green foothills

September 20, 2020

Lisa Ketcham, Chair and
Members of the Planning Commission
455 County Center, 2nd Floor
Redwood City, CA 94063

Re: Item #1 on September 22, 2021 Agenda: PLN2020-00043. Coastal Development Permit, Design Review, Non-Conforming Use Permit and Variance to allow construction of an 1,861 sq.ft. single family residence with 423 sq.ft. garage with reduced front setback of 14 feet, 8 inches where 20 feet is required, and increase in allowable site coverage from 25 percent to 32 percent on a 4,761 sq.ft. non-conforming legal parcel in the Seal Cove Geological Hazards District. Applicant: SunCalProperties and Investments Partnership LLC. APN 037-278-090

Dear Chair Ketcham and Planning Commissioners,

On behalf of Green Foothills, I request that you continue consideration of this item to a date uncertain in order for the necessary additional geotechnical evaluation to be done.

The proposed project is located in Zones 2 and 3 of the Seal Cove area, an area designated in the San Mateo County Local Coastal Program as a Geological Hazards District; the project's sewer and water main extensions/service lines and driveway would also be located within Zone 2 and the proposed home would be within Zone 3.

Prior to approval of the Coastal Development Permit, a site-specific geotechnical investigation that includes geologic trenching to evaluate the presence of fault traces is required, per LCP Land Use Plan Hazards Policies 9.1, 9.2, and 9.3.c, and Sections 6396.1, 6296.2, 6296.3 and Table 1 of the San Mateo County Zoning Regulations, as detailed below. There is insufficient information for your Commission to determine that the property can be safely developed absent this critical information. If a fault trace is located on the property through the required subsurface investigation, the home location and design will need to be modified to avoid building across the fault trace.

Applicable LCP Policies:

LCP Hazards Component Policy 9.1 **Definition of Hazard Areas** states: "Define hazardous areas as fault zones and land subject to dangers from liquefaction and other severe seismic impacts, unstable slopes, landslides, coastal cliff instability, flooding, tsunamis, fire and steep slopes (over 30%). "

LCP Hazards Component Policy 9.2 **Designation of Hazard Areas** states: "Designate hazardous areas in the Coastal Zone as those delineated on the Geotechnical Hazards Synthesis Map, the Floodway Boundary and Floodway Maps and Flood Insurance Rate Maps adopted under Chapter 35.5 of the San Mateo County Zoning regulations, and the Natural hazards Map in the Natural Hazards Chapter of the General Plan."

LCP Hazards Component Policy 9.3 **Regulation of Geologic Hazard Areas** states (in relevant part): "Apply the following regulations of the Resource Management (RM) Zoning Ordinance to designated geologic hazard areas: ...c. Section 6326.3 – Seismic Fault-Fracture Area Criteria. Require geologic reports prepared by a certified engineering geologist consistent with "Guidelines for Geologic/Seismic Reports" (CDMG Notes #37) for all proposed development."

Zoning Regulations Section 6296.1 **Area of Geological Hazard** specifically references the *Geotechnical Hazards Map for the Seal Cove Study Area* prepared by William Cotton and Associates dated August 5, 1980 (hereafter referred to as the Cotton Report).

Zoning Regulations Section 6296.2 **Description of Hazardous Zones in Seal Cove Area** describes the hazards associated with Zones 1, 2, and 3 of the Seal Cove Area, as mapped and described in the Cotton Report. The parcel and associated extension of sewer and water utilities are located partly in Zone 2 and partly in Zone 3. Description of Zone 2 hazards: "An area of questionable stability, risk to development is considered to be moderate to high. The likelihood of eliminating the risk is very low; however, it may be possible to reduce the impact by proper site development". Description of Zone 3 hazards: "The most stable part of the Seal Cove area; risk to development in this area is considered to be low to moderate. The major geologic hazard in this zone is the possibility of surface faulting along the main traces and subsidiary cross faults of the Seal Cove Fault system. *These faults are considered to be active and capable of producing strong surface rupture and ground failure with associated strong ground shaking*. " (emphasis added).

Zoning Regulations Section 6296.3 **Geotechnical Investigations and Development Requirements** states: "The regulations in **Table 1** shall be applicable in Zones 1,2, and 3 as defined in the Geotechnical Hazards Map described in Section 6296.1".

Table 1 Requirement of Geotechnical Investigation specifies for Zone 2: "Prior to any development, there shall be an engineering geologic investigation by a certified engineering geologist and a soil and foundation engineering investigation by a registered civil engineer, or a combined equivalent of the above. Both investigations shall provide a detailed evaluation of the potential landslide hazards in this zone. *In most cases, landslide studies will require extensive subsurface work in order to provide the necessary technical data to conduct a detailed slope stability analysis. The geotechnical analysis shall provide acceptable factors of safety to clearly demonstrate stability before construction is allowed in this zone.*" (emphasis added)

Table 1 Requirement of Geotechnical Investigation specifies for Zone 3: "Prior to any development, there shall be an engineering geologic investigation by a certified engineering geologist and a soil and foundation engineering investigation by a registered civil engineer, or a combined equivalent of the above, unless evidence is available to show that such investigations are not required. Engineering geologic investigation shall address the seismic hazards related to the master and branching traces of the Seal Cove fault. Particular emphasis of the engineering geologic investigations shall be placed on the evaluation of surface faulting. *Investigative techniques within the area will require the use of subsurface*

trenching and possible geophysical traverses unless clear evidence is established to show that no active fault crosses the parcel in question." (emphasis added).

