



COMMITTEE FOR
GREEN FOOTHILLS

December 6, 2015

Dave Holbrook, Senior Planner
San Mateo County Planning
455 County Center, 2nd Floor
Redwood City, CA 94063

Re: Pre-Application Workshop for proposed development of six lots at Vallemar Bluffs property, Vallemar and Juliana, Moss Beach, PLN2015-00380

Dear Dave,

On behalf of Committee for Green Foothills (CGF), thank you and the Midcoast Community Council for holding the Pre-Application Workshop on the above-referenced proposed project.

As you know, CGF has a long-standing interest in this property. We were deeply involved in opposing previous development proposals to drill up to 18 test wells for domestic water and construct one house on this property between 1997-2001.

This 2.48-acre site is a jewel of undeveloped open space that is beloved by many people. The rocky cliffs, sandy bluffs and small pocket beach just beyond its western boundary are part of the Fitzgerald Marine Reserve, and are a designated Marine Protected Area. An historic public trail traverses along the bluff edge, and a connecting trail also crosses the property from Vallemar Street to the bluff edge. Most of the open grasslands in the western half of the property are coastal prairie, an increasingly rare habitat. The mature cypress trees contain roosting and foraging habitat for raptors, including winter raptors.

The key issues for this proposed project include: compliance with LCP/Coastal Act requirements related to location and intensity of development, sensitive habitats, hazards, scenic views, and Open Space designation and RM-CZ-DR zoning. However, the threshold issue that first must be resolved is parcel legality.

Parcel Legality: On February 2, 1990, County Planning staff approved a Lot Line Adjustment (LLA 89-21) that consolidated the underlying 40 “paper subdivision lots” into 7 parcels. These 40 lots were created in 1908 and appear to have been held in common ownership until acquired by then-owner Charnock in 1988. The County inappropriately employed a lot line adjustment process rather than requiring a lot merger and resubdivision subject to a Coastal Development Permit in approving the lot reconfiguration. In so doing, County Planning avoided notice to affected neighbors and other interested parties, including CGF.

Subsequently, the Coastal Commission, in approving one test well on Lot D, (Appeal A-1-SMC-98-949), made the following Findings: *“The Commission also notes that there is an underlying issue with regard to the legality of the lot in question, and the other nearby lots owned by one of the applicants, Mr. Charnock. These lots were allegedly created by a “lot line adjustment” in 1991,*

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but may actually require a merger and resubdivision subject to Coastal Development Permit Approval. The Commission finds that the Commission's approval of the (test well) project should not in any way be interpreted as indicating that the underlying lot configuration is legal or proper. The Commission is putting any subsequent purchasers of these lots on notice to that effect." County Planning staff also noted in its October 22, 1990 approval letter to Mr. Charnock: *"future buyers should be aware that the recordation of the Record of Survey does not imply that the resultant parcels are buildable."*

The County's Lot Line Adjustment approval of February 2, 1990 appears to have been nullified by subsequent court of appeal decisions that affect the legal status of lots of record created by subdivisions prior to 1937 ("Witt" and "Abernathy"). The County's Revised Criteria for Legalization of Parcels Included Within Historic Recorded Subdivisions (August 19, 2010) states (in relevant part): *"These (court of appeal) decisions concluded that one or more contiguously owned lots of such a subdivision could only be considered separately legal if it/they had been transferred, separately or together, by deed apart from any surrounding or contiguous lots..."* Furthermore, *"...previously recorded merged parcels, if undeveloped, are not exempt from the lot legality requirements mandated by the cited court cases..."*

Prior to consideration of any proposal for development of this 2.4-acre site, the County must determine the legality of the purported 7 parcels, based on a Chain of Title. If the 1990 Lot Line Adjustment is invalid per the Witt and Abernathy decisions, as we believe they are, the Applicants have one legal lot, which under the RM-CZ-DR zoning regulations, is not eligible for further subdivision. The Applicants also would have the option of seeking a rezoning and General Plan/LCP/Zoning amendment.

