

**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** July 12, 2023

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** EXECUTIVE SUMMARY: Consideration of a Coastal Development Permit, pursuant to Section 6328.4 of the County Zoning Regulations, to replace fencing on the bluffs above Seal Cove and install a new table and whale skeleton display encircled by split-rail fencing at the Fitzgerald Marine Reserve ranger station in the unincorporated Moss Beach area of San Mateo County, in reliance on the San Mateo County Parks Department's determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303. This project is appealable to the California Coastal Commission.

County File Number: PLN 2023-00056 (San Mateo County Parks  
Department)

**PROPOSAL**

The San Mateo County Parks Department is seeking a Coastal Development Permit to replace fencing on the bluff above Seal Cove at the Fitzgerald Marine Reserve (Reserve) and install a new table and whale skeleton display encircled by split-rail fencing at the Reserve's ranger station and parking area. The existing fencing at the Seal Cove bluff is split-rail fencing that has degraded and will be removed and replaced with 26 feet of new split-rail fencing for the protection of public safety. The new fencing will be slightly (approximately 4 feet) closer to the top of the bluff. The new fencing will match the existing fence height of four feet.

The gray whale skeleton display will be located in the picnic area behind the park visitors center. The display will include an approximately 40-foot female gray whale skeleton mounted on 20 metal posts. The display will be encircled by a three-foot tall split-rail fence consisting of 22 posts and 44 rails and will serve to allow viewing but limit access to the display. Additionally, a new picnic table is proposed at the southwest corner of the site to replace the loss of picnic area and to facilitate school groups. Because of the annual school tours conducted by the Friends of Fitzgerald, annual Junior Ranger program, and annual Visitor Services programs, there is a need for a designated area for groups to congregate without utilizing the few picnic tables available to the public. This project fills a need to accommodate large groups. The concrete table will be approximately 15 feet in length and will be surrounded by two 10-foot logs and

one 20-foot log, making a “U” shaped area used for seating around the table. The logs will be used by groups to sit on, and the picnic table for activities and eating. This creates a “natural” setting, similar to a small amphitheater layout and the proposed location allows easy access from the parking lot for groups arriving by bus, and direct access to the restroom.

### **RECOMMENDATION**

That the Planning Commission approve the Coastal Development Permit, County File Number PLN 2023-00056, by adopting the required findings and conditions of approval contained in Attachment A.

### **SUMMARY**

The project area on the Seal Cove bluff within the Fitzgerald Marine Reserve is developed with existing split-rail fencing, hiking trails, informational kiosk, trash receptacles, and informational signage at the access point to an existing stairway that leads down to the beach. Pedestrian access is taken from Bluff Trail located west of the intersection of Cypress Avenue and Beach Way. The Fitzgerald Marine Reserve ranger station and parking area is located northwest of the intersection of California Street and North Lake Street, with vehicle access taken off of the north side of North Lake Street between Nevada Avenue and California Avenue. The site is developed with walkways, restrooms, an informational kiosk, picnic areas, parking spaces, drive isles, trash receptacles, two buildings, and other ancillary onsite improvements.

Staff has completed a review of the proposed project and all submitted documents in order to determine the project’s conformity to applicable General Plan and Local Coastal Program policies. For the purposes of compliance with the California Environmental Quality Act (CEQA), the project qualifies for a Class 3 Categorical Exemption (New Construction or Conversion of Small Structures). Planning staff has reviewed the project and concluded that the project, as conditioned, complies with the County’s General Plan and Local Coastal Program.

**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** July 12, 2023

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** Consideration of a Coastal Development Permit, pursuant to Section 6328.4 of the County Zoning Regulations, to replace fencing on the bluffs above Seal Cove and install a new table and whale skeleton display encircled by split-rail fencing at the Fitzgerald Marine Reserve ranger station in the unincorporated Moss Beach area of San Mateo County, in reliance on the San Mateo County Parks Department's determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303. This project is appealable to the California Coastal Commission.

County File Number: PLN 2023-00056 (San Mateo County Parks  
Department)

**PROPOSAL**

The San Mateo County Parks Department is seeking a Coastal Development Permit to replace fencing on the bluff above Seal Cove at the Fitzgerald Marine Reserve (Reserve) and install a new table and whale skeleton display encircled by split-rail fencing at the Reserve's ranger station and parking area. The existing fencing at the Seal Cove bluff is split-rail fencing that has degraded and will be removed and replaced with 26 feet of new split-rail fencing for the protection of public safety. The new fencing will be slightly (approximately 4 feet) closer to the top of the bluff. The new fencing will match the existing fence height of four feet.

