

# Midcoast Community Council

*An elected Advisory Council to the San Mateo County Board of Supervisors  
representing Montara, Moss Beach, El Granada, Princeton, and Miramar  
P.O. Box 248, Moss Beach, CA 94038-0248*

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April 10, 2013

President Horsley and Members  
San Mateo County Board of Supervisors  
400 County Center  
Redwood City, CA 94063

**Subject: Montara Coastal Access & Views via County Streets**

Honorable President and Members of the Board of Supervisors:

The rocky shoreline and coastal bluffs of Montara can only be accessed or viewed by the public from the ends of county streets, each of which offers a unique and spectacular vista. The Midcoast Community Council (MCC) made a presentation at our 10/24/12 meeting (attached) about impaired public coastal access and views due to private encroachments on 4<sup>th</sup>, 5<sup>th</sup>, Seacliff (6<sup>th</sup>), and 7<sup>th</sup> Streets in Montara. Supervisor Horsley arranged for County staff to report back to the Council on this issue. Answers from Deputy County Manager Peggy Jenson and Deputy County Counsel John Nibbelin at MCC meetings on 12/12/12 and 3/27/13, and in 3/21/13 memo (attached), have not satisfied concerns raised by the Council. MCC asks the Board to:

- Urge staff to move forward expeditiously to rescind the 7<sup>th</sup> Street encroachment permit and remove the fence.
- Acknowledge that county paper streets that access the coastline must be preserved for public non-motorized use, and urge staff to protect this access and public views from private encroachment via structures, plantings, or private property signage.

Seacliff (formerly 6<sup>th</sup> St): We applaud County staff's agreement to remove the encroaching 5-ft-tall wood fence closing off the coastal end of Seacliff, replacing it with a guardrail for vehicle safety, and restoring coastal views. This should be a template for removing the 7<sup>th</sup> Street fence.

7<sup>th</sup> Street: The coastal end of 7<sup>th</sup> Street is closed off by an old 6.5-ft-tall wood fence which extends across the public street and onto private property where it attaches to the house, making it appear that the public street and state parkland beyond is private property. 1974 County correspondence (attached) references an old encroachment permit for the fence, though the permit itself cannot be found. The details of the encroachment permit are not known and there is no explanation for the 6.5-ft height of the fence where only 4 ft is allowed.

Encroachment permits are subject to revocation at any time there is a need for an appropriate public use, including non-motorized public access. The reasons to revoke this encroachment permit are to:

- Restore public coastal bluff access and open coastal views from the street.
- Provide unimpeded emergency access to the bluffs.
- Provide for vehicle safety by installation of guardrails. The encroaching old wood fence does not adequately serve this purpose. It crowds vehicle access to 101 7<sup>th</sup> Street and occupies the limited space needed for the guardrail.

The encroachment permit for the fence is a separate and independent issue from the CCC appeal pending on the CDP for 101 7<sup>th</sup> Street 2<sup>nd</sup> floor addition. The CDP conditions regarding the fence do not adequately address the issues. Leaving a small gate open and adding a public access sign to the fence, as proposed, will not restore the picture-window view that should be the end of 7<sup>th</sup> Street. MCC believes removal of the fence needs to be addressed on its own merit above and beyond the CDP process.

Non-motorized public access on paper streets: Many of the streets west of Highway 1 in Montara are paper streets, including 4<sup>th</sup>, 5<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup>. All the numbered streets in Montara are included in the Farallone City subdivision accepted by Board of Supervisors Resolution on 5/20/1907 “on behalf of the public... as dedicated to public use”. Clearly the fee ownership of the private subdivision lots does not extend to the middle of the streets, as County staff claims:

*“Whereas, said parties have caused said tract of land to be laid out and subdivided into lots for the purpose of sale and have caused to be made an accurate map or plat thereof particularly setting forth and describing all ground within such subdivision reserved for public purposes by their dimensions, boundaries and the courses of their boundary lines, and also all lots intended for sale by figures and their precise length, width and dimensions and the courses of their boundary lines, ...*

*“Whereas, said California Suburban Home Company [et al] have duly and properly acknowledged said map... and their dedication of the streets, highways, courts, and boulevards on said map delineated thereon to public use...”*

Public access was a primary consideration involved in the 1977 County decision to allow the use of 1<sup>st</sup> Street west of Highway 1 as a restaurant parking lot. Then-District Attorney/ County Counsel Michael McCracken said he “works on the presumption that the public has the right of access which cannot be taken away.” (Planning Commission minutes, 5/11/77)

County staff is now taking the position that the public has no right to access the coastal bluff on 4<sup>th</sup> and 5<sup>th</sup> Streets. Therefore they will not require removal of private encroachments including “private property” signage and view-blocking landscaping at the entrance to these paper streets west of Highway 1. Indeed, we are told the same situation applies to all Midcoast paper streets that end at the coastline, such as 8<sup>th</sup> and 9<sup>th</sup> Streets. Logically, that would mean the same applies to Princeton street stubs ending at the shoreline such as Broadway, Vassar, and West Point, which also are not in the county-maintained road system. While road construction is not needed or feasible on 4<sup>th</sup>, 5<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup> Streets west of Highway 1, these rights-of-way must be preserved and protected for public non-motorized use to access the coastal bluff.

Sincerely,

s/Laura Stein, Chair  
Midcoast Community Council

Enc: Background documents at [www.midcoastcommunitycouncil.org/montara-coast/](http://www.midcoastcommunitycouncil.org/montara-coast/)  
10/24/12 MCC presentation on Montara Coast – Public Access & Views  
3/21/13 memo from Deputy County Manager Peggy Jensen to MCC  
3/27/13 memo from MCC to Peggy Jensen  
12/23/74 letter from Public Works to 101 7<sup>th</sup> St. property owner

Cc: Deputy County Manager Peggy Jensen  
Planning/Building Dept Jim Eggemeyer & Steve Monowitz  
Public Works Director Jim Porter  
County Counsel John Beiers & John Nibbelin  
Coastal Commission staff Madeleine Cavaleri, Nick Dreher, Jo Ginsberg

7<sup>th</sup> Street – fenced off



5<sup>th</sup> Street – “private residence” sign