Other applicable LCP/Coastal Act planning issues include:

Sensitive Habitats: Most of the western portion of the property is comprised of coastal prairie, a rare and especially valuable native grassland habitat that supports several rare and endangered species and plays an important role in the ecosystem. The importance of coastal prairie habitat is widely recognized by government agencies, including the California Department of Fish and Game as well as non-government organizations, including the California Native Plant Society. San Mateo County LCP Policy 7.1 requires protection of environmentally sensitive habitat areas (ESHAs) and Policy 7.3 prohibits any land use or development which would have significant adverse impacts on ESHAs. These key policies are also subject to the mandate of Measure A, an initiative adopted by the people of San Mateo County.

Hazards: The property is adjacent to the rocky cliffs and marine terrace deposit bluffs of the Fitzgerald Marine Reserve. Both the LCP Hazards Map and the San Mateo County Geotechnical Hazards Map characterize the southern segment of these cliffs as "low" stability, while the northern half is "high" stability. This area of the coast is also shown as subject to tsunami hazards. LCP Policy 9.8 requires adequate setbacks to assure stability and structural integrity for new development, and requires that such development neither create nor contribute significantly to erosion or geologic instability of the site or surrounding area. The Coastal Bluff Recession Study by Haro, Kasunich and Associates did not differentiate between the two segments of different

stability in establishing the 50-year bluff recession setback line of 28 feet. Moreover, the mapped 28-foot recession setback is a gross average, which does not take into account the irregular nature of the top of the cliffs/bluffs. There is a prominent erosional gully/arroyo west of Lot B where the projected 50-year recession setback line is only 3-4 feet from the existing top of bluff. Sea caves under the granitic substrate add complexity to the erosional potential as well. This simplification of the setback does not meet the requirement of the LCP. Additionally, the 28-foot setback does not include allowance for potential tsunami hazard; the LCP Hazard and County Geotechnical Hazard maps show this area as subject to tsunamis.

Scenic Views: LCP Policy 8.5 requires that new development must preserve the visual and open space qualities of the site. The current proposal which would locate three large residential structures on open grasslands (Lots B, D, and E) will significantly impact the scenic views to and along the coast from Juliana and from the coastal trail.

Public Access: The Coastal Act requires that in carrying out Article X, Section 4 of the State Constitution, maximum access to the sea shall be provided (Section 30210) and new development shall not interfere with the public's right of access to the sea (Section 30211). The LCP has similar provisions. Accordingly, any proposed project on this site must ensure that existing public access is maintained over the long term. As the cliffs/bluffs erode and recede over time, sufficient room must be provided for the existing blufftop trail to be moved further inland through a mechanism such as a Floating Access Easement.

Revised Project: Depending upon the determination regarding parcel legality, any future development of this property should be restricted to the area easterly of the boundary between the open field and canopy of the Monterey Cypress trees. The area of the property to be protected is generally shown on the "Outline of Coastal Prairie and Rare Plant Habitat, Vallemar Bluff" by botanist Toni Corelli, attached. Permanently protecting this area through an enforceable restriction would fully preserve the environmentally sensitive habitats (ESHA) of the open fields, preserve scenic views to and along the shore, and ensure that cliff/bluff erosion will not threaten any future development.

Thank you again for the opportunity to provide early input into this project, and we look forward to working with the County, the Applicant, the MCC, and other interested parties on an alternative that is fully compliant with the LCP and Coastal Act.

Sincerely,



Lennie Roberts, Legislative Advocate

cc: Midcoast Community Council
Nancy Cave, District Manager, California Coastal Commission
Marlene Finley, San Mateo County Parks Director
Owen Lawlor, Lawlor Land Use
Other interested parties

December 4, 2015

To: Dave Holbrook, Senior Planner, County of San Mateo
San Mateo County Planning and Building
455 County Center, 2nd Floor
Redwood City, CA 94063

Proposed development of Juliana & Vallemar, Moss Beach also known as Vallemar Bluff (PLN2015-00380).