The gray whale skeleton display will be located in the picnic area behind the park visitors center. The display will include an approximately 40-foot female gray whale skeleton mounted on 20 metal posts. The display will be encircled by a three-foot tall split-rail fence consisting of 22 posts and 44 rails and will serve to allow viewing but limit access to the display. Additionally, a new picnic table is proposed at the southwest corner of the site to replace the loss of picnic area and to facilitate school groups. Because of the annual school tours conducted by the Friends of Fitzgerald, annual Junior Ranger program, and annual Visitor Services programs, there is a need for a designated area for groups to congregate without utilizing the few picnic tables available to the public. This project fills a need to accommodate large groups. The concrete table will be approximately 15 feet in length and will be surrounded by two 10-foot logs and one 20-foot log, making a "U" shaped area used for seating around the table. The logs

will be used by groups to sit on, and the picnic table for activities and eating. This creates a “natural” setting, similar to a small amphitheater layout and the proposed location allows easy access from the parking lot for groups arriving by bus, and direct access to the restroom.

## **RECOMMENDATION**

That the Planning Commission approve the Coastal Development Permit, County File Number PLN 2023-00056, by adopting the required findings and conditions of approval contained in Attachment A.

## **BACKGROUND**

Report Prepared By: Luis Topete, Planner III

Applicant: San Mateo County Parks Department

Owner: San Mateo County

Public Notification: Ten (10) day advanced notification for the hearing was mailed to property owners within 300 feet of the project parcel and a notice for the hearing posted in a newspaper (San Mateo Times and Half Moon Bay Review) of general public circulation

Location: Fitzgerald Marine Reserve, Moss Beach

APN(s): 037-196-100 (Seal Cove) and 037-113-080 (Ranger Station)

Size: 7.49 (Seal Cove) and 0.79 (Ranger Station)

Existing Zoning: Resource Management-Coastal Zone/ Design Review/ Coastal Development District (RM-CZ/DR/CD) and One Family Residential District/Residential Density District 17/Design Review District/Coastal Development District (R-1/S-17/DR/CD)

General Plan Designation: Open Space (Seal Cove) and Public Recreation (Ranger Station)

Local Coastal Plan Designations: Open Space (Seal Cove) and Public Recreation (Ranger Station)

Sphere-of-Influence: Half Moon Bay

Existing Land Use: The Seal Cove project area at the Fitzgerald Marine Reserve is developed with existing split-rail fencing at the access point to an existing stairway that leads down to the beach. The Fitzgerald Marine Reserve ranger station and parking



area is developed with walkways, restrooms, an informational kiosk, picnic areas, parking spaces, drive isles, trash receptacles, two buildings (ranger office and interpretive center), and other ancillary onsite improvements.

Flood Zone: Zone X (Areas of Minimal Flood Hazard), FEMA Community Panel 06081C0119F, Effective Date: August 2, 2017

Environmental Evaluation: The San Mateo County Parks Department, acting as Lead Agency, filed a notice of exemption on April 4, 2023 for the proposed activities at the Fitzgerald Marine Reserve. The Parks Department determined that all project activities proposed under this CDP are categorically exempt from review under the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303(e), Class 3, relating to the construction and location of limited numbers of new, small facilities or structures.

Setting:

The project area on the Seal Cove bluff within the Fitzgerald Marine Reserve is developed with existing split-rail fencing, hiking trail, informational kiosk, trash receptacles, and informational signage at the access point to an existing stairway that leads down to Moss Beach. The site is approximately 250 feet from the Moss Beach shoreline to the southwest and at an elevation of approximately 70 feet within a stand of eucalyptus trees that extends to the north and northeast. There is an existing residential neighborhood to the east. San Vicente Creek is the nearest creek and is located approximately 1,230 feet to the north. The project is within an area mapped as having special biological significance. Pedestrian access is taken from Bluff Trail located west of the intersection of Cypress Avenue and Beach Way. The project area is within the Half Moon Bay Airport Safety Zone 7 - Airport Influence Area (AIA).

The Fitzgerald Marine Reserve ranger station and parking area is located northwest of the intersection of California Street and North Lake Street, with vehicle access taken off of the north side of North Lake Street between Nevada Avenue and California Avenue. The site is developed with walkways, restrooms, an informational kiosk, picnic areas, parking spaces, drive isles, trash receptacles, two buildings, and other ancillary onsite improvements. Residences are located to the west, north, and east. Undeveloped coastal lands are located to the south with trail access at the southwest and southeast corners of the parcel. This site is approximately 520 feet from the nearest shoreline to the west and at an approximate elevation of 40 feet. San Vicente Creek is located more than 70 feet to the south across North Lake Street. The project area is within the Half Moon Bay Airport Safety Zone 2 - Inner Approach/Departure Zone (IADZ).

No trees are proposed for removal as part of this project.

Chronology:

<u>Date</u>	<u>Action</u>
-------------	---------------

- February 22, 2023 - Application received.
- May 11, 2023 - Application deemed complete.
- July 12, 2023 - Planning Commission hearing.

**DISCUSSION**

A. KEY ISSUES

1. Conformance with the County General Plan

The County’s Local Coastal Program (LCP) is a subset of the County General Plan, and the two documents are internally consistent. The following analysis of the project’s consistency with the LCP, which is more specific than the General Plan with regard to issues raised by this project, therefore also addresses, by extension, the project’s consistency with the County’s General Plan.

