate attachment to accompany this letter. Thank you yet once again for your attention, concern, work and deliberation regarding these issues and this process.

Sincerely

Chuck Kozak  
 PO Box 370702, Montara CA 94037

cc: Farhad Mortazavi, Design Review Officer  
 Supervisor Rich Gordon  
 Deborah Hirst, Supervisor Gordon's Office  
 MidCoast Community Council  
 Chris Kem, Coastal Commission

Exhibit 11

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

August 10, 2005

FAX/Email

**Farhad Mortazavi and the Coastside Design  
Review Committee**

San Mateo County Planning and Building Division  
Mail Drop PLN122, 455 County Center  
Redwood City, CA 94063  
650.363.1825 - FAX: 650.363.4849

**PLN2005-00271: CDP & CDR for a new 4842 s/f  
SFD which includes a 496 s/f garage on a 12,000**

s/f parcel on Magellan Ave in Miramar. 11 eucalyptus trees to be removed.  
APN: 048-021-230

Dear Farhad:

The Planning and Zoning Committee of the MidCoast Community Council reviewed the above-referenced project on August 3, 2005 with the applicant in attendance. I apologize for the lateness of this letter.

We have the following comments:

We would like to see the new plans for the extended bridge. Applicant said that he will build a longer bridge and pull the bridge footers back from the creek edge.

We were unable to match the trees on the ground with the trees on the plans. Some large trees that are at the front of the house aren't on the plans.

Preservation of the culvert and channel:

- It is imperative that this culvert and channel be preserved during construction and into the future. To that end, the approval of this project should be conditioned on preservation of this culvert and channel such that the channel remains as a feature of the topography of this parcel.
- To ensure that the channel is preserved in the future, there should be a deed restriction on this parcel that preserves this channel with existing contours and restricts landscaping to that which is consistent with the existence of the channel and the potential for water flow.
- This is especially important considering the recent mud slides in southern California involving houses being built in or near "dry" creek beds.

Landscaping:

- The trees on the parcel should be located, verified, and marked with identifiers so that you can orient yourself on the lot.
- Trees should be planted that will grow to the same height as those being removed.
- Other plants should be used that are consistent with the native vegetation of the site.
- Backyard landscaping should be design to enhance this channel and preserve it should water flow return. In light of the construction in this area, it is likely that many Eucalyptus trees further up the channel will be

RECEIVED  
 10/11/05 4:16:01 PM



Exhibit 12

December 13, 2005 via Fax: 650-363-4849

Members of the San Mateo County Planning Commission  
County Government Center,  
455 County Center,  
2nd Floor, Mail Drop PLN122  
Redwood City, CA 94063.

Re: Comment on Appeal of PLN2005-00271 (Stebbins)

Planning Commissioners Bomberger, Dworetzky, Nobles, Silver, and Wong:

I appreciate the opportunity to comment on appeal of the Planning Director's decision to approve PLN2005-00271 (Stebbins). I should note that I am currently a member of the Planning Commission for the City of Half Moon Bay, but my comments below represent my views as an individual citizen. I request that this letter be distributed to each Commissioner and also made part of the Official County Public Record regarding PLN2005-00271. My comments are as follows.

1. *Staff has failed to respond adequately to the Appellant's point that the CEQA categorical exemption cannot be applied in this case due to the potential for a cumulative environmental impact.*

Staff states (p. 4) that "To address the issue of a potential 'cumulative impact,' staff conducted a site inspection of the subject parcel and its vicinity and found that development along Magellan Avenue is in its final phase and the subject parcel is among the last few being developed along the street. Several parcels along Magellan Avenue have already been developed with one- and two story single-family dwellings. (underline added for emphasis).

Staff's statement explicitly acknowledges that the project in question is viewed by the County as part of a series of projects along Magellan Avenue that have been undertaken in the recent past, with a few additional projects still remaining, of which the current project is one. Hence, staff's statement is a candid admission that the current project is actually a single piece of a larger project that involves the building of a small residential subdivision along Magellan Avenue. Despite staff's candid admission of the existence of a larger project, staff offers no explanation that would justify the County's failure to comply with the CEQA provision that requires an analysis of the potential cumulative environmental impacts of the larger project.

A "project" for CEQA purposes means the "whole of an action" such that a project cannot legally be divided up into smaller pieces and then studied independently of one another. The entire scope of the County's plans for building out Magellan Avenue must be considered as part of any analysis performed pursuant to CEQA in order to avoid an illegal "piecemealing" or "segmentation" of the larger project's cumulative environmental impacts. Such piecemealing by the County would deprive the public of the right to understand the true environmental consequences of the full Magellan Avenue buildout scenario, as envisioned by the County.

Given the inapplicability of the categorical exemption, CEQA requires the County to analyze the current project for any impacts that may be "cumulatively considerable." Under CEQA, "cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of "past projects, the effects of other current projects, and the effects of probable future projects" (underline added for emphasis). Hence, staff's statement that the subject

parcel "is among the last few being developed along the street" does not provide any legal justification for the use of the categorical exemption because CEQA defines cumulative impacts to also include recent past projects in the same vicinity, as well as any remaining future projects.

- 2. *Staff has failed to respond in any way to the Appellant's point that the CEQA categorical exemption cannot be applied in this case due to the potential for unusual circumstances that could have a significant effect on the environment.*

Staff's written response does not address in any way the point made by the Appellant that the CEQA categorical exemption cannot be applied in this case due to the potential for a "significant effect" stemming from unusual circumstances. Article 19 of the CEQA guidelines states that "[a] categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." (underline added for emphasis).

Page 3 of the Appellant's appeal letter dated September 13, 2005 correctly points out that the project in question involves the extraordinary hanging of an exposed sewer lateral from a bridge over a drainage channel that flows directly to the ocean. There is a reasonable possibility that a seismic disturbance or an accident involving a vehicle traveling across the bridge could rupture the sewer lateral, resulting in a significant effect on the downstream environment. The fact that such an event might be viewed as rare cannot justify the use of the categorical exemption because the CEQA guidelines state that this provision is explicitly intended to require an analysis of potential impacts in situations that would only come into play in unusual or rare circumstances.

