

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV



March 1, 2018

Dave Holbrook, Senior Planner
County of San Mateo – Planning and Building Department
455 County Center, 2nd Floor
Redwood City, CA 94063-1665

RE: Notice of Intent (NOI) to Adopt Mitigated Negative Declaration (MND) Vallemar Bluffs at Vallemar Street and Juliana Avenue, Moss Beach (PLN2015-00380)

Dear Mr. Holbrook (Dave):

Thank you for forwarding the NOI Initial Study/MND (IS/MND) for our review. We appreciate the extended public review period. Comments on the IS/MND are provided below. The applicant is requesting a Coastal Development Permit, Grading Permit, Resource Management/Coastal Zone Permit, and Lot Line Adjustment for construction of four new, two-story, residences on a 2.48-acre piece of land located at Vallemar Street and Julian Avenue in Moss Beach. The proposed project includes the grading 600 cubic yards of cut and 3,100 cubic yards of fill; and removal of approximately 32 Monterey Cypress trees (this includes 30 significant-size trees). The proposed project site is currently undeveloped and zoned as RM-CZ/DR/CD.

The coastal bluff where the proposed project is sited has the only known/documentated extant population of coast yellow leptosiphon and includes coastal prairie grassland (coastal terrace prairie). Coast yellow leptosiphon is a Candidate Species under the California Endangered Species Act (CESA), as detailed by the California Department of Fish and Wildlife (CDFW) Acting Regional Director's letter to Community Development Director Steve Monowitz, dated February 7, 2018. The biological resources discussion on page 14 of the IS/MND states that the County plays a significant role as steward and manager of the land where this population is found and the protection of coast yellow leptosiphon is critical for its continued existence. San Mateo County's Local Coastal Program (LCP) Policies 7.1, 7.3, and 7.4 prohibit any development that would result in significant adverse impacts on Environmentally Sensitive Habitat areas (ESHA). Residential development is not allowable in ESHA. Commission staff concurs with CDFW that any impacts to this species is significant and supports the County's role to review the proposed project to ensure the protection of coast yellow leptosiphon and coastal terrace prairie habitat. The County must evaluate the proposed project's consistency with the LCP's policies for the protection of ESHA, including Policies 7.1, 7.3, and 7.4.

The Applicant proposes an Adaptive Management and Monitoring Plan for "management of the larger coastal prairie community on the site". Please clarify whether this includes both the proposed project site and the adjacent bluff top area not within the limits of the proposed project site. The Conservation Strategy (on page 4) states that the Adaptive Management Plan outline prepared by McGraw in 2016 is more detailed. The 2016 outline was not available for staff's

review at this time; however, we recommend that the County require the plan include performance criteria and quantitative-based measures to monitor and protect coastal prairie habitat. The IS/MND discussion of biological resources (on page 14) indicates that coast yellow leptosiphon “does not extend onto any portion of the project site”. The Applicant should be required to conduct a detailed biological survey of the project site consistent with the CDFW protocols for the coast yellow leptosiphon and coastal terrace prairie habitat. A reconnaissance-level survey is not sufficient to determine the presence or absence of coast yellow leptosiphon within the proposed project site; or to assess the quality of coastal terrace prairie habitat and impacts of the proposed project on this sensitive habitat

The “Transitional Area” discussion on page 15 of the IS/MND appears to be incomplete. This should be clarified. Page 4 of the Applicant’s Conservation Strategy indicates that the proposed development is “largely sited within the exotic-dominated vegetation on the eastern portion of the parcel...” The Applicant proposes establishment of a conservation easement to permanently protect a 0.91-acre area outside of the development envelop. It is not clear what extent of non-exotic dominant area would contain the proposed development. We recommend that the County require the Applicant to better quantify and describe in detail the non-exotic (non-native) and native areas to be affected by the development. The Applicant should clarify whether or not restoration is included for the transitional areas and the non-native areas; if so, we suggest that restoration plans include, but not be limited to, a detailed description of the schedule, proposed methods, and funding source.