Dear Dave,

As the Rare Plant Chairperson in San Mateo County, for the Santa Clara Valley Chapter of the California Native Plant Society (CNPS) we are concerned about the proposed development of Juliana & Vallemar, Moss Beach, also referred to as Vallemar Bluff (Planning Case File No. PLN2015-00380, <http://planning.smcgov.org/six-residences-juliana-vallemar-moss-beach>). This proposal would greatly disturb and eliminate much of the coastal prairie grassland and rare plant habitat on the bluff top. A map showing rare plants and habitat is attached. A small section of the bluff, the western edge is San Mateo County Property, a part of Fitzgerald Marine Reserve. (APN-037-087-050)

This year the California Native Plant Society documented the rare plants that occur on the Vallemar bluff top and we discovered a new population of *Agrostis blasdalei* (BLASDALE'S BENT GRASS). This species is very rare in San Mateo County with only one other population documented near Franklin Point. We also documented *Castilleja ambigua* ssp. *ambigua* (JOHNNY-NIP), *Hosackia gracilis* (HARLEQUIN LOTUS), and *Leptosiphon croceus* (COAST YELLOW LEPTOSIPHON) occurrence #2.

Leptosiphon croceus (COAST YELLOW LEPTOSIPHON) is a very rare plant. There are two other historical occurrences #1 and #3 documented along the San Mateo Coast. Other botanists and I have looked for these occurrences for a number of years and have not found them. These two occurrences are now presumed extinct and a report was sent to CNDDDB documenting this. The Vallemar Bluff, occurrence #2 occupies a very small area between the cliff edge and a local trail on San Mateo County property, this is the last known remaining extant population in the world.

The proposed development of Vallemar Bluff in Moss Beach would destroy much of the rare coastal prairie grassland and rare plant habitat on the bluff top (see the attached VallemarBluff-parcels map and proposed development plan map). There would be very little habitat left for the *Leptosiphon croceus* (COAST YELLOW LEPTOSIPHON) and *Agrostis blasdalei* (BLASDALE'S BENT GRASS) to spread as the bluff tops erode. If this plan is approved most of the coastal prairie and rare plant habitat will be lost. It is important that the County of San Mateo have a management plan for the preservation of the rare plants and habitat that occur on the County property.

It is hoped that these biological factors be considered before development of the Vallemar Bluff. Attached are the field survey forms submitted for the 4 rare plants occurring on the Vallemar Bluff.

Sincerely,

Toni Corelli, Botanist
San Mateo County Rare Plant Chairperson
Santa Clara Valley Chapter CNPS
250 Granelli Avenue
Half Moon Bay, California 94019
corelli@coastside.net

Vallemar Bluff



Sep 2013, CA Coastal Records Project

Toni Corelli, Botanist
San Mateo County Rare Plant Chairperson
Santa Clara Valley Chapter, CA Native Plant Society



Coastal Prairie plant community
photo by Toni Corelli





Harlequin lotus
(*Hosackia gracilis*)
photo by Toni Corelli



Johnny-nip
(*Castilleja ambigua* ssp. *ambigua*)
photo by Toni Corelli



Blasdale's bent grass
(*Agrostis blasdalei*)
(photo by Toni Corelli)



Coast yellow leptosiphon
(*Leptosiphon croceus*)
photo by Toni Corelli





DATE: Dec. 5, 2015
TO: David Holbrook, SMC Planning Dept., dholbrook@smcgov.org
CC: MidCoast Community Council, midcoastcommunitycouncil@gmail.com
Sam Herzberg, SMC Parks, Sherzberg@smcgov.org
Marlene Finley, SMC Parks, M.Finley@smcgov.org
Nancy Cave, Cal. Coastal Commission, N.Cave@coastal.ca.gov
FROM: James & Katharine Lockhart
RE: Proposed Development on Vallemar Bluffs Coastal Area, Moss Beach,
San Mateo County, Planning File **PLN2015-00380**

We believe that this project should not be approved as proposed, if at all. There are serious issues of stormwater runoff from proposed houses and paved areas (a) increasing erosion on the site and in the surrounding area; (b) destabilizing the structure of the Vallemar Bluffs, and (c) injecting stormwater runoff onto the Fitzgerald Marine Reserve. A significant part of the proposed development is on a Coastal Prairie, Environmentally Sensitive Habitat Area (ESHA) where residential is not an allowed use and where a buffer zone is needed for protection. The proposed project would deprive the public of access to coastal trails and would block views in a County Scenic Corridor. The land in question has a General Plan designation of Open Space. The legality of the division of the two original parcels (APN 037-086-160 and 037-086-170) into seven parcels (APN 037-086-230 to -290) by Lot Line Adjustment in 1991 has been called into question by San Mateo County Planning Staff and by the California Coastal Commission. We elaborate on these issues below.