2. Conformance with the Local Coastal Program

a. Locating and Planning New Development

Policy 1.4 (*Designation of Urban Areas*). This policy designates as urban those lands shown inside the urban/rural boundary on the Land Use Plan Maps. Such areas include Montara, Moss Beach, El Granada, Princeton and Miramar. This project falls within the urban area boundary.

Policy 1.5 (*Land Uses and Development Densities in Urban Areas*). This policy requires for the County to permit in urban areas land uses designated on the LCP Land Use Plan Map and conditional uses up to the densities specified in Tables 1.2 and 1.3. The use and amount of development allowed on a parcel, including parcels in areas designated “General Open Space,” “Agriculture,” or “Public Recreation-Community Park” on the General Plan Land Use Map within the urban boundary in the Coastal Zone, shall be limited to the uses and to the amount, density and size of development permitted by the Local Coastal Program, including the density credit requirements of Policy 1.8c and Table 1.3.

For new or expanded visitor-serving, commercial recreation, and public recreation uses, one density credit shall be required for the first 945 gallons, or fraction thereof, of average daily water use during the two months of highest water use in a year. This requirement applies to

water use by or resulting from the visitor serving, commercial recreation, and public recreation use, including landscaping, swimming pools and all other appurtenant uses. Neither project area is expanding the footprint of the existing facilities or proposing construction of a new facility. The project includes replacement and installation of minor improvements (i.e., fencing, table, skeleton display) not necessitating additional water use at either facility. No residence, bathrooms, irrigated landscaping, swimming pools or water fountains are proposed. Upon completion, the project will not consume any additional level of water.

Policy 1.35 (*All New Land Use Development and Activities Shall Protect Coastal Water Quality*). The project activities are minimal and would not substantially increase impervious surfaces, disturb natural water bodies or natural drainage systems, or otherwise impact coastal water quality.

Policy 1.36 (*Half Moon Bay Airport Influence Area Requirements*). Within the Half Moon Bay Airport Influence Area, as shown on Map 1.5, the following shall apply: New development and land uses must comply with all relevant Federal Aviation Administration (FAA) standards and criteria regarding (1) safety, (2) flashing lights, (3) reflective material, (4) land uses which may attract large concentrations of birds, (5) HVAC exhaust fans, and (6) land uses which may generate electrical or electronic interference with aircraft communications and/or instrumentation.

The project area on the Seal Cove bluff within the Fitzgerald Marine Reserve is within the Half Moon Bay Airport Safety Zone 7 - Airport Influence Area (AIA). The Fitzgerald Marine Reserve ranger station and parking area is within the Half Moon Bay Airport Safety Zone 2 - Inner Approach/Departure Zone (IADZ). The safety zone land use compatibility standards in Table 4B of the Half Moon Bay Airport Land Use Compatibility Plan (ALCUP) restrict the development of land uses that could pose particular hazards to the public or to vulnerable populations in case of an aircraft accident. Table 4B also provides a breakdown of the intensity criteria for compatibility zones. The project does not propose the construction of any dwellings, the facilities are existing, the project would not impact the amount of open space available in the applicable safety zones, and the project would comply with the other development conditions listed in the safety criteria matrix. Therefore, the project is consistent with the ALUCP.

b. Sensitive Habitats Component

Policy 7.1 (*Definition of Sensitive Habitats*). This policy defines sensitive habitats as any area in which plant or animal life or their habitats are either rare or especially valuable, and includes endangered species habitat, intermittent streams, and lakes and ponds. The Fitzgerald Marine Reserve project areas are mapped within an area of special biological significance. Upon review of the California Natural Diversity Database (CNDDDB) listing status for rare plants and animals on the project sites and their immediate vicinity, no flora or fauna with a federal or state listing status were identified at the Seal Cove project area, and one endangered plant (Hickman's cinquefoil) was identified as having been documented within a circular feature with a 600-meter radius at the ranger station project area. The proposed improvements at this location are in a location frequently visited and used by the public, not in an unimproved area. Based on the nature of the minimal project activities proposed for these locations, a project specific biological resources assessment was not warranted or requested by the California Department of Fish and Wildlife, and impacts to sensitive species are not anticipated.

Policy 7.5 (*Permit Conditions*). This policy requires, as part of the development review process, that the applicant demonstrate that there will be no significant impact on sensitive habitats or species. When it is determined that significant impacts may occur, require the applicant to provide a report prepared by a qualified professional. Based on the nature of the project activities, the disturbed nature of the location for the project activities, and the discussion above under Policy 7.1, the application has demonstrated that there will be no significant impact on sensitive habitats.