The proposed project originally included the construction of six residential structures that extended more seaward on the bluff top. The Applicant made revisions that down-scaled the project to four residences sited further landward toward Vallemar Street, as currently proposed. The Applicant proposes a “biotic” (conservation) easement for the permanent protection. Plan Sheet L3.3 (Tree and Shrub Planting Plan) indicates a 100-ft buffer for coast yellow leptosiphon. Staff recommends that the County require the applicant provide for the protection of coastal terrace prairie habitat including but not limited to the establishment of clearly-defined buffers for this sensitive habitat. The County should require the Applicant to identify proposed staging locations, access routes to be used during construction, and temporary construction fencing. All of these elements must be clearly depicted on the project plans and submitted to the County and CDFW for review and approval to ensure that the proposed protection of the coast yellow leptosiphon and coastal terrace prairie habitat is appropriate. We suggest that Coastal Commission staff have an opportunity to review the plans as part of the recommended interagency effort.

The Applicant installed story poles at the locations of the proposed four residences. The poles show that portions of the proposed residences will be seen from Highway 1 and also from the western portion of the bluff. The Applicant has included a proposed Tree Replacement Plan, as shown on Plan Sheet L3.2. The proposed plan would help to reduce the visual appearance of the four new structures. We recommend that Applicant maximize the planting of native species to replace the removal of Monterey cypress.

The proposed site is located on a coastal bluff top that is susceptible to erosion. The IS/MND indicates that the proposed project reflects a revision of the original proposal as it now shows the

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proposed residences re-located easterly to an area of the bluff top that is more stable. We suggest that the County analysis include a discussion of the proposed project with respect to geologic hazards and its consistency with LCP Policy 9.8. LCP Policy 9.8 regulates development on coastal bluff tops and prohibits land divisions or new structures that would require the need for bluff protection work. The County should ensure that the proposed project does not allow for the construction of any shoreline protection to armor the development against future erosion or sea-level rise.

The IS/MND discussion on page 33 indicates that the proposed project would result in significant impacts to hydrology and water quality due to alteration of the existing drainage patterns from grading and construction of the new residences, unless mitigated. LCP Policy 1.35 requires that land use development and activities protect coastal water quality. The proposed project should be evaluated for consistency with LCP Policy 1.35. The County analysis must include a discussion of water quality impacts with respect to ESHA at the project site, in adjacent areas of the bluff top, and Fitzgerald Marine Reserve. The LCP requires that proposed new development have adequate water supplies and wastewater treatment facilities. The proposed project must be analyzed for consistency with LCP Policy 1.19 to ensure that adequate public services and the infrastructure is available for the new residences. The proposed residences must not result in overburdening of the existing roads, utilities, schools and other public works facilities and community infrastructure. The four new residences must be in conformity with LCP Policy 1.23 that limits the number of new dwelling units to 40 per calendar year. The County analysis should evaluate the proposed project's consistency with LCP Policy 1.23.

We previously recommended, with respect to lot legality, that the County provide evidence that the proposed project qualifies as a lot line adjustment under, and is otherwise consistent with, all applicable laws in effect when in approximately 1990 40 lots were merged and lines altered to result in seven lots. A copy of our previous comment letter, dated February 12, 2016, is attached for your reference. The County analysis must include a discussion of the legality of the lots and demonstrate that the proposed LLA is consistent with the LCP component for planning and locating development, regarding parcel legalization including LCP Policies, 1.28, 1.29, and 1.3.

We appreciate the opportunity to provide you with our comments during the public review period for the IS/MND, as required by the California Environmental Quality Act (CEQA). Staff may provide additional comments as the County proceeds with its project review and approval process. Please feel free to contact me via e-mail at rananda@coastal.ca.gov or call me at 415-904-5292 if you have questions regarding our comments.

Sincerely,



Renée Ananda, Coastal Program Analyst
Coastal Commission - North Central Coast District

Attachment

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February 12, 2016

Dave Holbrook, Senior Planner
County of San Mateo – Planning and Building Department
455 County Center, 2nd Floor
Redwood City, CA 94063-1665

RE: Vallemar Bluffs at Vallemar and Juliana, Moss Beach (PLN2015-00380)

Dear Mr. Holbrook (Dave):

This letter serves as Commission Staff's response to your request for our comments regarding proposed new residential development and the legality of the lots proposed for the new residential development, currently assigned APNs 037-086-230 through 290, in Moss Beach at the intersection of Vallemar Street and Juliana Avenue. The total land area in question is approximately 2.4 acres, is currently undeveloped, and zoned as RM-CZ/DR/CD. New development currently proposed for the lots would include the construction of six homes. The following are our preliminary comments in response to your inquiry about lot legality and sewer capacity for the proposed project site.

