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STATE OF CALIFORNIA—THE RESOURCES AGENCY

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Filed:	April 15, 1997
90th Day:	July 14, 1997
Staff:	Jack Liebster
Staff Report:	July 29, 1997
Meeting of:	August 14, 1997
Commission Action:	

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: Steve Scholl, Deputy Director
Robert Merrill, North Coast District Director
Jack Liebster, North Coast Planner

SUBJECT: **COUNTY OF SAN MATEO LCP AMENDMENT NO. 1-97-C REVISIONS TO LCP (Related to proposals in the Coastside Protection Initiative of 1994)** (For public hearing and Commission action at the August 12-15, 1997 meeting in Los Angeles)

SYNOPSIS

Amendment Description

The County of San Mateo is proposing to amend its Land Use Plan and corresponding Implementation Plan text and maps (zoning ordinance and zone district maps) through a variety of revisions, clarifications, additions and deletions. Most of the changes affect the rural areas of the coastal zone; others affect the urban mid-coast area north of the City of Half Moon Bay. The proposed amendments would:

(1) Amend LCP policy 1.5 to clarify that the densities of rural land designated in the urban mid-coast are the same as the densities of rural designated land elsewhere in the coastal zone;
(2) Discourage second dwelling units on residential parcels less than 5,000 sq.ft. in the urban mid-coast and
(3) Enact LCP policy 1.6 to limit building size on such parcels;
(4) Amend LCP policy *1.8 to change the permitted level of non-agricultural development in the rural coastal zone;
(5) Amend LCP policy *5.11 to allow a density bonus for combining contiguous parcels in agricultural areas of the rural coastal zone only if the merger results in at least one parcel of greater size than the largest parcel before consolidation.;
(6) Amend policy *5.22 to limit the number of shared wells;
(7) Amend LCP policy *8.5 to direct new development to the site least visible from scenic roads in the rural coastal zone;

(8) Amend LCP policy *8.7 to limit siting and height (to 18 feet) for ridgeline development in the rural coastal zone;
(9) Enact LCP policy 8.14 to reduce the height limit in part of the Princeton commercial recreation area, and increase shoreline view protection in the urban mid-coast;
(10) Amend LCP policies *8.17 and *8.18 to strengthen landform alteration and development design regulations in the rural coastal zone;
(11) Amend LCP policy 9.18 to strengthen steep slope development regulations in the rural coastal zone;
(12) Amend LCP policy 11.15 to clarify the permitted level of visitor-serving development; and
(13) Provide an exemption from compliance with these policies as amended for projects in certain stages of the approval process on the effective date of these Amendments; and,
(14) Make corresponding changes in the applicable zoning ordinances.

Summary of Staff Recommendation

The Commission's procedures require that the Commission first deny the components of the LCP amendment request as submitted, and then certify them, if modified as suggested to incorporate the recommended changes. Therefore, staff recommends that the Commission, upon completion of the public hearing, deny both the Land Use Plan and Implementation Program components of the amendment as submitted; and then certify the amendments if modified as suggested.

The appropriate motions and resolutions to adopt the staff recommendation are found on pages 10, 11, 87 and 88 of this report.

Analysis Criteria

To approve the amendments to the Land Use Plan (LUP), the Commission must find the LUP, as amended, will remain consistent with the policies of Chapter 3 of the Coastal Act. To approve the amendments to the zoning ordinance, the Commission must find that the Implementation Plan (IP), as amended, will conform with and adequately carry out the policies of the LUP, as amended.

ADDITIONAL INFORMATION

For additional information about the proposed Amendment, please contact Jack Liebster at the North Coast Area office at the above address (415) 904-5267. Please mail correspondence to the Commission to the same address.

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PART ONE: INTRODUCTION

I. Area Description

San Mateo's Coastside has a beauty and character all its own. The 88,000 acre coastal zone extends 55 miles from the southern tip of the County at Ano Nuevo north to just south of Pacifica. The width of San Mateo's coastal zone is approximately 5 miles. The coastal zone is largely rural but include the urban Mid-Coast area just north of Half Moon Bay. Most of the rural area is designated agriculture and open space, while most of urban area is designated for residential uses.

The County's LCP Policy Components are generally divided into policies that apply throughout the coastal zone and policies that apply to specific areas. The proposed Amendment contains policies applicable to the Rural Area, the Mid-Coast Area, and throughout the coastal zone.

The largest part of the Rural Area is in the southern part of the coastal zone. This area is divided almost equally between flat coastal terraces and the western slope of the northern Santa Cruz Mountains. The terrace areas contain mostly prime agricultural soils. Many truck and field crops are grown in the southern portion of this area mainly along Highway 1.

Much of the remaining land in this area is difficult to develop due to physical constraints including active earthquake faults, flood potential, poor slope stability, and inaccessibility.

The source of water for residential uses is primarily from private wells. Some farmers and others use coastal streams to augment their wells. Agricultural water improvements may involve diversion of small streams into small agricultural reservoirs.

The communities of Pescadero and San Gregorio functions as a rural service center for farmers and recreation visitors in this area.

This section of the coast contains several States parks and beaches, and two private commercial recreation beaches: Tunitas Beach and Martins Beach, both north of the intersection of 84 and 1. It also contains the Pescadero Marsh with its adjacent sand dunes. The marsh is a sensitive wildlife habitat which offers refuge to many migrating birds and other wildlife.

The rural Coastal zone east of Half Moon Bay extends inland 3 1/2 to 5 miles to Skyline Boulevard, just south of its intersection with Route 92. The area bordering the Highway has some has scattered prime soils belts, largely and associated flower and field crops.

The area north of Half Moon Bay consists of the urban Mid-Coast. This area is a grouping of five communities: Montara, Moss Beach El Granada, Princeton, and Miramar from north to south. Together these communities comprise nearly 4 square miles, and currently support a population of more than 10,000 people.

These communities have a unique topographical and visual setting. They are located on narrow alluvial plains between the ocean and a part of the Santa Cruz Mountain chain. The communities' streets ascend the hills to approximately the 400-600 foot level. Interspersed among the communities are large groupings of trees, which add to the visual character of the community.

The predominant land use in the Mid-Coast is residential development, with small clusters of neighborhood commercial businesses located on or near Highway One. Visitor serving commercial development is found at Pillar Point Harbor, where there are restaurants and lodging facilities.

Pillar Point Harbor is a main visitor attracting center in this area. The harbor is the central recreational boat launching facility on the coast and provides facilities for commercial and recreational fishermen.

The Mid-Coast's main industrial areas include the Half Moon Bay Airport and nearby Princeton, where marine related waterfront uses are emphasized.

The remaining Mid-Coast areas are designated for recreation, agriculture, open space, or institutional uses, such as schools and hospitals. Public recreation areas include the County's Fitzgerald Marine Reserve, Pillar Point Marsh, and El Granada Quarry park site, as well as several State beaches.

There are two water supply providers in the Mid-Coast. Citizens Utilities Company, which supplies Montara and Moss Beach, is currently at capacity, having exhausted all of its water sources. This has led some home builders to drill individual wells on small residential parcels where ground water is available.

Coastside County Water District serves El Granada, Miramar and Princeton. Coastside has sufficient capacity supply to accommodate allowed development in its service area.

Waste water treatment in the Mid-Coast is provided by three local sewer districts, who also form the Sewer Authority Mid-Coastside (or SAM), which operates a sewage treatment facility in Half Moon Bay. SAM's treatment plant is currently nearing capacity. Facility expansion is currently under way, and when complete, the plant will accommodate allowed Mid-Coast development.

Just east of Montara is a rural residential designated area where there are many lots of small size (5,000-10,000 sq.ft.). These lots have poor access, no sanitary sewers and are located on steep slopes The full development of these lots may have a very adverse effect on the natural resources of the area and may be very disruptive of the community character.

The northern area begins immediately north of Montara and extends up to the boundaries of Pacifica. The coastal zone in this area varies from about 3 miles inland in width at Montara to about a mile in width at its northern border. The entire area is designated either Open Space or Agriculture, and

is zoned RM/CZ and PAD. Farming occurs in the area south of Devil's Slide. The area also includes Gray Whale Cove State Beach, Devil's Slide Scenic area and, just inland, McNee Ranch State Park.

At the extreme north end of the County is the Olympic Golf Course, located along Highway 1 and the County line adjacent to San Francisco. It is zoned RE, Residential Estates, but the owners of the golf club have made a long term commitment to retain the property for recreational use.