Policy 7.11 (*Establishment of Buffer Zones (for Riparian Corridors)*). On both sides of riparian corridors, from the "limit of riparian vegetation" extend buffer zones 50 feet outward for perennial streams and 30 feet outward for intermittent streams. The Seal Cove project site is over 1,200 feet from San Vicente Creek to the north. The Ranger Station project area is more than 70 feet north from San Vicente Creek and on the other side of North Lake Street. Both project locations are outside of the required buffer zone for San Vicente Creek.

c. Visual Resource Component

Policy 8.5 (*Location of Development*). This policy requires that development be located on a portion of a parcel where it is least visible from State and County Scenic Roads, is least likely to significantly impact views from public viewpoints, and best preserves the visual and open space qualities of the parcel overall. All proposed

activities within the Fitzgerald Marine Reserve are not within a scenic corridor.

Policy 8.15 (*Coastal Views*). This policy prevents development (including buildings, structures, fences, unnatural obstructions, signs, and landscaping) from substantially blocking views to or along the shoreline from coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches. The existing fencing at the Seal Cove bluff is split-rail fencing. The fencing to be replaced has degraded and replacement is needed for the protection of public safety. Split rail fencing has large, open spacing between fence members, as opposed to a solid property line fence. Thus, the project will not block coastal views but is rather intended to improve safety of the public's access and enjoyment of the beach from the existing stairway.

Policy 8.17 (*Alteration of Landforms; Roads and Grading*). This policy requires that development be located and designed to conform with, rather than change, landforms. The alteration of landforms as a consequence of grading, cutting, excavating, filling or other development shall be minimized. No grading is proposed for this project and the overall disturbance for the installation of the table, skeleton display and fencing is relatively minor. No significant alterations to landforms are proposed.

Policy 8.19 (*Colors and Materials*). This policy requires new development to employ colors and materials which blend, rather than contrast, with the surrounding physical conditions of the site and prohibits highly reflective surfaces and colors except those of solar energy devices. The proposed cement table at the Fitzgerald Marine reserve ranger station will be of a natural earth tone color, similar to the existing cement tables, and the wooden split-rail fencing proposed will retain their natural wooden color. No shiny or reflective surfaces are proposed.

d. Hazards Component

Policy 9.5 (*Designation of High-Risk Fire Areas*). Neither project area is within a designated high risk fire hazard area as delineated by Cal-Fire. Further, no habitable structures are proposed as part of this project. The project is not in conflict with the hazards policies of Chapter 9.

Policy 9.8 (*Regulation of Development on Coastal Bluff Tops*). This policy details measures to evaluate the stability of bluff tops and ensure designs are appropriate to the setting. The Seal Cove project

area is mapped as an area within a fault zone and susceptible to landslides but not mapped as land susceptible to liquefaction and not in a tsunami or seiche inundation area. The proposed project in this location is minor in scope (replace existing split-rail fencing). It is not expected that this will impact the stability of the bluff top.

Policy 9.9 (*Regulation of Development in Floodplains*). This policy details measures to evaluate and appropriately address flood hazards. The subject parcel contains areas mapped by FEMA as Zone X (area of minimal flood hazard). Therefore, the proposed project is not expected to create any flood related hazards to visitors or the community, nor be subject to such hazards.

e. Shoreline Access Component

Policy 10.1 (*Permit Conditions for Shoreline Access*) requires some provision for shoreline access as a condition of granting development permits for any public or private development permits between the sea and the nearest road. The project areas within the Fitzgerald Marine Reserve are all within existing facilities (lookout point and ranger station/parking). Existing shoreline access points from these locations are existing. The proposed improvements are minor in nature, will be of minimal impact to the area, and are meant to support visitor access at Seal Cove and the existing public recreation area at the ranger station. Therefore, the project does not create a need for any additional shoreline access, as such access has already been established and maintained.

f. Recreation/Visitor-Serving Facilities Component

Policy 11.7 (*Urban Areas*). This policy permits public recreation facilities in urban areas. Public recreation uses are, by definition, restricted to land that is owned by the public in some form. Such is the case with the subject project. The facilities at the Fitzgerald Marine Reserve (Seal Cove access area at Moss Beach; ranger station and parking area) where the project activities are proposed are existing. The improvements proposed are minimal and intended to accommodate and improve upon the experience of existing public visitation at these areas. Existing parking and bathroom facilities accommodate visitors who do not live in the immediate area. The proposed project activities would not obstruct or detract from existing views.

Policy 11.9 (*Oceanfront Land in Urban and Rural Areas*). This policy requires that oceanfront lands will not impair agricultural viability on the parcel and not obstruct views. No prime agricultural land has been

mapped for either site. Only the Seal Cove project area is an oceanfront land. The existing and proposed split-rail fencing is non-view obscuring. The new fencing would match the existing fence height of four feet.

Policy 11.12 (*Sensitive Habitats*). This policy permits recreation facilities to locate on lands adjacent to sensitive habitats only when (1) there is adequate distance or separation by barriers, (2) the habitat is not threatened, and (3) there will not be substantial impacts on habitat, topography, and water resources. As discussed above, proposed improvements are minimal and the facilities where the improvements are proposed are existing. Upon review of the CNDDB listing status for rare plants and animals on the Fitzgerald Marine Reserve project sites and their immediate vicinity, no flora or fauna with a federal or state listing status were identified at the Seal Cove project area, and one endangered plant (Hickman's cinquefoil) was identified as having been documented within a circular feature with a 600-meter radius at the ranger station project area. The proposed improvements at this location are minimal, and in a location frequently visited and used by the public, not in an unimproved area. Therefore, the project would not be located on sensitive habitat, is adequately separated from sensitive habitat, and there will not be substantial impacts on habitat, topography, or water resources.