To comply with CEQA, the County must conduct an analysis of the potential impacts of a rupture of the sewer lateral and impose appropriate mitigation measures to protect the downstream environment.

To summarize, the Appellant has made two valid points regarding the County's failure to comply with CEQA. Staff has failed to adequately respond to either point. Hence, I urge the Planning Commission to uphold the appeal and remand the project back to staff for further study and analysis. Denying this appeal would subject the County to potential litigation for failing to uphold its legal obligations as lead agency under CEQA.

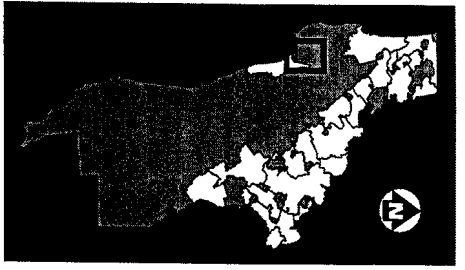
Sincerely,

Kevin J. Lansing  
359 Filbert Street  
Half Moon Bay, California 94019

Cc:  
Farhad Mortazavi and Surachita Bose, Project Planners  
Midcoast Community Council  
Granada Sanitary District

RECEIVED  
2006 JAN -4 P 6: 07  
SAN MATEO COUNTY  
PLANNING DIVISION





TAX CODE AREA

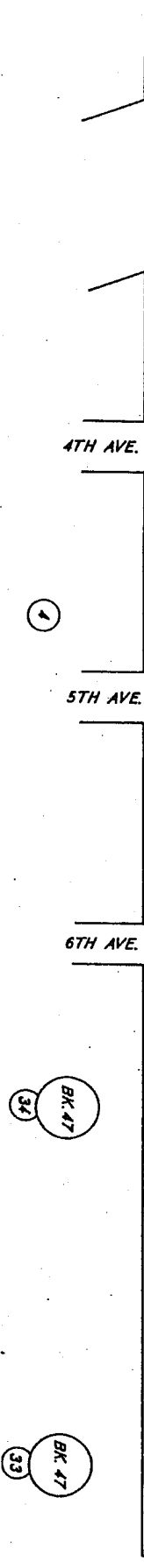
# PROJECT SITE

48-2

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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47																													
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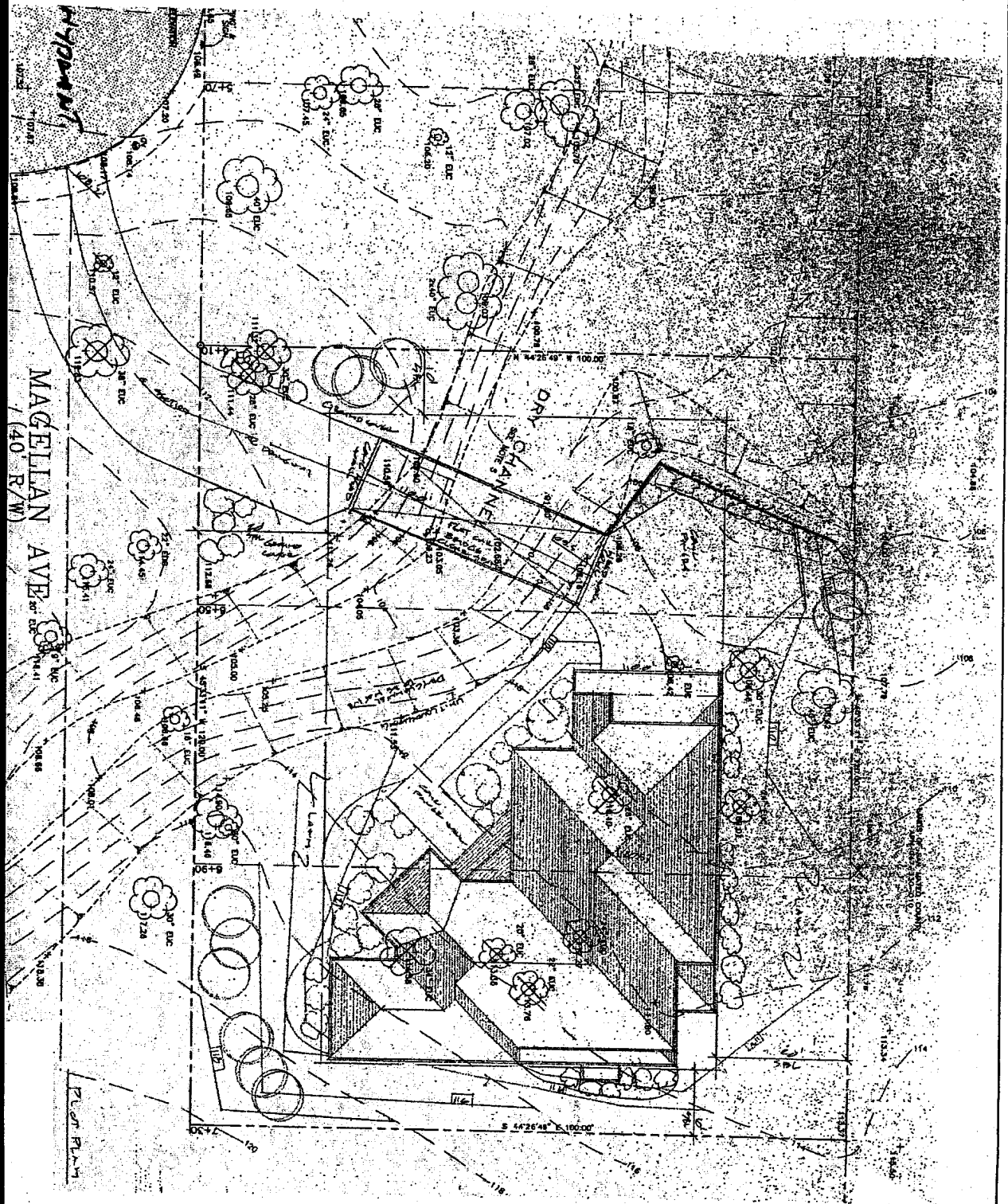