II. Existing LCP

The County of San Mateo was one of the first local governments in the state to complete a Local Coastal Program (LCP); both its Land Use Plan and Implementing Ordinances were certified in April, 1981. Since certification of the LCP, the LCP has been amended numerous times.

III. Proposed LCP Revisions

In May 1994, Save Our Coast and the Sierra Club filed a voters initiative petition entitled Coastside Protection Initiative of 1994 with the County Clerk. The petition included the signatures of approximately 30,000 registered voters. The County Clerk subsequently determined that the Coastside Protection Initiative of 1994 failed to qualify as an initiative petition under the applicable provisions of the State Elections Code.

In December 1994, the Board of Supervisors authorized the Planning Commission to begin the legislative process to consider the LCP amendments which were contained in the initiative. Between June 14, 1995 and June 4, 1996, the Planning Commission and the Board of Supervisors held a total of sixteen public hearings in both Redwood City and on the coast to consider the amendments. Many members of the public, representing various viewpoints, took part and provided testimony and input.

During this process, public comment was received from the sponsors of the initiative and other members of the public. The Planning Commission and the Board incorporated many changes to the original proposal which are now reflected in the proposed amendment package before the Commission.

The proposed Amendment consists of changes to 12 Land Use Plan Policies and 9 related Sections of the San Mateo County Ordinance Code (Zoning Annex). These proposed changes would affect the **Locating and Planning New Development**, **Agriculture** and **Visual Resources** Sections of the County's Land Use Plan and the respective Implementing Ordinances. The Amendment is further described in the Findings Section D.1 in Parts II and III. Exhibit 1 reproduces the Resolutions and Ordinances transmitting the amendments submitted by the County, as well as subsequent letters from the County (dated Dec. 9, 1997 and March 6, 1997), clarifying the submittal. The County's letters note that amendments to LCP Policies 3.24 and 5.22 were inadvertently omitted from submittal, and requests Commission staff to prepare suggested modifications to include them.

Exhibit 3 presents the specific changes proposed, showing existing LCP text with the County's proposed deletions struck through and proposed additions underlined. Finally, each proposed LCP amendment is discussed in detail in the related issue discussion of the Findings sections.

PART TWO: LAND USE PLAN AMENDMENT NO. 1-97-C

I. ANALYSIS CRITERIA

To approve the amendments to the Land Use Plan (LUP), the Commission must find the LUP, as amended, will remain consistent with the policies of Chapter 3 of the Coastal Act.

II. STAFF RECOMMENDATION, MOTIONS, RESOLUTIONS, AND SUGGESTED MODIFICATIONS (Land Use Plan Amendment)

A. DENIAL OF AMENDMENT NO. 1-97-C, AS SUBMITTED

Staff recommends that the Commission adopt the following resolution:

MOTION I:

"I move that the Commission certify Amendment No. 1-97-C to the County of San Mateo Land Use Plan as submitted by the County."

Staff recommends a NO vote which would result in the adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

RESOLUTION I:

The Commission hereby rejects Amendment No. 1-97-C to the Land Use Plan of the County of San Mateo Local Coastal Program for the specific reasons discussed in the following findings on the grounds that it does not meet the requirements of Chapter 3 of the Coastal Act. There are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which the approval of this amendment would have on the environment.

B. APPROVAL OF AMENDMENT NO. 1-97-C IF MODIFIED AS SUGGESTED

Staff recommends that the Commission adopt the following resolution:

MOTION II:

"I move that the Commission certify Amendment No. 1-97-C to the County of San Mateo Land Use Plan if it is modified as suggested."

Staff recommends a YES vote which would result in the adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

RESOLUTION II:

The Commission hereby certifies Amendment No. 1-97-C to the Land Use Plan of the County of San Mateo Local Coastal Program subject to Modifications No. 1 through No. 14 and No. 17 for the specific reasons discussed in the following findings on the grounds that, as modified, this amendment and the LUP as thereby amended will meet the requirements of Chapter 3 of the Coastal Act. This amendment, as modified, is consistent with applicable decisions of the Commission that guide local government actions pursuant to Section 30625(c) and approval will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

C. SUGGESTED MODIFICATIONS

KEY FOR MODIFICATIONS TO COUNTY LANGUAGE:

Attached Exhibit 3 presents a complete set of the policy and zoning code amendments proposed by the County, showing by underline and strike-through how the proposals would alter the existing LCP text. In this Section, however, the resulting re-worded text proposed by the County is shown in plain type, while additions suggested by the Commission are underscored, and suggested deletions are ~~strick-through~~. In some cases, only the portions of the proposed amended text relevant to the Commission's suggested modification are reproduced below.

Land Use Plan

SUGGESTED MODIFICATIONS

SUGGESTED MODIFICATION NO. 1: Policy *1.8 shall be modified as follows:

*1.8 Land Uses and Development Densities in Rural Areas

a. Allow new development (as defined in Section 30106 of the California Coastal Act of 1976) in rural areas only if it is demonstrated that it will not: (1) have significant adverse impacts, either individually or cumulatively, on coastal resources and (2) diminish the ability to keep all prime agricultural land and other land suitable for agriculture (as defined in the Agriculture Component) in agricultural production.

b. Permit in rural areas land uses designated on the Local Coastal Program Land Use Plan Maps, and conditional uses ~~at~~ up to the densities specified in Tables 1.2 and 1.3.

c. (1) Require Density Credits for Non-Agricultural Uses

Require density credits for all new or expanded non-agricultural uses in rural areas, including all residential uses, except ~~a residential dwelling unit associated with a visitor-serving facility that is occupied by the facility owner or operator,~~ affordable housing (to the extent provided in Local Coastal Program Policy 3.23) and farm labor housing, as defined in Local Coastal Program Policy 3.28, mining in accordance with General Plan Policies 3.11 and 3.12, and solid waste facilities under the policies in General Plan Chapter 13. The existence and number of density credits on a parcel shall be determined by applying Table 1.3.

Expanded or additional non-agricultural uses shall only be permitted on a parcel when there are enough density credits available to that parcel to meet the density credit requirements of this policy for both (a) existing uses, and (b) any expanded or additional uses, and only where such development meets all other applicable policies of the Local Coastal Program.

(2) Amount of Development Allowed for Non-agricultural Uses, Except Visitor-Serving, Commercial Recreation, and Public Recreation Uses

For new or expanded non-agricultural uses, except visitor-serving, commercial recreation, and public recreation uses, one density credit shall be required for each 315 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 non-agricultural use, including landscaping, swimming pools and all other appurtenant uses.

(a) Residential Uses

For new or expanded residential uses, a single-family dwelling unit shall be deemed to use 315 gallons of water per day~~/~~ during the two months of highest water use in a year (including landscaping, swimming pools and all other appurtenant uses).

(b) Non-Agricultural Uses Listed in the Kleinfelder Report, Except Visitor-Serving Uses

For ~~those/~~ non-agricultural uses, except visitor-serving uses, ~~listed in Table 7 of the Kleinfelder/ Rural Area Water Use Study/ Final Report/~~ the amount of development allowed for each density credit in accordance with the requirements of this policy shall be the amount stated in Table 1.5~~/7/~~ in the column headed "Number of Measuring

Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

(3) Amount of Development Allowed for Visitor-Serving, Commercial Recreation, and Public Recreation, Uses *Listed in the Kleinfelder Report*

For new or expanded visitor-serving, commercial 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. One additional density credit shall be required for each 630 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 uses, including landscaping, swimming pools and all other appurtenant uses. The 945-gallon water use allowance for one density credit may be applied one time only on a parcel.

For *those* visitor-serving, Commercial Recreation, and Public Recreation uses *listed in Table 7 of the Kleinfelder, Rural Area Water Use Study, Final Report,* the amount of development allowed for each density credit in accordance with the requirements of this policy shall be:

(a) For one density credit or the first density credit when multiple density credits are available, 1 1/2 times the amount stated in Table 1.5/7/ in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

(b) For each additional density credit, the amount stated in Table 1.5/7 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

d. For the purpose of this policy, "visitor serving, commercial recreation, and public recreation uses" shall be only those lands and facilities listed in LCP Policies 11.1, 11.2 and 11.3, and only if those lands and facilities specifically enhance public opportunities for coastal recreation.

e. As an interim limit, no more than 600 visitor serving lodging units may be approved in the rural area coastal zone as specified by Policy 1.23.