A. Accelerated Erosion and Stormwater Runoff into Fitzgerald Marine Reserve

The project as proposed would put more than 25,000 square feet of impervious surface (houses, driveways, and motor courts) over existing soil and vegetation. The property in question contains fragile soil with rapid erosion and low stability. Local Coastal Plan (LCP) Section 9.8, Regulation of Development on Coastal Bluff Tops, states: "(a) permit bluff and cliff top development ...only if the development (including storm runoff, foot traffic, grading, irrigation, ... will neither cause nor contribute significantly to erosion problems or geologic instability of the site or surrounding area." Stormwater runoff from the new impervious surfaces cannot be allowed to flow over the bluff top since that would significantly increase the erosion on the project site as well as on the adjoining bluff top land of the Fitzgerald Marine Reserve. If stormwater runoff from the project buildings and paved areas is captured and placed into dry wells or infiltration trenches, the additional subsurface water flow would daylight on the face of the bluffs (in the Fitzgerald Reserve). The soft bluffs (shown as 'low stability' in the County Geotechnical Hazards Map) would become more quickly and thoroughly saturated than in natural conditions and more subject to failure, even in less intense storms.

Quoting Mr. Carl May in a May 2001 letter to you: " A more massive form of coastal erosion in the form of rather sudden loss of large chunks of bluff could be accelerated by development of the bluffs. As along many soft bluffs in San Mateo County, the bluffs of Vallemar are subject to

massive failure largely due to infrequent storms (of El Niño intensity for example) when the soft material is saturated with water, thus reducing the friction holding the grains of rock together. Near the upper surface...plant...roots help hold the soil and subsurface layers together." Removal and paving over of vegetation could increase the rate of loss of large chunks of bluff.

The Vallemar Bluffs area has subsurface water flowing at rather shallow depth. The proposed grading and setting of foundation pilings for the proposed houses could disrupt this water flow, causing flooding problems for the houses and environmental impacts where the water emerges on the face of the cliffs in the Fitzgerald Marine Reserve. The Reserve prohibits drainage onto its property.

It is hard to see how stormwater runoff could be handled in any way that would not increase erosion, increase subsurface water flow to the cliff faces, and put stormwater onto the Reserve. CEQA requirements mandate special consideration of a project located in an area of severe erosion and within 500 feet of an existing or planned public facility (such as the Fitzgerald Reserve).

B. Proposed Development Intrudes on an Environmentally Sensitive Habitat Area

Botanist Toni Corelli has identified a substantial portion of this Vallemar Bluffs property as a Coastal Prairie, Environmentally Sensitive Habitat Area (ESHA). Houses are not permitted on such an ESHA and there must be a protective buffer zone between houses and the ESHA. This ESHA contains several species of rare plants and is a raptor habitat. Ms. Corelli will submit a report and map to SMC Planning.

C. Deprivation of Public Access to Coastal Trails and Blocking of Ocean Shoreline Views

The proposed project would locate houses too close to the edges of bluff top to allow for long-term preservation of the existing "Strand" coastal trail and the proposed house on Lot A would block an existing coastal access trail from Vallemar St. to the Strand coastal trail. The public has prescriptive easements for use of these trails. LCP Tables 10.1 and 10.2 indicate, from aerial photos (1956, 1965, 1970) the long existence of these trails. Preserving and protecting existing coastal access is a high priority under the Coastal Act and LCP.

The Strand, a heavily-used blufftop access trail, runs along the coast side of this property and must be preserved for the long term. This section of The Strand has been used by thousands of local people for decades for hiking, running, enjoyment of the natural marine environment, photography, and similar recreational purposes. The section of The Strand is a spur route for the California Coastal Trail. (A photograph of The Strand bluffs trail and the connecting trail to Vallemar St. is shown on the California Coastal Trail web site www.californiacoastaltrail.info, San Mateo County Section 4.) Space for the trail must be reserved to account for the projected rate of bluff retreat and loss of the existing trail due to that bluff retreat. USGS estimates an average of more than one foot per year erosion in this area; however, coastal erosion is episodic and many feet of bluff can disappear in a single storm. The Fitzgerald Marine Reserve Master Plan recommends allowing for a coastal bluff retreat of 2 feet per year and establishing a setback zone of 100 feet from the bluff crest.) The proposed houses on lots B and D and part of the proposed house on lot A are too close to the bluff edge to allow for that trail after projected bluff retreat due to erosion and additional bluff retreat due to losing chunks of the bluff as explained in