The results of our review of the materials you provided show that the County issued a Certificate of Exemption or Exclusion from Requirement for Coastal Development Permit ("CDX") for a project described as "lot merger and lot line adjustment" for APNs 037-086-160 and 037-086-170 which at the time were comprised of 40 lots. The County tentatively approved Lot Line Adjustment (LLA) 89-21 on February 7, 1990, subject to several conditions which merged and altered lot lines for the 40 lots into seven resultant lots ("Lots A through G"). The materials provided by the County do not indicate whether or not all conditions of approval were fully satisfied, however, a record of survey was recorded on May 7, 1991 as required by Condition 7. Approval LLA 89-21 was recorded (Document 91064892) with the County Recorder May 28, 1991. A corrected LLA Approval (Document 94008766) was recorded in January 1994, superseding the original (due to a typographical error and the omission of one of the required signatories).

The materials submitted indicate that California Government Code Section 66412 of the Subdivision Map Act regulated LLAs in 1989. Section 66412(d) currently states that the Map Act shall not apply in situations that involve a lot line adjustment between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, if the lot line is approved by the local agency, or advisory agency.

First, there is a question as to whether this LLA met the definition of a lot line adjustment under the Subdivision Map Act, specifically under the then-applicable language of Section 66412(d). The LLA appears to be a merger and re-subdivision of land. Second, if the LLA is in fact a lot line adjustment per the Subdivision Map Act, it is unclear how no additional parcels were created

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or if another exemption to the Subdivision Map Act applied. Third, regardless of compliance with the Subdivision Map Act, the County also needs to provide evidence that the project, and subsequent CDX issued, is consistent with the County's Subdivision Ordinance and Local Coastal Program (LCP) in effect in 1989 including the zoning regulations applicable to the Resource Management (RM) zoning district. Therefore, we recommend that the County provide evidence that the proposed project qualifies as a lot line adjustment under, and is otherwise consistent with, all applicable laws in effect at the time.

In approval of any subsequent development of the lots, the County must ensure that there is adequate sewer service available. The Sewer Authority Mid-Coastside (SAM), which includes the Granada Sanitary District, the City of Half Moon Bay, and the Montara Water and Sanitary District, was created in 1976 by way of a Joint Powers Exercise of Powers Agreement (JPA). Municipal wastewater treatment for Moss Beach is provided by SAM which owns and operates the regional wastewater treatment plant. The proposed project site is in Moss Beach, which is within the Montara Water and Sanitary District service area. SAM's 1976 Amendment Number 1 indicates that the service area boundaries are the "current corporate City limits of the City and all lands within the Districts not zoned RM (Resource Management)." The County has been presented with the argument that the proposed site is zoned "RM" therefore service is not allowed to the proposed project site. The result of our preliminary review is that any sewer service connections to the subject lots from Montara Water and Sanitary District would be allowable as long as they are consistent with the existing LCP and Public Works Plan, which do not indicate that sewer service is not allowed to the RM-CZ zone.

The use of the land, aside from the issues of lot legality and availability of a sewer connection, raises additional concerns pertaining to sensitive habitat, visual resources, public access, and hazards. Our comments are therefore preliminary in nature and are provided in an effort to assist County staff with the pre-application process in response to the two questions posed to us by County staff. We appreciate the opportunity to provide you with our thoughts at this time and reserve the right to provide additional comments as the County further processes the applicant's permit application. Please feel free to contact me via e-mail at rananda@coastal.ca.gov or call me at 415-904-5292 if you have questions regarding our comments.

Sincerely,



Renee Ananda, Coastal Program Analyst
Coastal Commission - North Central Coast District

Cc: Lennie Roberts, Committee for Green Foothills
Lisa Ketcham, Midcoast Community Council
Owen Lawlor, Lawlor Land Use (Applicant)