## San Mateo County Planning Commission Meeting

Applicant:

File Numbers: **PLN 2005-00271**

Attachment: **C**



**San Mateo County Planning Commission Meeting**

Applicant:

File Numbers: **PLN 2005-00271**

Attachment: **D**

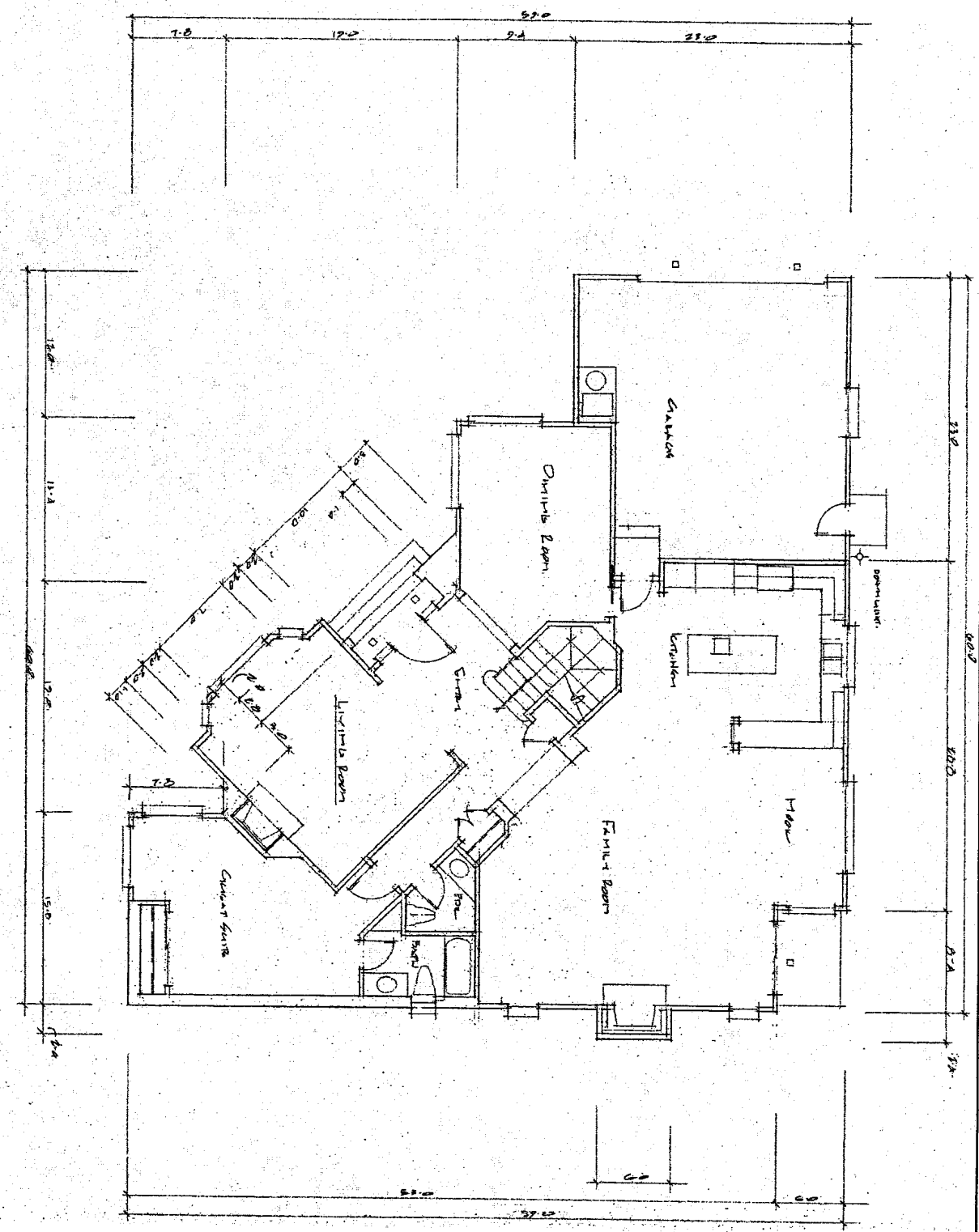
# San Mateo County Planning Commission Meeting

Applicant:

File Numbers: **PLN 2005-00271**

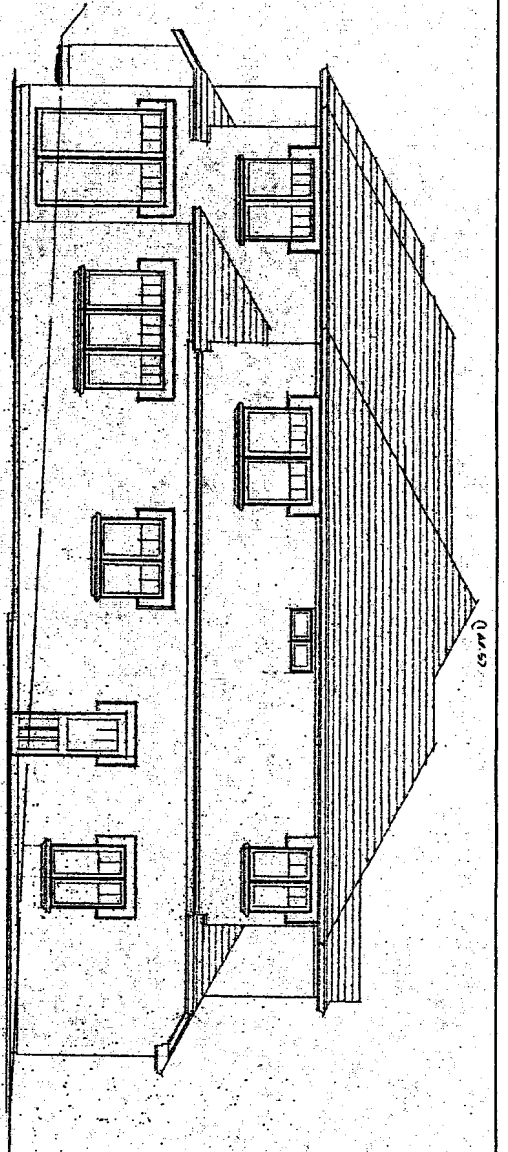
Attachment: **E**

MAIN LEVEL FLOOR PLAN 10-1-01

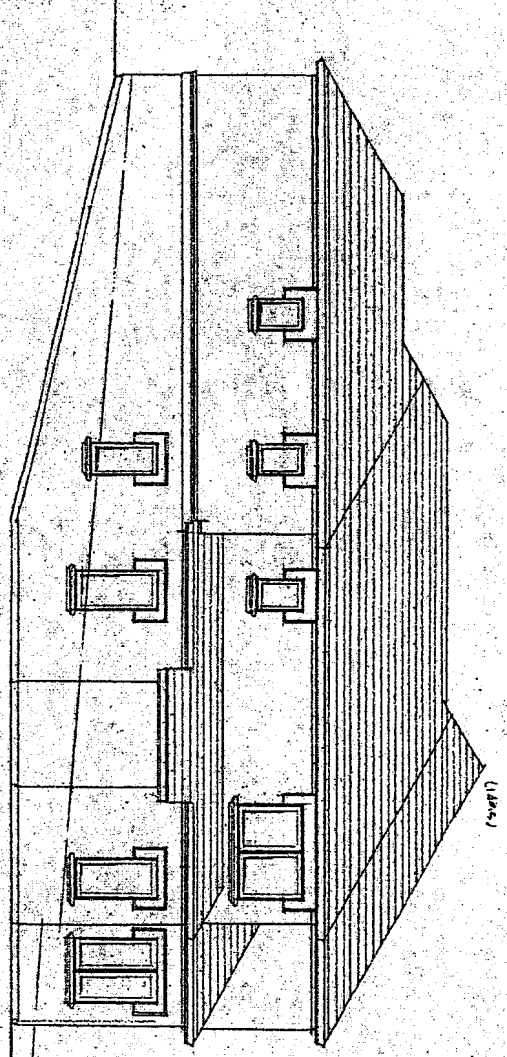








WEST SIDE ELEVATION 1/24/10



REAR ELEVATION 1/24/10

**San Mateo County Planning Commission Meeting**

Applicant:

File Numbers: **PLN 2005-00271**

Attachment: **H**



August 24 2005

# PROJECT FILE

Bruce Stebbins  
1057 Wilmington Way  
Redwood City, CA 94062

Dear Mr. Stebbins:

**SUBJECT:** Coastal Development Permit and Design Review  
for a New Single-Family Dwelling located at  
Magellan Avenue, Miramar (APN 048-021-230)  
County File Number PLN 2005-00271

Staff has completed its review of your Coastal Development Permit and Design Review application to construct a new 4,346 sq. ft. single-family plus an attached 496 sq. ft. garage, and extension of sewer and water main on a 12,250 sq. ft. parcel. This project is not appealable to the California Coastal Commission.

All neighbors within 300 feet of the subject property were notified of the Coastside Design Review Committee public hearings for the Coastal Development Permit and Design Review held on August 11, 2005. The Committee found the structure's design in compliance with the San Mateo County Design Review Guidelines and recommended approval of the project with conditions, which are included in this permit.

A referral of the project was sent to the Midcoast Community Council (MCCC) on June 15, 2005, who reviewed the project on August 3, 2005. The MCCC, in their review, placed comments regarding the site's natural culvert and its preservation, and landscaping of the project. These comments were reviewed by the Committee prior to their recommendation for the approval of the project, which includes landscape plan requirement. Site's erosion and sediment control plan, in particular regarding the natural culvert, is included in conditions of approval.

Staff has approved your permit subject to the following findings and conditions of approval.

## ENVIRONMENTAL SERVICES AGENCY

Agricultural  
Commissioner/ Sealer of  
Weights & Measures

Animal Control

Cooperative Extension

Fire Protection

LAFCo

Library

Parks & Recreation

Planning & Building

### PLANNING AND BUILDING

455 County Center, 2<sup>nd</sup> Floor • Redwood City, CA 94063 • Phone (650) 363-4161 • FAX (650) 363-4849

**FINDINGS**

After reviewing this application and accompanying materials, it was found that:

**For the Environmental Review**

1. This project is categorically exempt under Section 15303 of the California Environmental Quality Act as construction of a new small structure. A Notice of Exemption will be filed and posted for review forthwith.

**For the Coastal Development Permit**

2. The project, as described in the application and accompanying materials required by Zoning Regulations Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program.
3. The project conforms to the specific findings required by the policies of the San Mateo County Local Coastal Program.
4. The number of building permits for construction of single-family residences other than for affordable housing issued in the calendar year does not exceed the limitation of Policies 1.22 and 1.23 as stated in Section 6328.19.

**For the Design Review Permit**

5. This project has been reviewed under and found to be in compliance with the Design Review Standards as stipulated in Chapter 28.1 of San Mateo County Zoning Regulations.

**CONDITIONS OF APPROVAL****Planning Division**

1. This approval is for the project as described on the plans and documents submitted on June 14, 2005 to the Planning Division. Any revisions to the approved plans must be submitted to the Planning Division for review and approval prior to implementation. Minor adjustments to the project may be approved by the Community Development Director if they are consistent with the intent of and are in substantial conformance with this approval. Any other developments on the property will be subject to a separate permitting process.
2. The Coastal Development Permit shall be valid for one year from the date of approval in which time a building permit shall be issued. Any extension of this permit shall require submittal of an application for permit extension and payment of applicable permit extension fees sixty (60) days prior to the expiration date.