section A above. The proposed project needs to be located far enough from the bluff edge to allow for such trails for at least the next 100 years. The proposed house on Lot A also needs to be adjusted to avoid blocking the existing coastal access trail between Vallemar St. and the coastal trail on Fitzgerald Reserve land.

The LCP recommends development of "an interpretive trail along the bluff parallel to Vallemar Street." It states: "sign and improve access to the bluff from the end of Juliana Ave. and Wienke Way. This will be the major public access to the bluff. The other trails ...[between] Vallemar St. [and the bluff] should remain open, however." (LCP Table 10.6, p. 10.32.)

The Strand Blufftop Access Trail is perhaps the only local trail to offer open coastal views and access to handicapped and disabled persons. This special set of views and access must be preserved for the longest possible period of time.

Also, the proposed placing of houses close to the bluff edge in a County Scenic Corridor will result in visual impacts in violation of the County's Visual Quality Policies. LCP 8.13 a (5) states: "To the extent feasible, design development to minimize the blocking of views to or along the ocean shoreline from Highway 1 and other public viewpoints between Highway 1 and the sea."

The project as proposed does not appear to comply with LCP-required setbacks for cliff/bluff retreat, does not provide for managed retreat of the Strand Blufftop Access Trail, and appears to violate the County's Visual Quality Policies.

D. Legality of Project Subdivision

The 2.5 acre property (APN 037-086-230 to -290) on which this development is proposed originally consisted of only two APN parcels (037-086-160 and -170). A December 1987 letter from County Planner George Miller to Mario Pelligrini states as follows: "The two parcels [037-086-160 and -170] are zoned RM/CZ and do constitute two separate building sites. The property could not be further subdivided." If this opinion was correct, then there would be at most two legal building sites on the full 2.5-acre property. The property has a General Plan designation of Open Space.

In a letter of Nov. 2001 to planner David Holbrook, Committee for Green Foothills Advocate Lennie Roberts pointed out that "In 1991, the County approved Mr. [Richard] Charnock's application to [subdivide]... using a lot line adjustment process. By using a lot line adjustment process rather than going through a resubdivision process, notice to neighbors and other interested parties was avoided and review of the design of the subdivision for conformity with the LCP and CEQA was precluded." Also, it appears that legal notice of the Lot Line Adjustment proposal was not provided to all owners of adjacent parcels.

Finally, the Coastal Commission's rejection of the appeal to block the boring of test wells on the project site (p. 13, Coastal Commission response to Appeal A-1-SMC-98-049, Nov. 1998) said as follows: "The [Coastal] Commission also notes that there is an underlying issue with regard to the legality of the lot in question and other nearby lots owned by ...Mr. Charnock. These lots were allegedly created by a 'lot line adjustment' in 1991, but may actually require a merger and resubdivision subject to Coastal Development Permit approval....The Commission is putting any subsequent purchasers of these lots on notice to that effect."

December 8, 2015

To: Dave Holbrook, Senior Planner, County of San Mateo
San Mateo County Planning and Building
455 County Center, 2nd Floor
Redwood City, CA 94063

RE: Proposed development of Julianna and Vallemar, Moss Beach (PLN2015-00380)

Dear Dave,

Thank you for holding this Pre-Application Workshop on the project listed above.

As 18 year residents of this bluff top community, we are founding members of Friends of the Field, along with Gary and Judy Wood, Sara Hindman and Lou Slocum, Ron and Cindy Lanz, Les Fields, and Mike and Martha Schelp. Paul and I have several concerns. We have observed the raptors that live here, and the Great Blue Herons that hunt here, along with the foxes and bobcats. We have seen the daily hikers and dog walkers, the proposals and marriages, the quiet moments and the scatterings of ashes, all of which would be changed or ended by any construction on this property.