SUGGESTED MODIFICATION NO. 2: Table 1.3 of the Locating and Planning New Development Component of the LUP shall be modified as follows:

Table 1.3

MAXIMUM DENSITY CREDITS

In the rural areas of the Coastal Zone which are zoned Planned Agricultural District, Resource Management/Coastal Zone, or Timberland Preserve/Coastal Zone, determine the maximum number of density credits to which any legal parcel is entitled by using the method of calculation shown below, and further defined by the Planned Agriculture, Resource Management/Coastal Zone, and Timberland Preserve/Coastal Zone Zoning District regulations. All legal parcels shall accumulate at least one density credit. Except as provided in Policy 5.11, the sum of the density credits on parcels created by a land division shall not exceed the total credits on the original parcels or parcels divided....

SUGGESTED MODIFICATION NO. 3: Table 7 of the Kleinfelder Rural Area Water Use Study: Final Report shall be modified as follows and incorporated into The Locating and Planning New Development Component of the LUP as Table *1.5:

The Table shall present two of the columns included in Table 7:

1. The column headed "Type of Land Use and Water Using Features," and,

2. The column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

SUGGESTED MODIFICATION NO. 4: Policy 1.23 shall be modified as follows:

1.23 Timing of Development in the South Coast

To insure that South Coast residential buildout proceeds at an even rate and does not overburden coastal resources or public services, and provides for priority coastal uses (agriculturally related development, public/private recreation, affordable housing and visitor serving commercial uses consistent with LUP policies):

(a) limit the building permits granted in any year for the construction of residences in rural areas, other than affordable and/or farm labor housing, in each watershed as specified in Table 1.4. Exceptions may be made by the appropriate County officials for large scale, master planned developments, on a case-by-case basis, when a qualified hydrologist determines that the cumulative impact of all new development on the relevant watershed(s) will not adversely affect coastal resources including wetlands, streams, riparian habitats, wildlife and agriculture. The hydrological study should include an analysis of the

geological formation within the watershed(s) and stream flow data for both summer and winter flows, and should project expected drought-year flows, and should provide data pertaining to riparian and appropriative water rights of the property being planned and a correlation of those water rights with the agricultural activity proposed on the property. Hydrologic data collected by project and/or collectively within watersheds for different projects shall be utilized to consider changes in the size of any annual increment of development or total amount, and,

(b) Limit Coastal Development Permits granted for hotel, motel and country inn visitor serving uses in the rural area to an interim total of 600 lodging units. After that limit is reached, visitor serving development would only be permitted through an LCP amendment. The amount of additional visitor serving development allowed shall be based on the County demonstrating that additional visitor serving development in the rural area would not adversely affect coastal resources and public services.

SUGGESTED MODIFICATION NO. 5: **Policy 11.1, 11.2 and 11.15 shall be modified as follows:**

11.1 Definition of Visitor Serving Facilities

Define visitor serving facilities as public and private developments that are exclusively available to the general public and provide necessary, basic visitor support services such as lodging, food, water, restroom and automobile services. Visitor serving facilities include, but are not limited to, hotels, motels, hostels, campground, group camps, grocery stores, food concessionaires, auto serving stations, public drinking water, restrooms, public parking for coastal recreation or access, restaurants, and country inns no more than two stories in height.

11.2 Definition of Commercial Recreation Facilities

Define commercial recreation facilities as developments serving primarily a recreation function which are operated by private business for profit and are exclusively available to the general public. Commercial recreation facilities include, but are not limited to, ~~private~~ beaches, stables, golf courses, specialty stores and sporting equipment sales and rentals.

Policy 11.15 shall be modified to add section 11.15c as follows:

11.15 c. Visitor Serving Uses: Any Coastal Development Permit for a visitor serving or commercial recreation use, shall include a prior to issuance condition that requires the applicant and owner of the land to execute and record a deed restriction over the entire parcel or parcels. The deed restriction shall specify that :

(1) The development is a visitor serving use exclusively available to the general public and that visitor length of stays are limited to no more than 29 consecutive days, and no more than 90 days per year. The deed restriction shall be recorded with the County Recorder to run with the land free and clear of all prior liens and encumbrances.

(2) Conversion of any portion of the visitor serving or commercial recreation facilities to a non-public, private, or member only use, or the implementation of any program to allow extended or exclusive use or occupancy of such facilities by an individual or limited group or segment of the public shall require an amendment to the applicable permit, and shall require a reduction in project density to the amount prescribed by Policy *1.8 for uses which are not visitor serving.

SUGGESTED MODIFICATION NO. 6: Policy 1.5 shall be modified as follows:

1.5 Land Uses and Development Densities in Urban Areas

a. Incorporate the adopted Montara-Moss Beach-El Granada Community Plan into the land use plan for the Mid-Coast, but amend it where necessary to meet Local Coastal Program objectives.

b. Permit in urban areas land uses designated on the Land Use Plan Maps and conditional uses ~~at~~ up to the densities specified in Tables 1.2 and 1.3. The use and amount of development allowed on a parcel, specifically including ~~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, ~~the use and amount of development allowed on a parcel~~ 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 ~~the density credit entitlements of~~ Table 1.3.

SUGGESTED MODIFICATION NO. 7: LCP Policy 1.6, "Development of Residential Substandard Parcels in the Urban Mid-Coast," shall be modified as follows, renumbered as Policy 1.5c., and added to Policy 1.5.

~~1.6~~ 1.5
c Development of Residential Substandard Parcels in the Urban Mid-Coast

In addition to any requirements for a Coastal Development Permit, including notice and hearing requirements, r~~R~~equire a use permit to build or enlarge a structure on any residentially zoned parcel less than 5,000 sq. ft. within the urban Mid-Coast. This requirement does not apply to structures 30 inches or less above the ground, or fences and retaining walls. Consideration of a use

permit application to develop a parcel greater than 3,500 sq. ft., but less than 5,000 sq. ft. shall be subject to the optional public hearing procedures of Zoning Regulations Section 6532. The use permit may be granted only if:

~~a~~ 1. All structures on the parcel, including garages and accessory buildings, will not cover more than 50% of the parcel area if all structures are less than 16 feet above the natural or finished grade, whichever is lower, or 35% of the parcel area if one or more of the structures is 16 feet or more above the natural grade;

~~b~~ 2. The aggregate square footage of all of the floors of a structure or structures, including garages and other accessory structures, will not exceed 60% of the number of square feet in the parcel; and

~~c~~ 3. The maximum height of any structure will not exceed 28 feet measured from the natural or finished grade, whichever is lower.

For purposes of subsections (~~a~~1) and (~~b~~2), walks, patios, in-ground swimming pools, pools that do not extend more than 30 inches above the ground, uncovered decks and porches 30 inches or less above the ground, and eaves projecting 30 inches or less from the exterior surface of a building wall shall not be included in calculation of the area covered by structures or the total square footage of floors.

SUGGESTED MODIFICATION NO. 8: Policy 3.24 shall be modified as follows:

3.24: Second Dwelling Units in R-1 Zoning Districts

Permit second dwelling units on building sites containing a one-family residence in R-1 zoning districts subject to the following restrictions:

a. Limit the total number of approved second units to 466 in the Coastal Zone.

b. Limit the size of the units to 700 sq.ft. or 35% of the floor area of the existing principal residence, whichever is greater.

c. Second dwelling units shall not be permitted on parcels covered by Local Coastal Program Policy 1.5c.

SUGGESTED MODIFICATION NO. 9: Policy *5.11 shall be modified as follows:

d. A density credit bonus may only be allowed for the merger of contiguous parcels as part of a Coastal Development Permit, and provided that a deed restriction is recorded by the owner of the

land prior to issuance of any Coastal Development Permit requiring that any subsequent land division of the merged property shall be consistent with all other applicable policies of the LCP including this Component and shall result in at least one agricultural parcel whose area is greater than the largest parcel before consolidation. The maximum bonus shall be calculated by:

(1) Determining the total number of density credits on all parcels included in a master development plan; and

(2) Multiplying that total by 25% if the merger is entirely of parcels of 40 acres or less, or by 10% if some or all of the parcels combined are larger than 40 acres.

The merged parcel shall be entitled to the number of density credits on the separate parcels prior to merger plus the bonus calculated under this subsection. The total number of density credits may be used on the merged parcel. Once a parcel or portion of a parcel has been part of a merger for which bonus density credit has been given under this subsection, no bonus credit may be allowed for any subsequent merger involving that parcel or portion of a parcel.