3. The applicant shall forward the following list of requirements, stipulated by the Coastside Design Review Committee, to the Design Review Officer for review and approval. These changes shall be included on the applicant's building permit plans:
  - a. A landscape plan, to be reviewed and approved by Mr. Chuck Kozak of MCCC, is required. The plan and Mr. Kozak's consent shall be forwarded to staff for review and approval.
  - b. Site plan to include a longer bridge over the natural culvert, with bridge's concrete footing placed further back from the culvert's edges.
  - c. Change the proposed gray color to a green-gray color, complementing the accent colors.
4. Noise levels produced by construction shall not exceed the 80 dBA level at any one moment. Construction activity shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction operation shall be prohibited on Sunday and any national holiday.
5. All new power and telephone lines from the street or nearest existing utility pole to the main dwelling and/or any other structure on the property shall be installed underground. No new or additional utility pole(s) may be installed.
6. The applicant shall provide "finished floor elevation verification" on the submitted building plans to certify that the structure is actually constructed at the height shown on the submitted plans. The applicant shall have a licensed surveyor or engineer establish a baseline elevation datum point in the vicinity of the construction site.
  - a. The applicant shall maintain the datum point so that it will not be disturbed by the proposed construction activities until final approval of the building permit.
  - b. The datum point and its elevation shall be shown on the submitted site plan. This datum point shall be used during construction to verify the elevation of the finished floors relative to the existing natural or to the grade of the site (finished grade).
  - c. Prior to planning approval of the building permit application, the applicant shall also have the licensed land surveyor or engineer indicate on the construction plans: (1) the natural grade elevations at the significant corners (at least four) of the footprint of the proposed structure on the submitted plan, and (2) the elevations of proposed finished grades.
  - d. In addition, (1) the natural grade elevations at the significant corners of the proposed structure, (2) the finished floor elevations, (3) the topmost elevation of the roof and (4) garage slab elevation must be shown on the plan, elevations, and cross-section (if one is provided).

- e. Once the building is under construction, prior to the below floor framing inspection or the pouring of the concrete slab (as the case may be) for the lowest floor, the applicant shall provide to the Building Inspection Section a letter from the licensed land surveyor or engineer certifying that the lowest floor height, as constructed is equal to the elevation specified for that floor in the approved plans. Similarly, certifications on the garage slab and the topmost elevation of the roof are required.
  - f. If the actual floor height, garage slab, or roof height, as constructed, is different from the elevation specified in the plans, then the applicant shall cease all construction and no additional inspections shall be approved until a revised set of plans is submitted to and subsequently approved by both the Building Official and Community Development Director.
7. During project construction, the applicant shall, pursuant to Section 5022 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site into storm drain systems by:
- a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and May 1.
  - b. Removing spoils promptly, and avoiding stockpiling of fill materials when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
  - c. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry into the storm drain system or water body.
  - d. Using filtration or other measures to remove sediment from dewatering effluent.
  - e. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
  - f. Limiting and timing application of pesticides and fertilizer to avoid polluting runoff.
8. The project shall include water runoff prevention measures for the operation and maintenance of the project for the review and approval by the Community Development Director. The project shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the discharge of pollutants with stormwater runoff and other water runoff produced from the project site, in particular the drainage channel.
9. The applicant shall submit an erosion and sediment control plan for review and approval by the Planning Division prior to issuance of a building permit. The erosion control plan shall be located around the perimeter of the construction activities and with the drainage channel consideration by placing sediment control barriers around the mouth of the downstream culvert, and clearly delineate the types of measures to be used, the location of where the

measures will be placed as well as sectional drawing/s showing how the measures shall be installed. All erosion control devices shall be installed on site prior to any grading activities on-site.

10. The applicant shall submit a stormwater management plan, which shall include a site plan and narrative of the types of permanent stormwater controls that will be installed on site to minimize the surface water runoff. At a minimum, the directly connected impervious areas shall be minimized, downspouts shall be directed to landscaped areas and pervious materials shall be used for the access road, if possible, and any patio or walkway areas near the proposed residence.
11. The applicant shall ensure that if during construction any evidence of archaeological traces (human remains, artifacts, concentrations of shale, bone, rock, ash) is uncovered, then all construction within a 30-foot radius shall be halted, the Planning Division shall be notified, and the applicant shall hire a qualified archaeologist to assess the situation and recommend appropriate measures. Upon review of the archaeologist's report, the Community Development Director, in consultation with the applicant and the archaeologist, will determine the steps to be taken before construction may continue.
12. To reduce the impact of construction activities on neighboring properties, comply with the following:
  - a. All debris shall be contained on-site; a dumpster or trash bin shall be provided on-site during construction to prevent debris from blowing onto adjacent properties. The applicant shall monitor the site to ensure that trash is picked up and appropriately disposed of daily.
  - b. The applicant shall remove all construction equipment from the site upon completion of the use and/or need of each piece of equipment which shall include, but not be limited to, tractors, back hoes, cement mixers, etc.
  - c. The applicant shall ensure that no construction related vehicles shall impede through traffic along the right-of-way on Magellan Avenue. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on Magellan Avenue. There shall be no storage of construction vehicles in the public right-of-way.
13. No site disturbance shall occur, including any grading, until a building permit is issued.
14. The building plans shall meet with the approval of the Half Moon Bay Fire Protection District.

