

Midcoast Community Council

*An elected Municipal Advisory Council to the San Mateo County Board of Supervisors
representing Montara, Moss Beach, El Granada, Princeton, and Miramar
P.O. Box 248, Moss Beach, CA 94038-0248*

Bill Kehoe **Laura Stein** **Lisa Ketcham** **Bob Kline** **Len Erickson** **Dan Haggerty**
Chair Vice-Chair Secretary Treasurer

May 9, 2012

Supervisor Horsley
San Mateo County Board of Supervisors
400 County Center
Redwood City, CA 94063

Subject: Follow-up to Non-conforming Fence at 101 7th Street, Montara (PLN2010-00112)

Dear Supervisor Horsley:

On April 7, 2012, at our recent annual retreat a few members of the community raised the issue of a non-conforming fence at 101 7th Street, Montara. This same issue was documented in a letter from the MCC to SMC Planning Department and copied to the Board of Supervisors on March 14, 2011 in an email from our Chair, Len Erickson. See attachment "11-03-14 MCC-101 7th Street".

In that letter, we acknowledged the findings of the Planning Department and County Counsel and expressed support for the staff report which made the following public access recommendations in addition to other maintenance requirements:

1. Installation of "Coastal Bluff Public Access" fence signage, including signage informing the public of bluff hazard.
2. Fence door and gate shall remain unlocked and open at all times for public access.
3. Relocation of house number signage from the public right-of-way area further into the private property area to clearly delineate such areas.

In addition, the MCC requested that the County pursue "any remedy at its disposal to assure public access to the bluff at this location now and in the future" including not permitting any replacement or repairs to extend the life of the aging wooden fence.

Since that time, other information has been brought to the attention of the MCC which the County needs to consider in determining the legality of the fence. The following issues have been raised by community members and we are asking that the County investigate these issues and respond to the Midcoast Community through the MCC:

1. The fence and patio of 101 7th Street are encroaching on State Park lands. See attachment "7th Street Fence Presentation" which describes the parcel maps, the 1936 deed to the State of California, tax records showing tax payments, photo showing the exact location of the Marine Walk (designated in the LCP) taken from the county records (the rear photo with the orange line), and the front photo showing the 60' of fence in the public right of way.
2. The fence tested positive for lead paint according to a lead test taken last year. See attachment "7th Street Fence Positive Lead Test". According to the County's General

Plan, toxic materials are prohibited in its section, "Man-Made Hazards List San Mateo County". Although the fence has recently been repainted, we believe that the contaminated paint remains underneath and the County's Environmental Health Department should determine the extent this hazard may cause in the run-off area of the Fitzgerald Marine Reserve. Their findings should be presented to the community through the MCC.

3. The fence height exceeds the County Fence Regulations which restrict front yard fences to a 4 foot height limit , and the illegally high fence is blocking ocean views from the public right-of-way.
4. A community member has been told that the County has no record of the documentation for the original easement for the fence. If such documentation does not exist then we ask the County to declare that the fence is illegal and have it removed.
5. The County should simply revoke the encroachment permit and require that everything in the public right-of-way be removed.

Once again we ask you to support these actions and have the various County Agencies investigate these community concerns. We also ask that you send us a written acknowledgment that we can share with the community.

Sincerely,

s/Bill Kehoe, Chair
Midcoast Community Council

CC: Jim Eggemeyer, Director, Planning/Building Dept.,
Dean Peterson, Director, Environmental Health Services,
Putney Westerfield, property owner
Madeline Cavalieri, California Coastal Commission,
Nick Dreher, California Coastal Commission,
Dennis Aguirre, Planning/Building Dept.,
Nicholas Calderon, SMC Supervisor's Legislative Aide
Midcoast Community Council members

Attachments:

Original MCC letter - 11-03-14 MCC-101 7th Street
Document from community member – 7th Street Fence Presentation
Lead test document from community member – 7th Street Fence Positive Lead Test