SUGGESTED MODIFICATION NO. 10: Policy *5.22 shall be modified as follows:

*5.22 Protection of Agricultural Water Supplies

Before approving any division or conversion of prime agricultural land or other land suitable for agriculture, require that:

a. ~~All non-agricultural uses permitted on a parcel demonstrate the existing availability of a potable and adequate on site well water source.~~

The existing availability of an adequate and potable well water source be demonstrated for all non-agricultural uses according to the following criteria: (1) each existing parcel developed with non-agricultural uses, or parcel legalized in accordance with Local Coastal Program Policy 1.29, shall demonstrate a safe and adequate well water source located on that parcel, and (2) each new parcel created by a land division shall demonstrate a safe and adequate well water source located either (a) on that parcel, or (b) on the larger property that was subdivided to create the new parcel, providing that a single well source may not serve more than four (4) new parcels.

b. Adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed are not diminished.

c. All new non-agricultural parcels are severed from land bordering a stream and their deeds prohibit the transfer of riparian rights.

<u>SUGGESTED MODIFICATION NO. 11:</u> **Policies *8.5 and *8.15 shall be modified as follows:**

*8.5 Location of Development

a. Require, ~~to the extent practicable,~~ that new development be located on a portion of a parcel where the development (1) is least visible from State and County Scenic Roads <u>and other public viewpoints</u>, and (2) consistent with ~~that~~ <u>all other LCP requirements</u>, best preserves the visual and open space qualities of the parcel overall.

<u>Public viewpoints include, but are not limited to coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches</u>.

This provision does not apply to enlargement of existing structures, provided that the size of the structure after enlargement does not exceed 150 percent of the pre-existing floor area, or 2,000 sq. ft., whichever is greater.

This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation on the parcel. In such cases, agricultural development shall use appropriate building materials, colors, landscaping and screening to eliminate or minimize the visual impact of the development.

b. Require, including by clustering if necessary, that new parcels have building sites that are not visible from State and County Scenic Roads <u>and other public viewpoints.</u> If (1) the entire property being subdivided is visible from State and County Scenic Roads <u>or other public viewpoints</u>, ~~or (2) compliance with this provision is not permissible under the General Plan and Local Coastal Program,~~ then require that new parcels have building sites that minimize visibility from those roads <u>and other public viewpoints</u>.

c. ~~The provisions of this policy do not apply to the extent that the application of this policy would direct development to a location prohibited by the application of other General Plan or Local Coastal Program policies.~~

*8.15 <u>Coastal Views</u>

Prevent development (including buildings, structures, fences, un-natural 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.

SUGGESTED MODIFICATION NO. 12: **Policy 8.7 shall be modified as follows:**

*8.7 Development on Skylines and Ridgelines

a. Prohibit the location of development, in whole or in part, on a skyline or ridgeline, or where it will project above a skyline or ridgeline, unless there is no other developable building site on the parcel. ~~/This/provision/does/not/apply/to/the/extent/that/the/application/of/this/provision/would/direct/development/to/a/location/restricted/by/the/application/of/other/General/Plan/or/Local/Coastal/Program/policies/~~

Consistent with Policy 9.18, a site of greater than 30% slope may be deemed developable if it is the only other building site on the parcel and can be developed consistent with all other applicable LCP policies.

Prohibit the location of development, in whole or in part, on a skyline, or where it will project above a skyline, when a developable building site exists on a ridgeline.

A skyline is the line where sky and land masses meet, and ridgelines are the tops of hills or hillocks normally viewed against a background of other hills, ~~as/defined/by~~(General Plan Policy 4.7).

b. Where no other developable building site exists on a parcel, limit development on a skyline or ridgeline to 18 feet in height from the natural or finished grade, whichever is lower.

c. Prohibit the creation of new parcels which have no developable building site other than on a skyline or ridgeline, ~~except/to/the/extent/that/the/application/of/this/provision/would/direct/development/to/a/location/restricted/by/the/application/of/other/General/Plan/or/Local/Coastal/Program/policies/~~

SUGGESTED MODIFICATION NO. 13: **Policy 8.14 shall be modified as follows:**

~~8/14 Coastal/Views~~

8.13 Special Design Guidelines for Coastal Communities

a. Montara-Moss Beach-El Granada...

~~d~~ (5) To the extent feasible, design development to minimize the blocking of views to or along the ocean shoreline from

Highway 1 and other public viewpoints between Highway 1 ~~to~~ and the sea, ~~including publicly owned~~ Public viewpoints include coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches ~~lying between Highway 1 and the sea~~. This provision shall not apply in areas west of Denniston Creek zoned either Coastside Commercial Recreation or Waterfront.

~~b~~ (6) In areas east of Denniston Creek zoned Coastside Commercial Recreation, the height of development may not exceed 28 feet from the natural or finished grade, whichever is lower.

SUGGESTED MODIFICATION NO. 14: Policy 9.18 shall be modified as follows:

9.18 Regulation of Development on 30% or Steeper Slopes

a. Prohibit development on slopes of 30% or more, unless (1) no alternative exists or (2) the only practicable alternative site is on a skyline or ridgeline. Parcels ~~may~~ shall not be created where the only building site, in whole or in part, including roads or driveways, is on a slope of 30% or more. An engineering geologic report shall be required for any development on a slope of 30% or more. ~~This provision does not apply to the extent that it is inconsistent with policies of the General Plan or Local Coastal Program which restrict the location of development.~~

Development less than 10 feet in height that does not constitute a building, road or driveway, or require grading, shall be exempt from the application of this provision.

b. Employ the siting and grading criteria of the Design Review Zoning Ordinance and the Community Design Manual for Development on Slopes 30% or Greater.

III. FINDINGS

The Commission finds and declares the following for Amendment No. 1-97-C:

A. LUP AMENDMENT DESCRIPTION

Background

The proposed LCP amendment includes changes to 12 LUP policies and 9 Zoning Code sections. These proposed changes generally relate to the areas of concern identified in the Coastside Protection Initiative of 1994, a voter initiative that two citizen organizations, Save Our Coast and the Sierra Club, petitioned to put on the ballot in 1994.

While 30,000 San Mateo County voters signed the initiative, in November 1994, the County Clerk determined that, due to certain technical errors, the Coastside Protection Initiative of 1994 failed to qualify as an initiative petition under the applicable provisions of the State Elections Code.

In December 1994, at the request of the two sponsoring organizations, the San Mateo County Board authorized the Planning Commission to begin the legislative process to consider the proposed LCP amendments contained in the Initiative.

Between June 14, 1995 and January 24, 1996, the Planning Commission held ten public hearings in both Redwood City and on the coast to consider the amendments. Many members of the public, representing varied perspectives, provided the Planning Commission with lengthy testimony and numerous letters.

On February 28, 1996, the Planning Commission approved, on a three to two vote, a recommended LCP Amendment and forwarded it to the San Mateo County Board of Supervisors.

The Board held three public hearings in the spring of 1996 on the proposed amendments and adopted a resolution and related ordinances transmitting the proposed amendment to the Coastal Commission for certification.

Description

Specifically, Resolution No. 60232 amends the San Mateo County Local Coastal Program to:

a. Revise the Locating and Planning New Development Component to: (1) clarify the development density of rural designated land in the urban Mid-Coast (Policy 1.5), and (2) to reduce the permitted level of non-agricultural development in the rural Coastal Zone (Policy *1.8).

b. Revise the Agriculture Component to add a requirement protective of agricultural before granting a density bonus for combining contiguous parcels in rural agricultural areas (Policy *5.11).

c. Revise the Visual Resources Component to: (1) direct new development to the least visible site from designated scenic roads, reduce the height limit for ridgeline development, and change existing landform alteration and development design regulations in the rural Coastal Zone (Policies *8.5, *8.7, *8.17 and *8.18), and (2) reduce the height limit in select urban commercial recreation areas, and strengthen shoreline view protection regulations in the urban Mid-Coast (Policy 8.14).

d. Revise the Hazards Component to strengthen rural steep slope development regulations (Policy 9.18).

e. Revise Policy 11.15 (Recreation and Visitor-Serving Facilities Component) to conform the permitted level of visitor-serving development to the provisions of proposed Policy *1.8.

A number of documents that are essential elements of the submittal were transmitted subsequent to the initial submittal in response to the Commission's request. These were variously received during the period of September 18, 1996 through April 8, 1997. These documents are now part of the official submittal, and are listed in Exhibit 4.

The five ordinances adopted and submitted to change the Zoning Ordinance are described in the Implementation section Part Three-III.A below..