We are concerned about the legality of the 1991 lot line adjustment, which, to quote the County Planning staff, determined that "Future buyers should be aware that the recordation of the Record of Survey does not imply that the resultant parcels are buildable."

The sensitivity of this Coastal Prairie was disrupted by three test wells drilled from 1998-2001, directly across Julianna Ave. from our home. Those failed efforts left large pools of oil, an abandoned drill bit in Well 2, and the abandoned 3rd well which is over 900 feet deep, and was used by some to deposit trash until the well was finally capped, leaving pipe and hardware in place. All of this detritus would pollute the property all over again if construction of this lot takes place.

As Toni Corelli has pointed out in her letter, there are rare plants that would be at risk with any construction, since erosion will drive the process inward to preserve the coastal trail. We are especially concerned about the fate of the Coast Yellow Leptosiphon, which exists only here.

Through the years we have seen our neighbors build a bridge over the gully at the trail entrance on Julianna, and build and repair the three benches along the trail. They stand as sentinels to this rare place, as we are.

Sincerely,

Gail Erwin and Paul Smith, 21 Julianna Ave., Moss Beach

From: Michelina michelinag@msn.com
Subject: Vallemar Bluffs - Proposed Development / COMMENT
Date: December 9, 2015 at 6:30 PM
To: dholbrook@smcgov.org
Cc: midcoastcommunitycouncil@gmail.com

M

Dear Mr. Holbrook:

I had hoped to be able to attend tonight's Vallemar Bluff Pre-Application Workshop. As I am unable to attend, I wanted to send a quick note to voice my concerns.

I am a resident of Moss Beach (Virginia Ave). I am very concerned about the impact that development of multiple houses will have on the stability of the Vallemar Bluffs. In order to accommodate the plans for the proposed development, an astoundingly large number of mature cypress trees (approximately 40) will need to be cut down killing off well-established root systems that help protect the viability of this land, adversely affecting sensitive wildlife habitats, and increasing water flow on the surface of the bluffs (and likely below the surface) that could hasten the erosion of the bluffs themselves.

The lots (as they appear in the plan drawings) seem to go nearly to the edge of the bluffs. This is concerning on a number of fronts. Currently, there are trails and benches along the edge of the bluffs where the public can walk, hike, gather for a sunset, all to enjoy the open space and natural beauty of the coast. Any new development should be designed to ensure that the visual beauty of this space is preserved, minimal impact will occur to the adjacent Fitzgerald Marine reserve, and that there are adequate setbacks from the edge of the bluffs to maintain and protect public access against future erosion of the bluffs.

Before any irreparable action is taken, I strongly urge that scientific studies be conducted to determine whether the negative impact this development will cause can be protected against and whether reconfiguration of the plans (such as a reduction in the number and/or size of the homes) would help preserve these bluffs for future generations.

Thank you for your consideration.

Sincerely,

Michelina Gauthier

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C: (310) 990-6618

Patricia Dailey
POBox 864
2166 Vallemar St
Moss Beach, Ca 94038

Re Vallemar bluff project

I wish to protest the development of this pristine area that contain one of the rare and endangered coastal prairie sites. Rare and endangered species and an equally endangered ecosystem make This area unique. This bluff has been undeveloped for over 50 Years. This bluff contains a path known as the Strand which runs along the same area occupied by the previous county street of the same name. I have lived on Vallemar Stree for over 30 years and there has been no development of the 2.5 acres in question. My house is over 107 years old.

The area is known for its scenic views and the residents have continued over the years to maintain the benches and small bridges that have kept the the pathway open for the enjoyment and recreation of both residents and visitors to the area. Please note that individuals that have been drawn to the bluff's beauty and have seen it from vistas that are accessible from Highway 1. This is one of the few ocean vistas in Moss Beach that can be seen from Highway 1.

Residents of this area have actively repaired and or replaced the path and benches along the Strand many times over the 30 years that I have lived on Vallemar Street . This ground swell of care and concern is relatively unprecedented on the rural coast.

Please consider making any development whether large or small in conjunction with preserving the ecological uniqueness of the bluff, and the presently beautiful vistas from the Highway both now and for the future.

Sincerely,

Patricia Dailey
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