#### Building Inspection Section

15. The following will be required at the time of application for a building permit:

- a. Prior to pouring any concrete for foundations, written verification from a licensed surveyor will be required confirming that the setbacks, as shown on the approved plans, have been maintained.
- b. An automatic fire sprinkler system will be required. This permit must be issued prior to, or in conjunction with the building permit.
- c. If a water main extension or upgrade of hydrant is required, this work must be completed prior to issuance of the building permit or the applicant must submit a copy of an agreement and contract with the water purveyor that will ensure the work will be completed prior to finalizing the permit.
- d. A site drainage plan will be required that will demonstrate how roof drainage and site runoff will be directed to an approved location.
- e. Sediment and erosion control measures must be installed prior to beginning any site work and maintained throughout the term of the permit. Failure to install or maintain these measures will result in stoppage of construction until the corrections have been made and fees paid for staff enforcement time.
- f. No wood-burning fireplaces allowed.

#### Department of Public Works

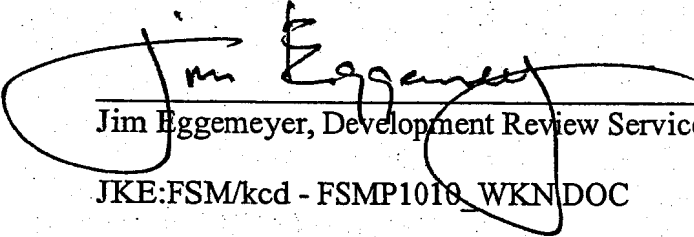
16. Prior to the issuance of the building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance Number 3277.
17. The provision of San Mateo County Grading Ordinance shall govern all grading on and adjacent to this site. Unless exempted by the Grading Ordinance, the applicant may be required to apply for a Grading Permit upon completion of their review of the plans and should access construction be necessary.
18. No proposed construction work within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued.
19. At time of building permit, the owner/engineer shall extend access road at the end of the cul-de-sac to a point where the new driveway comes in and to the satisfaction of Department of Public Works.

#### Half Moon Bay Fire Protection District

20. The applicant shall comply with the requirements of the Half Moon Bay Fire Protection District.

This approval may be appealed by the applicant or any aggrieved party on or before 7:00 p.m. on September 13, 2005, the tenth working day following this action by the Planning Director. An appeal is made by completing and filing a Notice of Appeal, including a statement of grounds for the appeal, with the Planning and Building Division and paying the appeal fee. This project is not appealable to the California Coastal Commission. Further information may be obtained by calling Farhad Mortazavi, Design Review Officer, at 650/363-1831.

FOR LISA GROTE  
DIRECTOR OF PLANNING AND BUILDING DIVISION, By:



Jim Eggemeyer, Development Review Services Manager

JKE:FSM/kcd - FSMP1010\_WKN\DOC

cc: Linda Montalto Patterson, Design Review Committee Representative  
William Cameron, Building Inspection Manager  
Sam Herzberg, Senior Park Planner, Parks and Recreation  
Jack McCarthy  
Barbara Mauz  
Leonard Warren  
Midcoast Community Council  
California Coastal Commission



Attachment J

July 7, 2000

David Holbrook  
Planning and Building Division  
County of San Mateo  
Mail Drop PLN122  
455 County Center, 2<sup>nd</sup> Floor  
Redwood City, CA 94063

RE: Confirmation that drainage is not an Appeals Jurisdiction Creek, File Number PLN 1999-00654, APN 048-021, 419 Magellan Avenue, Miramar, San Mateo County

Dear Mr. Holbrook:

This letter confirms that the creek channel east of the drainage culvert on the Mirada Surf site near Magellan Avenue east of Highway 1 is not an appeals jurisdiction stream as defined by the Coastal Commission regulations. According to Coastal Commission regulations an action within 100 feet of a stream is appealable to the California Coastal Commission if the stream is "... mapped by USGS [United States Geological Survey] on the 7.5 minute quadrangle series, or identified in a local coastal program" (Section 13577, Calif. Code of Regulations). There is no stream within 100 feet of the subject development that meets either of these tests. Therefore, the County's action approving a single-family dwelling on the property is not appealable to the California Coastal Commission.

Please feel free to call me if you have any additional questions.

Sincerely,

Jane Steven  
Coastal Planner  
North Central Coast District

OCT 20 2000



**TRA** THOMAS REID  
ASSOCIATES  
ENVIRONMENTAL CONSULTANTS

545 Middlefield Road, Suite 200, Menlo Park, CA 94025  
Tel: (650) 327-0429    ☐    Fax: (650) 327-4024    ☐  
www.TRAenviro.com

August 3, 2005

Stebbins Gehrels Development, LLC  
9 Iris Lane  
San Carlos, CA 94070

Re: Classification of Drainage features on APN 048021-230 in El Granada, CA 94018

Dear Mr. Stebbins:

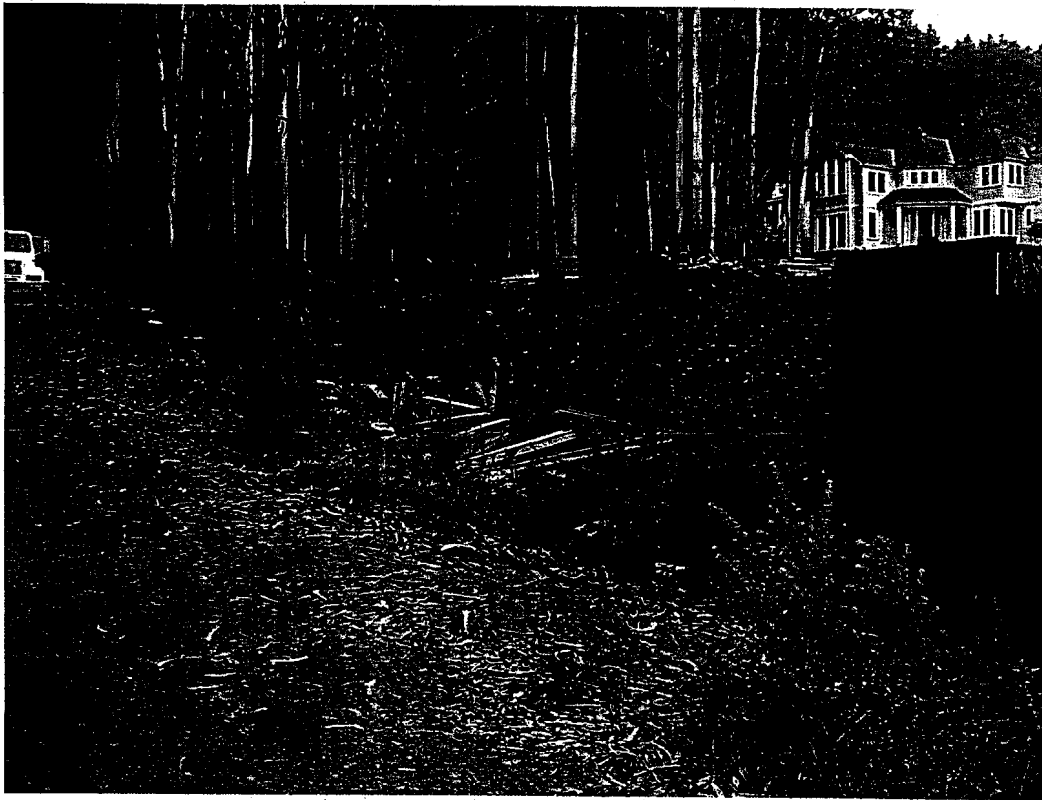
Introduction

At your request, Thomas Reid Associates conducted an evaluation of the drainage features on your property at APN 048021-230 in El Granada, CA 94018. On July 29, 2005, TRA biologists Patrick Kobernus and Terese Kastner conducted a one day field inspection of the site and the results are presented herein.

Setting/Project Description

The property is located at the end of Magellan Ave on the east side of Highway 1, approximately 0.35 miles from the Pacific Ocean. The project proposes to construct a single-family home on the property. Aquatic features in the area include Arroyo de en Medio Creek, approximately 0.20 miles southeast of the property; a pond, approximately 0.10 miles southeast of the property; and three additional ponds are approximately 0.70 miles from the property. There are steep hills east of the property that are covered with thick stands of eucalyptus trees (*Eucalyptus globules*). The area north of the property is gradually sloping with more eucalyptus trees and an understory of poison oak (*Toxicodendron diversilobum*) and non-native grasses. Single-family homes exist to the south and west of the property.

The property has two drainage swales. One small, very shallow drainage (Drainage A) which runs along a dirt road on the north side of the property, and collects water from the hills to the east during storm events (Photo 1); and a larger drainage (Drainage B) which runs along the southern edge of the property and curves northwest through the property (Photo 3). Drainage B collects water from Drainage A and then curves slightly to the west (Photo 4). Drainage B then leaves the property through a 12 inch culvert that extends for 20 feet, daylighting in a grove of eucalyptus trees northwest of the property. Drainage B is approximately 5 to 8 feet wide at the channel bottom. And has moderately steep banks that range from 5 to 10 feet from top of bank to the channel bottom (Photo 3). No flowing water, standing water, or moist soils were evident in Drainage A or B at the time of the field visit.



**Photo 4.** Drainage B looking upslope and onto property. View shows swale area on adjacent property to the west, where vegetation has been removed. (Photo taken July 29, 2005)

### Discussion

The definition of riparian corridor or wetland, according to the County of San Mateo Planning and Building Division Local Coastal Program, is as follows:

**Riparian Corridor:** Define riparian corridors by the “limit of riparian vegetation” (i.e., a line determined by the association of plant and animal species normally found near streams, lakes and other bodies of freshwater: red alder, jaumea, pickleweed, big leaf maple, narrow-leaf cattail, arroyo willow, broadleaf cattail, horsetail, creek dogwood, black cottonwood, and box elder). Such a corridor must contain at least a 50% cover of some combination of the plants listed.

**Wetland:** 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 wetlands can be either fresh or saltwater, along streams (riparian), in tidally influenced areas (near the ocean and usually 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 vernal 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.

*Conservation Planning and Implementation*  *Environmental Impact Analysis*  
*Geographic Information Systems*  *Wetland Delineation*  *Biological Surveys*





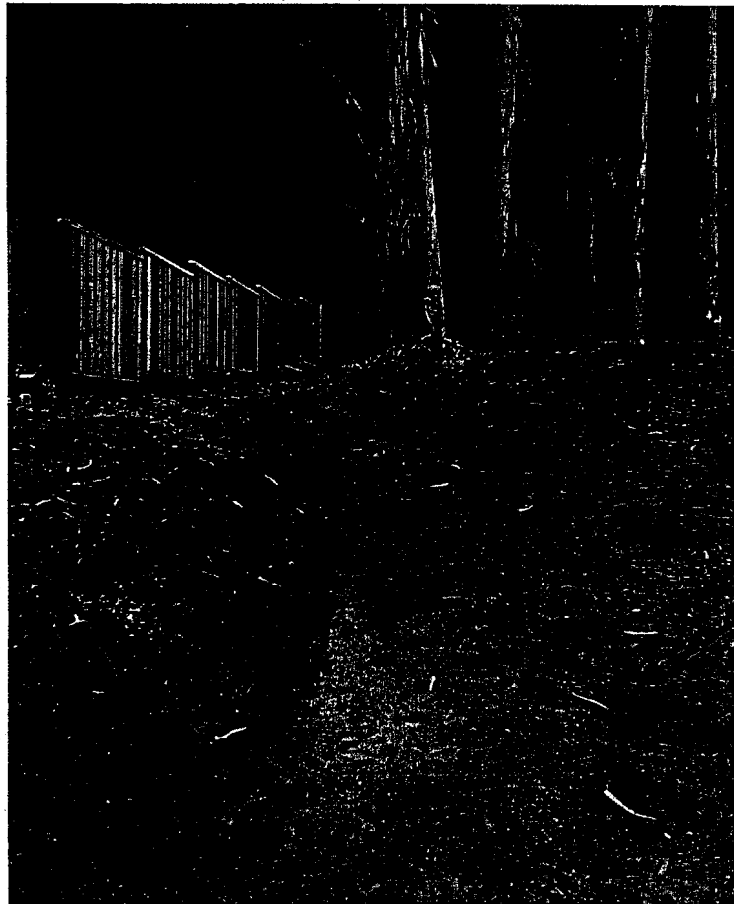
**Photo 2.** Dirt road north of property. Note drainage on the left side of road before it flows onto property. (Photo taken July 29, 2005)



**Photo 3.** Drainage B upslope of the property. (Photo taken July 29, 2005). Dominant vegetation consists of poison oak and California blackberry.