IMPORTANT NOTE: Throughout this report various Policies are identified by an asterisk (*). This designation is part of the policy basis of the LCP, specifically Policy *1.31 Local Coastal Program Amendments which provides:

a. Local Coastal Program policies, or subsections of such policies, identified by an asterisk (*) , may be amended or repealed only after approval by a majority of the voters of San Mateo County, voting in a valid election. The Board of Supervisors may, by a four-fifths vote after consideration by the Planning Commission, submit proposed amendment(s) to the voters.

b. Subsection a. does not apply to amendments to Local Coastal Program policies or subsections of such policies, identified by an asterisk (*), which would further restrict non-agricultural development, density or use, providing that such amendments conform with the California Coastal Act of 1976 or other State law.

Additionally, it is also important to note that within each of the 12 policy components chapters of the LUP, the policies are often grouped under geographic or topical subheadings which limit their application. For example, policy *1.8 is part of a group of policies listed under the subheading "Rural Area" within the "Locating New Development Component," so the provisions of *1.8 do not apply in the urban Mid-Coast area (except that in this particular case, urban area policy 1.5 specifically incorporates aspects of *1.8 by reference). This report introduces each policy with a note about its scope of application.

B. REVIEWING CONFORMANCE TO COASTAL ACT POLICIES

To approve the proposed amendments to the LUP, the Commission must find the LUP, as amended, will remain consistent with the policies of Chapter 3 of the Coastal Act. For purposes of this review, the proposed Land Use Plan (LUP) amendments are generally grouped below under the most applicable Coastal Act and corresponding LUP policies. In several cases, however, other Coastal Act policies apply to the amendments. In such cases, the consistency of the proposed amendment to these other policies of the Act is also discussed within the section addressing that Coastal Act issue.

C. LOCATING AND PLANNING DEVELOPMENT

Coastal Act **Sections 30250** through **30255** make up Article 6 of the Act entitled "Development." In pertinent parts, these sections generally require that new development be located in existing developed areas able to accommodate it, be sited and designed to protect views and be visually compatible with the character of surrounding areas, and accord priority to coastal dependent developments.

In addition, Coastal Act **Section 30222** provides for priority of visitor-serving uses in locating and planning developments. It states that the use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Coastal Act **Sections 30241** and **30242** require that the maximum amount of agricultural land be maintained in agricultural production.

Four of the proposed LUP amendments, the proposed changes to LUP Policies 1.5, 1.6, *1.8 and 3.24, must be reviewed for consistency with the above-referenced Coastal Act policies and are addressed in this section.

1. POLICY *1.8 BACKGROUND: LAND USES AND DEVELOPMENT DENSITIES IN THE RURAL AREA

Policy *1.8 applies to the Rural Area.

Proposed amendments to LCP policy *1.8 would change the permitted level of **non-agricultural** development in the **rural** coastal zone. Exhibit 3 shows the changes to the County's proposed amendment would make to the current Policy *1.8

(a) Policy *1.8 Amendment Background and Description: How the LCP Assigns Land Uses and Development Densities In Rural Areas

Under the structure of the San Mateo County LCP, many policies must be taken together to determine exactly what development is permitted. Policy *1.8, however, is in many ways at the heart of the LCP's development allocation system in the rural area. Through its key role in the density credit system (described below), it sets the framework for the types and intensities of uses permitted by the LCP. When the Commission originally certified the LCP as meeting the Coastal Act's standards for preserving agricultural land and natural resources, and ensuring that development takes place consistent with limited public service capacities (e.g., water, sewer, roads), it did so in part based on an analysis of the potential buildout that could be allowed under this system. While other policies of the LCP, including the Public Works, Sensitive Habitats, Visual Resources, and Hazards policies set standards that may further constrain allowable development and determine where

on a parcel development may take place, the LCP density credit system is crucial to controlling development and its cumulative impact.

The appropriate application of the density credit system is a keystone to the long-term success of coastal management in San Mateo County. Understanding how this system works is essential to evaluating the County's proposed amendments to Policy *1.8 and related LCP sections, and the suggested modifications that would bring them into consistency with the Coastal Act. The following desription of the system as it currently exists is provided to help facilitate that understanding.

(b) Policy *1.8 currently (without the proposed County Amendment) reads:

*1.8 Land Uses and Development Densities in Rural Areas

a. Allow new development (as defined in Section 30106 of the California Coastal Act of 1976) in rural areas only if it is demonstrated that it will not: (1) have significant adverse impacts, either individually or cumulatively, on coastal resources and (2) diminish the ability to keep all prime agricultural land and other land suitable for agriculture (as defined in the Agriculture Component) in agricultural production.

b. Permit in rural areas land uses designated on the Local Coastal Program Land Use Plan Maps, and conditional uses at densities specified in Tables 1.2 and 1.3.

c. Require density credits for non-agricultural land uses in rural areas, including any residential use, except affordable housing (to the extent authorized in Policy 3.27 of the Local Coastal Program on March 25, 1986, the date notice of this ordinance was published) and farm labor housing. One density credit shall be required for each 315 gallons maximum daily water use as a result of a land use. For purposes of this ordinance, a single family dwelling unit shall be deemed to use 315 gallons per day. In order to give priority to Public and Commercial Recreation land uses, one density credit shall be required for those uses for each 630 gallons of maximum daily water use. Water use shall be calculated on the best available information and shall include all appurtenant uses, e.g., landscaping, swimming pools, etc.

(c) Types of Use Permitted:

Policy *1.8, subsection b., which governs development in the rural coastal zone, permits "land uses designated on the Local Coastal Program Land Use Plan Maps, and conditional uses at densities specified in Tables 1.2 and 1.3." Table 1.2 specifies Very Low Density Residential, Public Recreation, Private Recreation, General Open Space, and Agriculture as permitted uses (exhibit 6). Uses permitted in each of these land use designations are specified in

various LUP policies and Implementing Ordinances. For example, uses permitted under the "Agriculture" designation are further defined in the LUP's Agriculture policies 5.5 and 5.6. These policies conditionally allow certain non-agricultural uses, such as single family residences, and on non-prime agricultural lands, "commercial recreation including country inns [and] campgrounds" (exhibit 9). Through the various LUP policies and their implementing ordinances, including the PAD, RM/CZ, TPZ/CZ zoning ordinances, approximately 50 different types of uses are permitted, conditionally permitted or allowed by use-permit.

(d) Intensity of Use: Density Analysis and Density Credits:

The certified LCP allocates density by means of density credits. The maximum intensity of a given use is determined through a two step process outlined by Policy *1.8: (1) the "density analysis", which leads to assignment of "density credits" to a parcel, and (2) the determination of the number of permitted units of a given use allowed by each density credit based upon the water consumption of that use.

Policy 1.8b references Table 1.3 (exhibit 7), which defines the "density analysis." This analysis determines a parcel's inherent suitability for development by evaluating key environmental characteristics, including presence of agricultural soils, degrees of slope, geologic, seismic and flooding hazards, and remoteness. Through this analysis, the maximum number of **"density credits"** which can be used to qualify for development is assigned to the parcel. However, every existing legal parcel is entitled to at least one density credit.

Table 1.3, albeit in a somewhat circuitous manner, also sets the number of density credits accrued on a parcel as the upper limit of subdivision. (Again note that other LCP provisions may further limit allowable subdivision). As clarified by the previous Amendment 2-95 to the LUP, (changes shown below) Table 1.3 now reads:

> "In the rural areas of the Coastal Zone which are zoned Planned Agricultural District, Resource Management/Coastal Zone, or Timberland Preserve/Coastal Zone, determine the maximum number of density credits to which any legal parcel is entitled by using the ~~following~~ method of calculation/ shown below, and further defined by the Planned Agriculture, Resource Management/Coastal Zone, and Timberland Preserve/Coastal Zone Zoning District regulations....

Each of the three zoning districts governed by Table 1.3 and Policy *1.8 then further states under their sections "Maximum Density of Development":

> "The sum of densities accrued under all applicable categories shall constitute the maximum density of development permissible under this Section."

The Planned Agricultural District (PAD) Zoning Ordinance section 6351, subsection J (Exhibit 3, pg 16) defines "Density Credits" as:

> "The maximum number of land divisions permitted for a parcel ..."

Any subdivision is a development, as specifically defined by the LUP in Policy 1.2, which incorporates verbatim the definition of development in Section 30106 of the Coastal Act. Therefore, the number of density credits accrued by a parcel constitutes "the maximum number of land divisions permitted. As noted, however, the route to this conclusion is circuitous at best, and could result in misinterpretations of the LCP that would produce results inconsistent with the Coastal Act. Moreover, the provisions limiting the maximum number of land divisions to the sum of the density credits for the parcel are contained with the implementation plan rather than the land use plan. Omission of this standard from the certified land use plan is inconsistent with Section 30108.5 of the Coastal Act which defines a land use plan as the portion "sufficiently detailed to indicate the kinds, location and intensity of uses." Therefore, Table 1.3 must be rejected. Suggested Modification 2 to Table 1.3, discussed later, is related to the proposed amendments to Policy *1.8, and clarifies within the land use plan itself that the number of density credits a parcel has represents the upper limit to the number of parcels it can be subdivided into.