Table 1 Development Requirements specifies for Zone 2 (in relevant part): "No development shall be allowed in Zone …2 until the required geotechnical investigations have clearly demonstrated reasonable stability, in accordance with current professional standards of land structure.

Table 1 Development Requirements specifies for Zone 3: "Development shall be allowed in Zone 3 if suitable mitigation measures including, but not limited to, siting of homes away from active faults, structural and foundation design and adequate surface drainage plans are applied as recommended by any required geotechnical investigation."

The subject property is within the S-105 Zoning District which requires a minimum lot size of 20,000 square feet. This minimum lot size requirement (and merger of smaller lots in common ownership) was established by the Board of Supervisors in order to ensure adequate area for flexibility in locating a proposed home to avoid building across fault traces known to exist in Seal Cove. The applicant's lot is significantly nonconforming at only 4,761 sq. ft., and therefore it is even more important that the necessary geotechnical investigation with trenching be done prior to approval of the Coastal Development Permit so that, if necessary, the size, location and design of the house can be modified. The geotechnical investigation should include a fault trenching study to identify the presence of fault trace(s) on the property. If fault traces are present, a setback zone from the fault traces should be established to preclude building on or near the fault trace(s). These recommendations are consistent with the standard of care for other residential developments in the Seal Cove neighborhood in the vicinity of the subject property.

In the absence of trenching on the subject property, the County has inadequate geotechnical information on which to base project approval as well as to make the necessary Findings that the project complies with the Hazards Policies of the LCP. It is both prudent and reasonable to require preparation of the necessary geotechnical report(s) based on trenching on this property, prior to issuance of the Coastal Development Permit.

The November 20, 2020 Geologic Investigation by Louis A. Richardson, Consulting Engineering Geologist, prepared for Mr. Sanjay Sharma, to investigate geologic conditions and potential impacts of bluff retreat from the approximately 100' high bluffs to the west of the property, states it is intended to provide supplementary geologic material to a geotechnical report dated October 9, 2020 by Frank Lee and Associates. Unfortunately, the Frank Lee Geotechnical Report is not included with the Staff Report. We request that we be provided with this Report; perhaps it addresses questions regarding fault traces crossing the property.

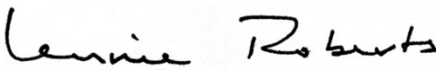
The 2020 Richardson Report states that the long-term average rate of bluff retreat is 6.5 inches per year, based on aerial photo imagery from 1943-2020. Plate 8 of the Richardson Report graphically depicts the "projected bluff retreat" over 50 years and 75 years from the 2020 bluff edge. However, there is no accompanying explanation as to the rate of bluff retreat that was used in the graphic; it appears that the

rate is roughly the same as the long-term average. If so, simply using long term average rate of bluff retreat is insufficient. The "projected bluff retreat" must take into account future sea-level rise, as well as the role of associated wave action on the bluff and resulting erosion in the future. The analysis should also include the potential for the bluff retreat to impact the required sewer mainline extension and grinder pump along Ocean Boulevard and possible water mainline extension along Ocean Boulevard to serve this proposed project. For a comprehensive analysis of bluff erosion that includes future sea level rise and additional erosion due to wave action/wave runup, please refer to the Coastal Commission's Staff Report of the Appeal by Committee for Green Foothills and Steven King/Jim Scheinberg of San Mateo County Coastal Development Permit PLN2016-00444, https://documents.coastal.ca.gov/reports/2020/8/F8a/F8a-8-2020-report.pdf

Regarding Variance Findings (page 9 of Staff Report), under Finding #1, the Staff Report states that the parcel is 76 percent smaller than the required lot size for the S-105 zoning district and therefore qualifies for a Variance from the Maximum Building Site Coverage because "The parcel's location size, shape, topography and/or other physical conditions vary substantially from those of other parcels in the same zoning district or vicinity." The Merger of lots in the Seal Cove area by the Board of Supervisors only affected adjacent parcels that were in common ownership; with the result that many parcels were not merged, including this one, due to their being in separate ownerships. Some parcels in the Seal Cove area are even smaller than the subject parcel. In addition to our other concerns detailed above, we do not believe that your Commission can make the applicable Findings for the Variance.

Thank you for consideration of our comments.

Sincerely,



Lennie Roberts, Legislative Advocate, Green Foothills