3. Conformance with the Community Design Manual

On July 20, 1976, the San Mateo County Board of Supervisors adopted the Community Design Manual as policy for the application of Chapter 28.1 (Design Review District) in an effort to avoid and prevent possible community deterioration through the implementation of the design criteria set forth in the Manual intended to preserve and enhance property values, the visual character of communities, natural resources, the public health, safety, and welfare of the citizens of San Mateo County.

Upon review of this project against the design criteria identified in the Manual, the project was found to be in conformance with the listed site design and exterior appearance criteria. The siting of the improvements are complementary to their respective locations. No grading, paving, tree removal, installation or removal of utilities or landscaping is proposed. No stream, drainage area, body of water, ridgeline, cliff/bluff or public views from a scenic corridor or prominent scenic features would be negatively impacted. No residential, commercial, or industrial structures or uses are proposed. The exterior colors and materials proposed blend with the existing improvements and natural setting.

4. Conformance with the Zoning Regulations

The Coastal Act of 1976 requires that the County's LCP include zoning ordinances, zoning district maps and any other actions necessary to implement the requirements of the Coastal Act in San Mateo County. To that end, all projects, including government projects, must show compliance with not only the LCP, but with the applicable zoning regulations. The project, as described in the application and accompanying materials, and as conditioned, conforms with the plans, policies, requirements and standards of the San Mateo County LCP. The project is intended to improve the safety of public access and enjoyment of the beach from the existing stairway.

*(Seal Cove component)*

The purpose of the RM-CZ zoning district is to carry out the objectives and policies of those San Mateo County General Plan chapters that fulfill the requirements for State mandated Open Space and Conservation Elements, as well as other elements adopted as part of the General Plan of San Mateo County, to meet the requirements of Section 65910 of the California Government Code requiring formulation of an open space zoning ordinance, and to ensure consistency between the General Plan and the zoning ordinance. The project complies with the use, density and intensity of development provisions of this district intended to conserve natural features and scenic values. No additional water use is proposed or required by the project activities and no prime agricultural lands are located at the project site. Public recreation is a permitted use in this district.

On parcels zoned RM-CZ located in the Midcoast LCP Project Area, the regulations of the DR district shall apply only to residential development. No residential development is proposed.

*(Ranger Station and Parking Area)*

Chapter 6 lists public parks as a permitted use in the R-1 zoning district. The applicable development standards are specified by the S-17 combining district for properties in the Midcoast area, in addition to Chapter 20 which lists the general provisions and exceptions. The proposed project complies with the land use and development standards of the R-1/S-17 zoning district.

The proposed table, whale skeleton display, logs for seating and fencing would be compatible with the existing character and use of the site and the DRA has determined that this project is exempt from Design Review.

## C. ENVIRONMENTAL REVIEW



The San Mateo County Parks Department, acting as Lead Agency, filed a notice of exemption on April 4, 2023 for the proposed activities at the Fitzgerald Marine Reserve. The Parks Department determined that all project activities proposed under this CDP are categorically exempt from review under the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303(e), Class 3, relating to the construction and location of limited numbers of new, small facilities or structures.

D. REVIEWING AGENCIES

California Coastal Commission  
MidCoast Community Council

**ATTACHMENTS**

- A. Recommended Findings and Conditions of Approval
- B. Location Maps
- C. Site Plan - Ranger Station
- D. Site Plan - Seal Cove
- E. CEQA Categorical Exemption

County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2023-00056

Hearing Date: July 12, 2023

Prepared By: Luis Topete  
Planer III

For Adoption By: Planning Commission

**RECOMMENDED FINDINGS**

Regarding the Environmental Review, Find:

1. That the San Mateo County Parks Department, acting as Lead Agency, filed a notice of exemption on April 4, 2023 determining that all project activities proposed are categorically exempt from review under the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303(e), Class 3, relating to the construction and location of limited numbers of new, small facilities or structures, and that the Commission concurs with this determination.

Regarding the Coastal Development Permit, Find:

2. That the project, as described in the application and accompanying materials required by Zoning Regulations Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program with regards to the Locating and Planning New Development, Sensitive Habitats, Visual Resources, Hazards, Shoreline Access, and Recreation/Visitor-Serving Facilities Component of the Local Coastal Program. See Section A(2) of the staff report for the supporting analysis demonstrating conformance with the Local Coastal Program.
3. That the project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code). The project is intended to improve the safety of public access and enjoyment of the beach from the existing stairway at Seal Cove, and improve the existing public recreation area at the ranger station.
4. That the project conforms to the specific findings required by policies of the San Mateo County Local Coastal Program as discussed in Section A(2) of this staff report. See Section A(2) for the supporting analysis.

