

April 27, 2015

To: SMC Board of Supervisors

Re: Appeal of PLN2015-00020, Westerfield fence

The MCC and the community have lobbied hard and waited patiently for years to have the entire encroaching fence removed from the public right of way on the coastal bluff on 7th Street. The Change.org petition comments speak eloquently to this. Please protect the coastal ends of county streets and rights-of-way for the public benefit.

LCP Table 10.6 states: "Keep open ends of residential streets in Montara... and develop them as viewpoints." The end of 7th Street is a shoreline destination, not just vertical access to the short segment of Marine Walk.

"The owner of a subdivided lot typically holds fee title to the center of the abutting street, but has no right to possess or occupy that area... The County may only use a dedicated street for street or allied access purposes." (SMC Policy on Vacation of Streets Legal Foundation 1-b, 2/8/2000). Would County Counsel please explain how fencing off the public ROW to expand a private front yard fulfills a street purpose? How is this not considered private possession of the public ROW?

The 7th Street public ROW has existed for over a hundred years, predating LCP policies on privacy setbacks. The private property owner freely chose where to locate the house on the lot, whether to set it back from the street or to allow for a large back yard. This is not a dedication of an easement by private property owner for public coastal access. It is the opposite. The public is expected to give up use of existing public ROW on the shoreline. Every coastal street end in Princeton (also not County-maintained) has adjacent homes with substandard setbacks. Should they be allowed to fence off a chunk of public ROW on the coastal bluff as well?

The front yard at 101 7th Street is clearly defined by mature landscaping which already extends 5 feet into the ROW. No one is asking for that to be removed. If a fence is required for additional definition and privacy, it would best be located across the front of the existing landscaping which would avoid arbitrarily cutting across the middle of the existing public viewing area cherished by local residents. The public viewing space is limited due to extensive V-shaped erosion reducing the width of the ROW, a large spreading Cypress occupying much of the space, and the need to stay back from the cliff edge for safety.

Staff response to concerns of coastal erosion are very disturbing in that they suggest that bluff retreat is not a concern, and seem to imply that armoring of the tall cliffs would be the solution.

Please see attached PDF of images to illustrate the points in this letter.

Documents referenced here can be found at

<http://www.midcoastcommunitycouncil.org/montara-coast/>

Thank you for the opportunity to comment.

Lisa Ketcham, Moss Beach