Exhibit 8 illustrates a density analysis on a hypothetical parcel (please note this figure was used in a previous County's LCP Amendment, No. 2-95, which the Commission approved, so the "Proposed Analysis Calculation" reflects the rules currently in effect). As shown here, the 1440 acre parcel qualifies for 17 density credits. In the simplest case, the 17 density credits would allow 17 houses to be built on the property. Another option illustrated further below, would be to use the density credits for some mix of uses allowed under the applicable zoning and found to be consistent with all other applicable LCP policies. Finally, the parcel might be subdivided, but only if all the LCP standards for subdivision are met. The 17 density credits would then be divided among the resulting lots. The important thing to understand is that in each case the number of density credits accorded to that area of land would be the same.

Policy 1.8 also regulates, in part, how density credits can be converted into allowable development on a parcel. Section 1.8a allows development "only if it is demonstrated that it will not: (1) have significant adverse impacts, either individually or cumulatively, on coastal resources and 2) diminish the ability to keep all ... agricultural land ... in agricultural production." Within these limitations, section 1.8c requires density credits as a precondition for permitting all uses except agricultural uses, specified affordable housing and farm labor housing.

Other parts of the LCP come into play to determine how these density credits can be used on the property. First, the applicable zoning district limits permitted uses. For example, while density credits are calculated in the same

way according to Table 1.3 for the Planned Agriculture Resource Management/CZ, and Timberland Preserve/CZ (TPZ/CZ) Districts, these credits cannot be exchanged for lodging development in the TPZ/CZ because lodging is not a permitted use in that district. Next, the applicable specific policies in the twelve policy chapters of the LCP apply, and may further limiting or shaping allowed development. Policy *8.5 as proposed to be amended, for example, would require that building sites not be visible from State and County Scenic Roads, or if that is not possible, would minimize their visibility from those roads. Policy 5.5 would permit a variety of agriculturally related development on the agricultural portion of the parcel irrespective of the number of density credits (because density credits are only required for non-agricultural development on agriculturally- designated parcels, but Policy 5.14 would not permit the subdivision of the agricultural land portion of the parcel without a Master Land Division Plan that satisfies a number of criteria for permanent protection of the land's agricultural productivity. The essential point is that the LCP's density analysis fixes the upper limit of potential development, and other parts of the LCP may work to further reduce or shape development.

(e) Water Use as the Measure of Intensity for Different Types of Land Uses:

Policy *1.8 establishes water use as the means to define the amounts of each type of use to be permitted for each density credit. Water was chosen as the "coin of the realm" for the purposes of equating one type of development with another because it is a major limiting factor for development in the rural San Mateo coastal zone, it is required by all uses, and its use generally increases with development intensity.

The second part of Policy 1.8c stipulates that "one density credit shall be required for each 315 gallons maximum daily water use as a result of a land use," and that "a single family residence shall be deemed to use 315 gallons per day."

So for the simple case, one residential unit requires one density credit. As noted in our example, the 17 density credits could be used to permit up to 17 houses to be built on the parcel.

Policy, 1.8c however, carves out an exception to the density credit/water use equation. It specifies that "in order to give priority to Public and Commercial Recreation land uses, one density credit shall be required for those uses for each 630 gallons of maximum daily water use."

This is where the system gets a bit more complicated. For example, "Country Inns" are a type of commercial recreation use conditionally permitted on certain rural lands. If all other applicable LCP policies were satisfied, the allowed intensity of development of a country inn presently would be determined by its total projected water use, but **twice the amount of water use (or intensity) would be permitted compared to a residential use** (630 gallons per day (gpd) vs 315 gpd). Doubling the allowed intensity of water

use for Public and Commercial Recreation is intended to encourage the development of these priority uses. It is also important to note that unlike residential uses which are deemed to use 315 gpd, water use for Public and Commercial Recreation development is currently determined on a case by case basis. A single "Country Inn" unit is typically projected to use only a fraction of the amount of water of a single residential unit. Therefore, several inn units may be found to fit under the 315 gpd water demand that equates to a residential density credit, and twice that number would be allowed under the "bonus" (630gpd) accorded to Public and Commercial Recreation uses.

In fact, a recent case decided by the Commission on appeal (A-3-SMC-96-008, McKenzie) provides a good illustration. In this case the subject property had one density credit (based on the one credit per legal parcel minimum, rather than the density analysis). Rather than choosing to develop the single residential unit that could be allowed, the applicant applied for a "country inn", and thus qualified to convert the one density credit into 630 gpd of allowable water use. It was finally determined that, based on the projected water use of the proposal, 9 inn units could be allowed. (It should be noted, pertinent to the discussion of Policy 5.22 later, that as yet the applicant has not found sufficient water on site to allow the development to proceed).

As currently certified, LCP Policy 1.8 provides that the amount of development is limited by maximum water usage. Policy 1.8 concludes by mandating that water use "be calculated on the best available information and shall include all appurtenant uses." The County has interpreted these provisions to mean actual water usage. Thus, in determining development limits, the County has considered water conservation measures included in the project as well as less than full projected occupancy rates. These interpretations of Policy 1.8 have been the source of significant debate and controversy over the years. More importantly, the interpretation of these provisions, both as they currently stand, and as they are proposed to be changed by the Amendment process, are a critical determinant of whether the LCP will have, as indicated in both Coastal Act section 30250 and LCP Policy *1.8a, "significant adverse impacts, either individually or cumulatively, on coastal resources."

2. PROPOSED AMENDMENTS TO POLICY *1.8

(a) Proposed Text of Policy *1.8

Policy *1.8 is shown here with cross-outs and underlining showing the County's proposed deletions and additions respectively. The portions emphasized with **bold type identify significant changes** that are summarized and discussed in the following sections dealing with the issues related to Coastal Act consistency and the suggested modifications necessary for proposed Policy *1.8 to be found consistent with the Coastal Act.

*1.8 Land Uses and Development Densities in Rural Areas

a. Allow new development (as defined in Section 30106 of the California Coastal Act of 1976) in rural areas only if it is demonstrated that it will not: (1) have significant adverse impacts, either individually or cumulatively, on coastal resources and (2) diminish the ability to keep all prime agricultural land and other land suitable for agriculture (as defined in the Agriculture Component) in agricultural production.

b. Permit in rural areas land uses designated on the Local Coastal Program Land Use Plan Maps, and conditional uses at densities specified in Tables 1.2 and 1.3.

c. (1) Require Density Credits for Non-Agricultural Uses

Require density credits for all new or expanded non-agricultural land uses in rural areas, including ~~any~~ all residential uses, **except a residential dwelling unit associated with a visitor-serving facility that is occupied by the facility owner or operator,** affordable housing (to the extent ~~authorized in Policy 3.27 of the Local Coastal Program on March 25, 1986, the date notice of this ordinance was published~~ provided in Local Coastal Program Policy 3.23) and farm labor housing, as defined in Local Coastal Program Policy 3.28, mining in accordance with General Plan Policies 3.11 and 3.12, and solid waste facilities under the policies in General Plan Chapter 13. The existence and number of density credit on a parcel shall be determined by applying Table 1.3.

Expanded or additional non-agricultural uses shall only be permitted on a parcel when there are enough density credits available to that parcel to meet the density credit requirements of this policy for both (a) existing uses, and (b) any expanded or additional uses.

(2) Amount of Development Allowed for Non-agricultural Uses, Except Visitor-Serving Uses

For new or expanded non-agricultural uses, except visitor-serving uses, one density credit shall be required for each 315 gallons, or fraction thereof, of ~~maximum daily water use as a result of a land use~~ **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 non-agricultural use, including landscaping, swimming pools and all other appurtenant uses.

(a) Residential Uses

~~For purposes of this ordinance,~~ For new or expanded residential uses, a single-family dwelling unit shall be deemed to use 315 gallons of water per day~~/~~ during the two months of highest water use in a year (including landscaping, swimming pools and all other appurtenant uses).

