

## Planning & Zoning Committee of the MidCoast Community Council

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To: **Jim Eggemeyer**  
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**re: Follow up to PLN2001-00538:** Coastal Development Permit to allow installation of culvert along Date St. to allow access for an approved, new SFR located at the southeast corner of Edison and Date in Montara. APN 036-152-270.

Jim:

At our meetings of 10/3/01, the Planning & Zoning Committee of the MCC had reviewed the above referenced application. In the comments we supplied to Project Planner Mike Schaller, we noted that we thought the applicant had been unfairly blamed for the diversion of the seasonal creek that runs past his property. This letter is a follow-up to try and resolve this situation.

Karen Wilson and I had met with Lily Toy at the site on October 6, 2000 as the letter noted, and we pointed out to her what had happened, noting the culvert, the diversion ditch, the freshly removed significant tree by the well on the parcel behind Mr. Ross's, the damage to the two significant trees next to the ditch, and the second culvert at a point further to the south along Date Street.

On October 25, 2000, you issued a memo to the Planning Commission discussing this violation and others, and what actions were being taken. In that memo, you mention that "... the stream appeared to be on APN 036-152-270, owned by Larry Ross." The memo continues to state that a stop work notice would require Mr Ross to "... stop all work and apply for the required permits within ten calendar days" and that a hold would be placed on the building permit for the already approved residence until the violation is resolved.

At this time we were satisfied that the matter was being handled, and when I received the application referral for a culvert on Mr. Ross' property, I naturally assumed it was a result of this process. It was somewhat of a surprise when Karen and I visited the site with Mr. Ross and discovered that the application was for a new culvert at the far end of his property. As we reviewed the project and noted where the survey stakes were for Larry's parcel, we came to believe that he was being unfairly held responsible for the diversion.

I returned to the site to make some further measurements and observations, and compiled the attached map and took the pictures I've included. As can be noted, the original path of

the creek is not on Mr. Ross's property, as is neither the culvert nor diversion ditch. This is shown on the map, and in photos A, C, and E. It was obvious when we first saw the site, and still obvious now, that the culvert and diversion were done in order to construct an access road to install the well on the neighboring parcel, APN 036-152-280 (indicated in photo A). The 84" (circumference) pine tree that was removed without permits is on this other parcel adjacent to this well. This road, which partly cuts across Mr. Ross' property, was constructed without his knowledge or permission. The diversion ditch that was constructed also seems to allow the installation of a second culvert to allow an access road into APN 036-152-300, which was also used to install a well on that parcel. This diversion ditch cut through the root systems of the two significant trees along Date St., a 74" Eucalyptus and a 96" Cypress. From our discussion with Mr. Ross and other neighbors in the area, this work was done sometime in September of 2000. A check of the records as to when the wells on these two parcels were installed would give a more exact date.

- 1) The committee found no substantive issue with the project as presented. The culvert as designed and placed will avoid any of the defined sensitive areas and will be installed in an existing drainage ditch.
- 2) We were surprised to discover that the applicant/owner was being held responsible for un-permitted work (involving the culverting and redirecting of a seasonal creek and wetland) that occurred in the process of drilling a well on the parcel to the east of his (036-152-280). We will have more in-depth comment in a letter to you and to Jim Eggemeyer that will follow shortly.
- 3) The applicant has agreed to participate in the restoration of the wetlands drainage that borders his property on the west side. The extent of this restoration should be coordinated with restoration work in relation to the above mentioned un-permitted activities, and we will detail our suggestions in the letter to follow.

But for this project, the committee finds no issue with it as presented and that it meets the zoning regulations and land use designations of its area.. Thank you for your help, and please keep us informed of any further developments, redesigns, hearings, approvals or appeals concerning this application.



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