## **RECOMMENDED CONDITIONS OF APPROVAL**

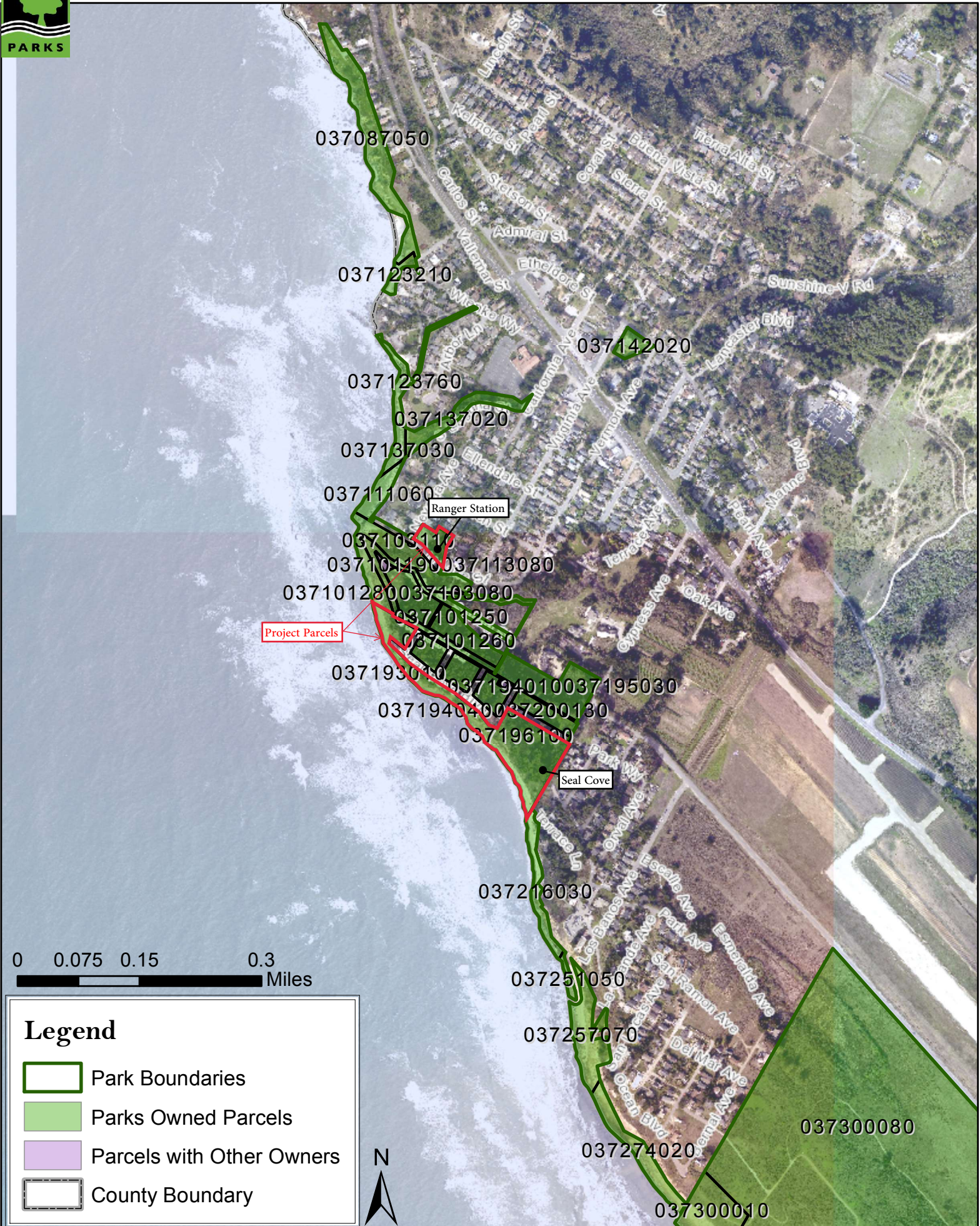
### **Current Planning Section**

1. The approval applies only to the proposal as described in this report and materials submitted for review and approval by the Planning Commission on July 12, 2023. The Community Development Director may approve minor revisions or modifications to the project if they are found to be consistent with the intent of, and in substantial conformance with this approval.
2. The Coastal Development Permit shall be valid for one (1) year from the date of final approval, in which time all work authorized under the permit must be completed. Any extension to this permit shall require submittal of a request for permit extension and payment of any applicable extension fees at least sixty (60) days before the expiration date.
3. No trash shall be deposited on the site during construction activities. All trash shall be placed in trash receptacles with secure lids, stored in vehicles, and removed nightly.
4. Noise sources associated with demolition, construction, repair, remodeling, or grading of any real property shall be limited to the hours from 7:00 a.m. to 6:00 p.m. on weekdays and 9:00 a.m. to 5:00 p.m. on Saturdays. Said activities are prohibited on Sundays, Thanksgiving, and Christmas (San Mateo County Ordinance Code Section 4.88.360).
5. The site and structures shall meet all requirements for accessibility and Americans with Disabilities Act (ADA) compliance, as applicable.
6. The Project shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines."
7. Should any human remains be discovered during construction, all ground disturbing work shall cease and the County Coroner shall be immediately notified, pursuant to Section 7050.5 of the State of California Health and Safety Code. Work must stop until the County Coroner can make a determination of origin and disposition of the remains pursuant to California Public Resources Code Section 5097.98. If the County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within 24 hours. A qualified archaeologist, in consultation with the Native American Heritage Commission, shall recommend subsequent measures for disposition of the remains.