(b) Non-Agricultural Uses Listed in the Kleinfelder Report, Except Visitor-Serving Uses

For those non-agricultural uses, except visitor-serving uses, listed in Table 7 of the Kleinfelder, Rural Area Water Use Study: Final Report, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be the amount stated in Table 7 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

(3) Amount of Development Allowed for Visitor-Serving Uses Listed in the Kleinfelder Report

~~In order to give priority to Public and Commercial Recreation land uses,~~ For new or expanded **visitor-serving uses, one density credit shall be required for** ~~those uses for each 630 gallons of maximum daily water use. Water use shall be calculated on the best available information and shall include all appurtenant uses, eligible landscaping, swimming pools, etc.~~ the first 945 gallons, or fraction thereof, of average daily water use during the two months of highest water use in a year. One additional density credit shall be required for each 630 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 use, including landscaping, swimming pools and all other appurtenant uses. The 945-gallon water use allowance for one density credit may be applied one time only on a parcel.

For those visitor-serving uses listed in Table 7 of the Kleinfelder, Rural Area Water Use Study: Final Report, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be:

(a) For one density credit or the first density credit when multiple density credits are available, **1 1/2 times the amount stated in Table 7** in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

(b) For each additional density credit, the amount stated in Table 7 in the column headed "Number of Measuring Units

Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

(b) Summary of Key Changes County Proposes for Policy 1.8:

The County proposed Amendment would:

1. Allow a **"Bonus House"** permitting an additional residence when associated with a visitor-serving facility by exempting such residence from the density credit requirement (1.8c, para.1).

2. Exempt **Mining and Solid Waste facilities** from the density credit requirement under certain conditions (1.8c, para.1).

3. **Change the basis for calculating water use** from "maximum daily water use" to "average daily water use during the two months of highest water use in a year" (1.8c(2), para. 1; 1.8c(3), para. 1).

4. **Specify levels of development** allowed for one development credit for each of a list of different types of land uses by incorporating "Table 7" of the Rural Water Use Study prepared by Kleinfelder Engineers for the purposes of the LCP (1.8c(2)(b)).

5. **Change priority and related density bonus from "Public and Commercial Recreation" uses to "visitor-serving uses"** (1.8c(3), line 1).

6. **Grant a density bonus to visitor-serving uses equivalent to four times the intensity allowed to residential uses**, as measured by water demand. The Policy as proposed (1.8c(3), para.1), requires only one density credit for the first 945 gallons per day (gpd) of water use by visitor serving uses (3 times the 315 gpd allowed to residences) and allows "1 1/2 times the amount" of development stated in Table 7 for the first density credit for visitor serving uses (1.8c(3)(a)) (This amount as stated on Table 7 is already double the amount allowed for residential). Together with the "bonus house" provision (above), this brings the **total water intensity allowed for a parcel developed for visitor-serving use to 4 times that allowed for residential.**

3. CONFORMANCE OF PROPOSED AMENDMENTS TO POLICY *1.8 TO THE COASTAL ACT

(a) Key Coastal Act Sections Applicable to Proposed Amendments to Policy *1.8

As applied to Policy *1.8, key Coastal Act policies include Sections 30222, 30241, 30242, 30250, 30251 and 30254:

Section 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential..or general commercial development but not over agriculture or coastal dependent development.

Section 30241

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the area's agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:...

(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands...

(f) By assuring that...all development adjacent to prime agricultural lands shall not deminish the productivity of such prime agricultural lands.

Section 30242

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Section 30250

New...development...shall be located...where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas...shall be subordinate to the character of its setting.

Section 30254

...it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road...

(b) Issues Relating to Consistency of Proposed Policy *1.8 with the Coastal Act.:

The proposed amendments to Policy *1.8 as submitted are not consistent with the above-cited policies of the Coastal Act. In brief, the issues are these:

1. Proposed Policy *1.8 would allow a level of development on individual parcels and on a cumulative basis that would have significant effects on San Mateo County's coastal resources, including highway capacity, water resources, agriculture, and views, contrary to Coastal Act Section 30250.

2. Proposed Policy *1.8 would allow in residential development that would pre-empt options for new public and commercial recreation uses and visitor-serving facilities, contrary to Coastal Act Section 30222.

3. Proposed Policy *1.8 would allow conflicts between agriculture and non-agricultural development, contrary to Coastal Act Sections 30241 and 30242.

4. Proposed Policy *1.8 would allow in development that would diminish views to and along the ocean and the scenic corridor areas of the San Mateo coast, and not be subordinate to its scenic character and setting, contrary to Coastal Act Section 30251.

5. Proposed Policy *1.8 would allow a level of development that would force the widening of Scenic Highway 1, contrary to Coastal Act Section 30254.

(1) Cumulative Impacts: Section 30250 and Proposed Policy *1.8

Section 30250 in pertinent part states as follows:

Section 30250

New...development...shall be located...where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

As previously noted, Policy 1.8 has broad implications for cumulative effects. In order to find that proposed Policy *1.8 continues to be consistent with Section 30250 of the Coastal Act, the Commission must determine that new development as permitted by the Amended policy will not

have significant adverse effects either individually or cummulative on coastal resources.

Part "a" of Policy 1.8, by restating the standard of Section 30250, certainly continues to be consistent. But the subsequent portions of the policy raise issues of consistency by providing very specific permission for development.

Under the certified LCP, significant individual adverse effects of development are controlled by the myriad of specific policies that the Commission has previously found adequate to carry out the Coastal Act. Those policies which are proposed for amendments are evaluated elsewhere in this report, so this section will focus on significant adverse cumulative effects.

Buildout Analysis

The County, in response to a request from Commission staff, prepared a "Coastal Protection Initiative LCP Amendments Impact Assessment " to evaluate buildout and cumulative effects under the proposed Amendment (Exhibit 10)

Based on the estimates and assumptions described in the report, the analysis concluded that in the rural area:

- approximately 455 residences and 1 bed and breakfast hotel currently exist (not counting the approved and as yet unbuilt Cascade Ranch and McKenzie projects)

- approximately 425 parcels remain undeveloped, and of these:

    - 391 parcels have one density credit

    - 34 parcels have more than 1 density credit, for a total of:

    - 712 density credits available for future development.

Normally, the Commission bases its analysis of an LCP's potential cumulative effects on the ultimate potential buildout allowable under the LCP. Where more traditional land use plans delineate more or less exclusive use zones at specific densities (e.g. 100 acres of multi-family residential at 15-25 units per acre; 10 acres of Hotel/Motel at 50 overnight units/acre), it is relatively easy to calculate a maximum potential buildout.

But the San Mateo County LCP is different. By conditionally allowing many different kinds of uses (residences, hotels, motels, campgrounds, restaurants, etc.) on most of the parcels in the rural area, the LCP permissive and proscriptive, but not predictive of future land uses. Therefore, no single "ultimate buildout" scenario can be determined. The actual pattern of future land use going forward will depend on a constellation of factors, including: market and economic forces that affect the relative demand for visitor-serving uses vs. residential vs. other uses on the San Mateo Coast; changes in

accessibility of the coast (Highways 1 and 92 capacity and reliability improvements); technological trends (potential increases in "telecommutability" between the Coastside and Silicon Valley/Bayside); site specific conditions at each parcel (groundwater availability, septic suitability, lot configuration, other LCP constraints -views, bluff setbacks, sensitive habitats, etc., and how those constraints are applied); further open space purchases; owner's desires to perhaps not build to maximum intensity, and so on.

Consequently, in preparing the projection of LUP buildout the County developed a set of scenarios that covers the reasonable range of probabilities. The four land use scenarios allocate the 712 available density credits as follows:

a. SCENARIO 1

All available density credits will be used for development (100%)
The density credits will be used entirely for residential development (100%)

b. SCENARIO 2

All available density credits will be used for development (100%)
The density credits will be used for a mix of residential development (90%), and visitor-serving development (10%).

c. SCENARIO 3*

90% of available density credits will be used for development.
The density credits will be used for a mix of residential development (90%), and visitor-serving development (10%).

*Scenario 3 assumes that 10% of the density credits will not be consumed because:

(1) Additional park acquisition likely will occur,
(2) Some property owners will voluntarily choose not to fully develop their property.
(3) Some property owners will find development cost too exorbitant to justify building.
(4) Certain development may require scaling down to overcome community opposition.
(5) On site well water may not be available

d. SCENARIO 4

All available density credits will be used for development (100%)
The density credits will be used entirely for visitor-serving development (100%)

Based on their 1981 to 1995 records showing that 8% of projects built in the rural area were visitor-serving and 92% were residential, the County believes Scenario 3 is the most probable outcome, and Scenario 4, the least probable.

