



County of San Mateo
Office of the County Manager
Memorandum

To: Members, Mid-Coast Community Council

From: Peggy Jensen, Deputy County Manager

CC: Honorable Board of Supervisors, County Counsel John Beiers and Chief Deputy County Counsel John Nibbelin and Jim Porter, Director of Public Works

Date: April 4, 2013

RE: Montara Coastal Access, MCC letter of March 27, 2013

Background

Chief Deputy County Counsel John Nibbelin and I attended the December 12, 2012 meeting of the Mid-Coast Community Council (MCC) to address Council questions about public access to the coast on 4th, 5th, Seacliff and 7th Streets in Montara. We returned to the March 28, 2013 MCC meeting with an update, as promised at the meeting in December. In addition, we responded to additional questions from MCC members and also provided written responses to those questions prior to the meeting, all as requested by MCC. The key points we presented at the March meeting are noted below, which are consistent with the information provided to MCC at their December meeting.

- 4th and 5th Streets
 - The County maintains roads that have been accepted into the County Road System. The County does not have a legal duty and does not maintain easements where roads have not been constructed. The County also does not maintain roads that exist but were not constructed to County standards and therefore not accepted into the County maintained system.
 - Easements, which are not maintained, are often referred to as “paper streets”. In Montara, 4th and 5th Streets are “paper streets” and consistent with its legal obligations, the County does not maintain the easement areas.
 - Property owners own the land to the center-line of the street (including paper streets) fronting their property. Where easement rights have been exercised and streets have been constructed to local agency standards and the street has been accepted into the local road system, the local jurisdiction is responsible for maintaining the street. However, on a “paper street”, the land to the center-line is private property.

- Seacliff Street
 - On Seacliff, research has indicated that the fence at the end of this street is in the public right of way. Public Works staff will remove this fence and replace it with a guardrail after all required permits are obtained. Public Works expects this work to be completed by the end of June 2013.

- 7th Street
 - At the MCC meeting on December 12, 2012, the owners of the property on the most northwesterly side of 7th Street agreed to keep their gate open to provide public access at the end of 7th Street. Because of this agreement and the fact that an encroachment permit was granted to the former owners of this property for the land on which the fence is located and a Coastal Development Permit (CDP) is on appeal to the Coastal Commission, the County will wait until a decision is made on the pending CDP before we make a decision on the whether or not to request the removal of the fence.

Response to Additional MCC Questions in Letter of March 27, 2013

On March 29, 2013, MCC sent email to the County with additional requests regarding 4th, 5th, Seacliff and 7th Streets. Our response to those requests was presented at the meeting and is summarized below.

- 4th Street – Remove non-native plants that will grow to block coastal views.

As noted at the December meeting, 4th Street is not a public street; it is a paper street. The County does not maintain paper streets or roads that are not in the County Road system.

- 5th Street – Require removal of private property sign and protect public access to ocean bluff.

Like 4th Street, 5th Street is also a paper street and is not part of the County road system. Therefore, where the sign is located is considered private property.

- Seacliff – Place the guardrail so that a bench can be located to the west of the rail.

The bluffs to the west of the Seacliff right of way are eroding and covered in slippery vegetation. We do not recommend encouraging the public to go beyond the guardrail by installing a bench on the western side. We are concerned about public safety and increased erosion potential through disturbance of the bluff soils.

- 7th Street – Why doesn't the County remove the fence on 7th as you have agreed to do on Seacliff?

As was mentioned at both the December and the March MCC meetings, on Seacliff, the fence is in the public right of way on a street in the County road system. On 7th Street, an encroachment permit was granted to the homeowner for the land where the fence is located and there is a gate in the fence which the owners have agreed to keep open. The two streets have very different "facts" associated with the fences. The County is addressing the access issues for each street in light of these differing facts.

In conclusion, the County is taking action as requested by MCC on the property where we have both the authority and the resources to act. We will update MCC on plans for 7th Street after the Coastal Commission has rendered a decision on the property owner's CDP.