# San Mateo County Parks: Parcel APNs at Fitzgerald Marine Reserve







**Proposed  
Split-Rail Fence  
Around Whale  
Skeleton**

Ranger  
Office/Shed

47'

12'



18'

arking  
t

California Ave.

Intepretive  
Center

13'

45'

Path

30'

6'

22'

6'

7'

3'

**Proposed  
Picnic Tab**

Restroom

N. Lake St.



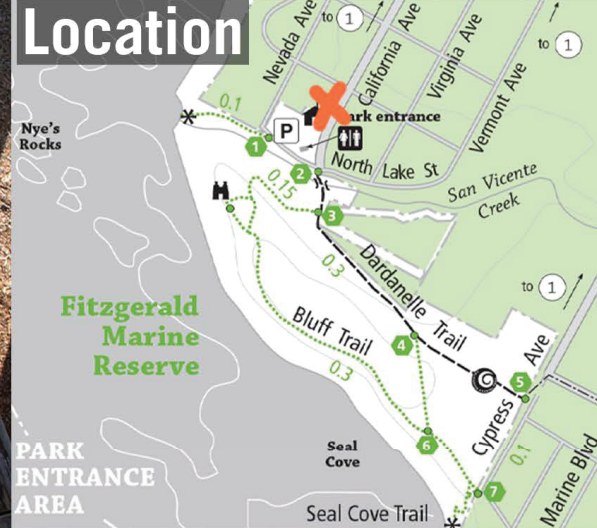


# Gray Whale Skeleton Display

## Fitzgerald Marine Reserve

In the picnic area behind the park visitors center, we will install posts to mount a ~40" female gray whale skeleton: 20 metal posts, 2" diameter, buried in concrete to a depth of 2'.

Skeleton to be encircled with split-rail fencing: 22 posts, 44 rails, 3' high.



37°31'27" N 122°30'57" W  
Moss Beach, CA  
40 ft Elevation



**Split-rail fence**





# New Picnic Table in Visitors Center Area

## Fitzgerald Marine Reserve



Table Size  
184" x 64" x 29"

Style of table  
to be installed

**Seating** - Area will be surrounded by two 10' logs and one log 20' log, making a "U" shaped area enclosure used for seating around the table.

### Location

37°31'27" N 122°30'57" W  
Moss Beach, CA  
40 ft Elevation







28'

Existing fence removed

4'