Drainage B appears to be an ephemeral drainage that collects water only during storm events. The drainage collects water from two steep ravines in the hills east of the property. Though Drainage B has a relatively large bank width and depth, there is no evidence of wetland soils or plants within the drainage, suggesting the channel likely transports water only during high rainfall storm events. Vegetation within the channel upstream of the project site consists of common coastal scrub species and invasive plant species, and there is a distinct lack of wetland plants that would be expected in a drainage of this size. This is thought to be due to the infrequency of flow events. Highly erodible soils may also have contributed to the overwidening and steepening of this drainage feature.

During the initial phases of construction on the project site all vegetation was removed from both drainages. Drainage B was reported as containing eucalyptus trees and poison oak (Stebbins, pers comm.). Native vegetation upstream of the project site included poison oak, sticky monkey flower (*Mimulus aurantiacus*), coffee berry (*Rhamnus californica*), California blackberry (*Rubus ursinus*), lizard tail (*Eriophyllum staechadifolium*), bracken fern (*Pteridium aquilinum*) and sword fern (*Polystichum munitum*), among others. Non-native vegetation in the same area of Drainage B included French broom (*Genista monspessulana*), cape ivy (*Senecio mikanioides*), pampass grass (*Cortaderia selloana*), and vetch (*Vicia* spp.). Dominant plant species within Drainage A outside of the property boundary were French broom, poison hemlock (*Conium maculatum*), and coyote brush (*Baccharis pilularis*).



**Photo 1.** Area where vegetation has been removed from Drainage A which enters the property between the eucalyptus tree and fence. Drainage B is out of view to the right of the photo.  
(Photo taken July 29,2005)

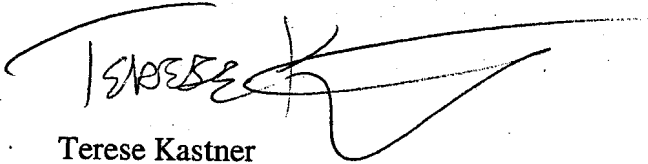
None of the plants listed in the LCP definitions for riparian corridor or wetland were found on the property or within the upstream or downstream portions of the drainages. There was also a distinct lack of other riparian and wetland species not listed in the LCP definitions (i.e. *Sambucus sp.*, *Juncus sp.*, *Carex sp.*, *Cyperus sp.* etc.) on site. Based on this, neither Drainage A or B on the property would be classified as a wetland or riparian corridor.

Disclaimer

This biological evaluation was completed to the best of Thomas Reid Associates' ability, using current data and regulatory information. The facts, statements, and information presented are correct to the best of our knowledge at the time of the survey. It should be acknowledged that there are limitations inherent in single-season site visits. Biological resources are dynamic, and site conditions could change at any time in the future. Similarly, regulatory requirements also change. Such changes could affect the statements and conclusions in this report, and would require re-evaluation.

Please do not hesitate to telephone if there are any questions. I can be reached at (650) 327-0429, extension 87.

Sincerely,



Terese Kastner  
Biologist

August 10, 2005

FAX/Em.

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

**Farhad Mortazavi and the Coastside Design  
Review Committee**  
San Mateo County Planning and Building Division  
Mail Drop PLN122, 455 County Center  
Redwood City, CA 94063  
650.363.1825 - FAX: 650.363.4849

PLN2005-00271: CDP & CDR for a new 4842 sff  
SFD which includes a 496 sff garage on a 12,000  
sff parcel on Magellan Ave in Miramar. 11 eucalyptus trees to be removed.  
APN: 048-021-230

Dear Farhad:

The Planning and Zoning Committee of the MidCoast Community Council reviewed the above-referenced project on August 3, 2005 with the applicant in attendance. I apologize for the lateness of this letter.

We have the following comments:

We would like to see the new plans for the extended bridge. Applicant said that he will build a longer bridge and pull the bridge footers back from the creek edge.

We were unable to match the trees on the ground with the trees on the plans. Some large trees that are at the front of the house aren't on the plans.

Preservation of the culvert and channel:

- It is imperative that this culvert and channel be preserved during construction and into the future. To that end, the approval of this project should be conditioned on preservation of this culvert and channel such that the channel remains as a feature of the topography of this parcel.
- To ensure that the channel is preserved in the future, there should be a deed restriction on this parcel that preserves this channel with existing contours and restricts landscaping to that which is consistent with the existence of the channel and the potential for water flow.
- This is especially important considering the recent mud slides in southern California involving houses being built in or near "dry" creek beds.

Landscaping:

- The trees on the parcel should be located, verified, and marked with identifiers so that you can orient yourself on the lot.
- Trees should be planted that will grow to the same height as those being removed.
- Other plants should be used that are consistent with the native vegetation of the site.
- Backyard landscaping should be design to enhance this channel and preserve it should water flow return. In light of the construction in this area, it is likely that many Eucalyptus trees further up the channel will be

PLN2005-00271-Mortazavi - 8/10/2005 - page 1 of 2

hearings, approvals or appeals concerning this application.

Thanks so much for your help.

For the MidCoast Community Council Planning & Zoning Committee,



Sara Bassler  
Chair, MCC Planning and Zoning Committee