26' of new fence

2' From bluff edge

Top of Seal Cove Stairs ▶



# Top of Seal Cove Fence Replacment

Fitzgerald Marine Reserve





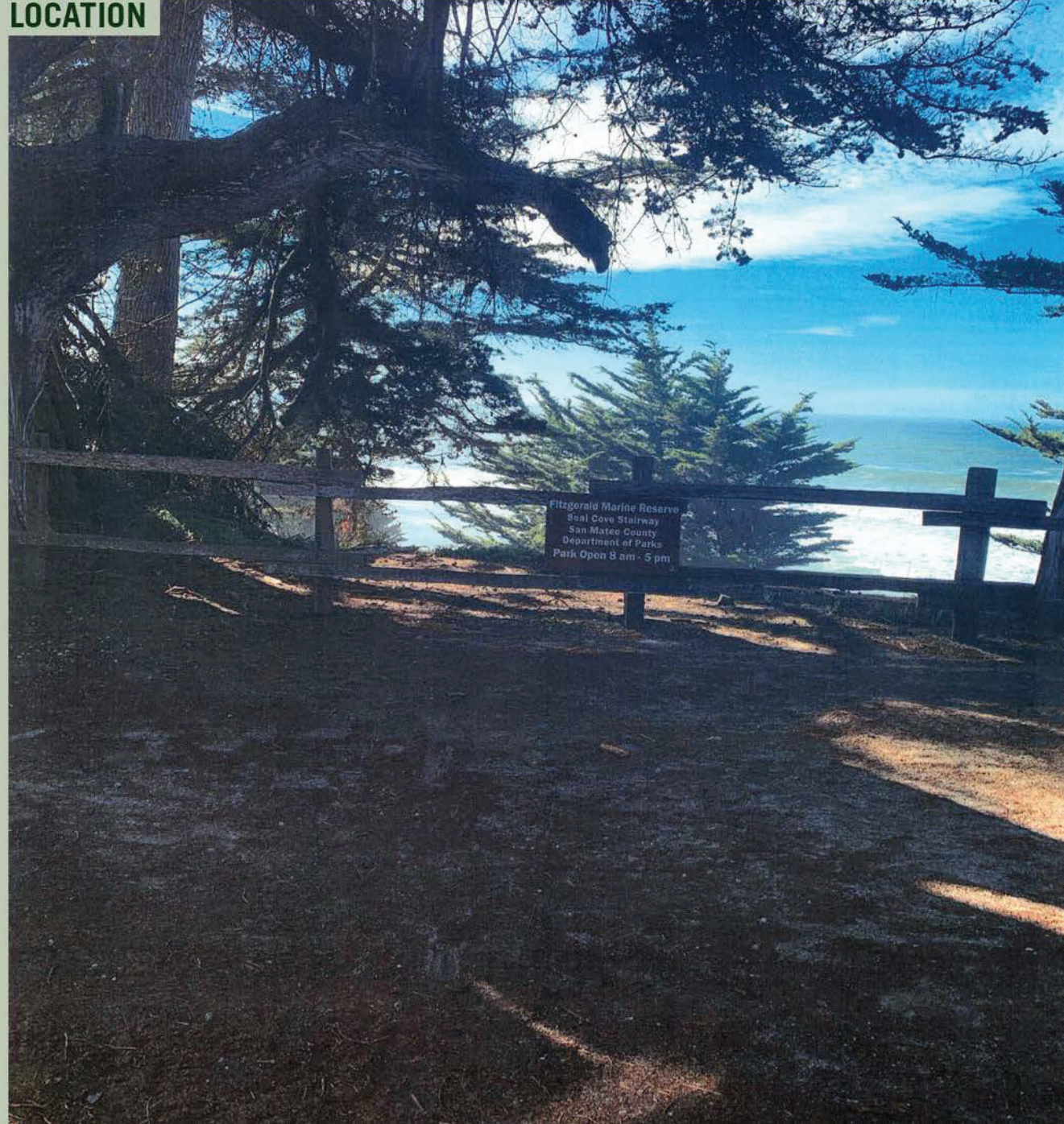
# Replacement of 5 Split-Rail Fence Posts

## at Fitzgerald Marine Reserve

### AREA MAP



### LOCATION



### EXAMPLE OF SPLIT-RAIL FENCE





**Notice of Exemption**

County of San Mateo Parks Department  
Pony PKR 128  
455 County Center, Fourth Floor  
Redwood City, CA 94063  
Planner: Sam Herzberg, Senior Planner, AICP

FILED ENDORSED  
IN THE OFFICE OF THE  
COUNTY CLERK RECORDER  
SAN MATEO COUNTY CALIF

For Clerk Use Only

**APR 04 2023**

By MARK CHURCH County Clerk  
Deputy Clerk

**Project Title/File Nos.** 3 projects involving: 1) replacement of existing split rail fencing and installation of a new bench at the bluff above Seal Cove, 2) new fencing around a Grey whale skeleton exhibit, and 3) creation of a new picnic area.

**Project Location – Specific:** 200 Nevada Street, Fitzgerald Marine Reserve

**Project Location – City:** Moss Beach

**Description of Project:** At the bluff over Seal Cove 5 rotted posts and split rail fencing will be replaced and the type and height will match the existing fencing to protect public safety. A new memorial bench will be installed for the public to sit and enjoy the views at Seal Cove Bluff. The Whale display will be located in the main picnic area just behind the visitor center and involves the skeleton of a roughly 40" female gray whale that will have posts installed to mount and circle it with a split rail to provide view but limit access to the display. A total of 20 posts will be placed metal 2" round and buried in concrete at a depth of 2'. There will be total of 22 split rail posts and 44 rails, and the fence will be 3' high. The picnic area will be located between the Grey whale exhibit and the path to the restroom made of a concrete table 184" x 66" x 29" and surrounded like a U with two 10' logs and one 20' log for school groups to sit on.

**Name of Public Agency Approving Project:** San Mateo County Parks Department

**Name of Person or Agency Carrying Out Project:** San Mateo County Parks Department

- Ministerial (Sec. 21080 (b) (1); 15269(a));
- Declared Emergency (Sec. 21080 (b) (3); 15269(a));
- Emergency Project (Sec. 21080 (b) (4); 15269(b) (c));
- Categorical Exemption. State type and section number: 15303 (e)
- Statutory Exemptions. State code number:

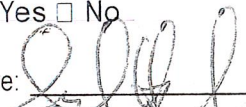
**Reasons Why Project is Exempt:** New construction or conversion of small structures

**Lead Agency:** San Mateo County Parks Department

**Contact Person:** Sam Herzberg, Senior Planner, AICP Telephone: (650)363-1823

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project?  
 Yes  No

Signature:  Date: 4/10/23 Title: Senior Planner, AICP

- Signed by Lead Agency Date received for filing at OPR: \_\_\_\_\_
- Signed by Applicant