Because the proposed LCP amendment would allow parcels with multiple density credits to use one or more of these credits for "hotel" use, the visitor serving component of Scenarios 2-4 was further divided into the following subscenarios to account for different size lodging developments:

(a) One density credit used for each hotel. (small hotel)

(b) Three density credits used for each hotel. (small-medium hotel)

(c) Five density credits used for each hotel. (medium hotel)

(d) Ten density credits used for each hotel. (medium-large hotel)

At the request of Commission staff, each scenario was then analysed under the following three alternative regulatory schemes:

-Existing LCP
-Proposed LCP Amendments
-Modified Proposed LCP Amendment (without the manager's residence.)

The calculated development potential for each alternative is summarized below:

	Existing LCP	Proposed Amendment	Modified Amendment
Scenario One	712 houses	712 houses	712 houses
Scenario Two	641 houses	641 houses 7-71 mgr. houses	641 houses
	664 hotel rms.	473-675 hotel rms.	473-675 hotel rms.
Scenario Three	577 houses	577 houses 6-64 mgr. houses	577 houses
	597 hotel rms.	424-608 hotel rms.	424-608 hotel rms.
Scenario Four		463 mgr. houses	
	6643 hotel rms.	5970 hotel rms.	5970 hotel rms.

These buildout scenarios show a wide variability in possible outcomes under the LCP and proposed amendments. Some of these scenarios are obviously improbable (eg. that every remaining undeveloped parcel will build out with a hotel). But including all possible scenarios is useful in the cumulative effect assessment, because it assures that the assessment will cover the full range of "best" to "worst case" cumulative impacts as the basis for an informed policy response.

Cumulative Effects

The cumulative significant adverse effects of concern in the rural coastside include the capacity of Highway 1 and water supply. The effects on these concerns of the above-identified buildout scenarios is discussed below.

Highway 1 Capacity

Coastal Act sections 30250(a), 30254 and 30222, and several LCP policies, set the standards for evaluating the cumulative effects of development permitted by proposed Policy *1.8 on Highway 1 capacity.

Coastal Act Section 30250(a) of the Coastal Act requires that new development not have significant adverse effects, either individually or cumulatively, on coastal resources. Section 30254 states that it is the intent of the Legislature that State Highway One in rural areas of the coastal zone remain a scenic two-lane road, and that where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development. Section 30222 also establishes a priority for facilities designed to enhance public opportunities for coastal recreation.

Because Highway One is the only major north-south arterial in rural coastal San Mateo County, the requirements of Section 30254 are a limiting factor on the potential for new development on the County's rural coastal area. In addition, Section 30254 requires that high priority uses of the coast not be precluded by other, lower-priority uses when highway capacity is limited.

With regard to existing LCP policies, Policy *1.8(a) itself incorporates the Section 30250(a) cumulative impact restriction:

> *1.8a. Allow new development... in rural areas only if it is demonstrated that it will not: (1) have significant adverse impacts, either individually or cumulatively, on coastal resources...

Existing LCP Policy 11.5 reflects the requirement of Coastal Act Section 30222 that gives priority to visitor-serving uses:

> 11.5 Priority to Visitor Serving and Commercial Recreation Facilities
>
> Give priority to visitor serving and commercial recreation facilities on designated Mid-Coast lands and throughout the South Coast over private residential, general industrial or general commercial development but not over agriculture or coastal dependent industry.

Existing Policies *2.6 and 2.7 generally limit public works capacities to the buildout of the certified LCP, consistent with the first part of Section 30254:

> *2.6 Capacity Limits
>
> Limit development or expansion of public works facilities to a capacity which does not exceed that needed to serve buildout of the Local Coastal Program.

2.7 Phased Development of Public Works Facilities

Require the phased development of public works facilities in order to insure that permitted public works capacities are limited to serving needs generated by development which is consistent with the Local Coastal Plan policies.

A series of Policies (some of which were recently amended and certified by the Commission in San Mateo County's LCP Amendment 1-96), extends the above provisions of the LCP more specifically to roads and Highway 1:

ROADS

The County will:

2.48 Capacity Limits

a. Limit expansions of roadways to capacity which does not exceed that needed to accommodate commuter peak period traffic when build-out of the Land Use Plan occurs.

b. Use the requirements of commuter peak period traffic as the basis for determining appropriate increases in capacity.

2.49 Desired Level of Service

In assessing the need for road expansion, consider Service Level D acceptable during commuter peak periods and Service Level E acceptable during recreation peak periods.

2.50 Route I and Route 92 Phase I Capacity Limits ...

a. On Route 1, limit Phase I improvements to: (1) slow vehichle lanes on uphill grades and the following operational and safety improvements within the existing alignment or lands immediately adjacent; elimination of sharp curves, lane widening, wider shoulders to allow passage for emergency vehicles and signals at major intersections, and (2) construction of a tunnel for motorized vehicles only behind Devil's Slide through San Pedro Mountain. The tunnel design shall be consistent with (a) Coastal Act limits restricting Route 1 to a two-lane scenic highway, and (b) minimum state and federal tunnel standards. A separate trail for pedestrians and bicycles shall be provided outside the tunnel as specified in Policy 2.56 a.

2.54 Roadway Alignments ...

a. Require that the roadway improvements be consistent with policies of the Local Coastal Plan, particularly the Sensitive Habitats and Agriculture Components.

The Commission's previous actions certifying the LCP specifically identified these LCP policies as essential to finding the LCP consistent and adequate to carry out the Coastal Act. Any proposed amendments to Policy *1.8 must be reviewed for conformity with the Chapter 3 policies of the Coastal Act taking the existing LCP framework into account.

The above-referenced policies can be summarized as follows:

1. Limit development so it will not have significant adverse impacts on coastal resources (section 30250(a) and Policy *1.8a).

2. Define impact on the coastal resource of highway capacity in terms of the acceptable service levels "D" for commuter peak periods and "E" for recreational periods (policy 2.49).

3. Do not create pressure to expand existing Highway 1 to more than a two-lane scenic road by exceeding acceptable levels of service (Section 30254).

These cumulative impact criteria for assessing proposed amendments to Policy *1.8 were applied in the "Future Traffic Impacts" part of the County's "Coastal Protection Initiative LCP Amendments Impact Assessment" (Exhibit 10). Because of the limitations of the data that went into the assessment, and the need to make assumptions in the use of that data, this assessmment is best thought of as a "sensitivity analysis" rather than a precise prediction.

At a broad planning level, however, the analysis is sufficient to estimate significant adverse cumulative impacts and other areas of policy concern.

One such concern is that at some point under the proposed amendment, permitted development could significantly exceed the capacity of Highway 1. Pages 6-10 of Exhibit 10 sets out the step-by-step method used in the assessment. One of the critical results (with some clarifying labeling changes), is the following table, showing the relative impact of Policy *1.8 as existing and proposed on Highway 1 recreational traffic capacity:

RECREATION PEAK HOUR/EACH DIRECTION

	Level of Service		Remaining Capacity	Added Trips	
	Standard	Resulting	at LOS E	Existing LCP	Proposal
SCENARIO 1	E	C	600-800 vehicles	N/A	N/A
SCENARIO 2	E	C	600-800 vehicles	274 veh.	279 veh.
SCENARIO 3	E	C	600-800 vehicles	247 veh.	251 veh.
SCENARIO 4	E	F	600-800 vehicles	2745 veh.	2467 veh.

The "Remaining Capacity" column represents an estimate of the number of additional vehicles Highway 1 could absorb without exceeding the "E" Level of Service (LOS) standard set by the LCP for recreational travel. The most important conclusions to be drawn from this table are that: (1) Highway 1's remaining recreational traffic capacity would likely not be exceeded under Scenarios 1, 2 and 3, where either all parcels are developed for residential use, or 10% of the parcels are developed for lodging, but, (2) that capacity would be exceeded at some point above the 10% level of parcels developing for visitor-serving uses (including under Scenario 4 where the projected 2745 trips far exceeds the remaining capacity of 600-800 trips). However, due to the limitations of the analysis, precisely where that point is cannot accurately be determined at this time

Proposed Policy *1.8 Does Not Conform to Section 30254:

The LCP has no policy that explicitly limits development to avoid exceeding Highway 1's recreational traffic capacity. While Policy *1.8a generally prohibits development that would cumulatively impact coastal resources, Policies *2.6, 2.7 and 2.48 could be read to permit expansion of roadways to the capacity needed when build-out of the Land Use Plan occurs. Policy 2.50(b) limits Route 1 improvements, but only for "Phase I". Because Policy *1.8c(3) very specifically permits the "Amount of Development Allowed for Visitor-Serving Uses Listed in the Kleinfelder Report", it could be argued that notwithstanding Policy *1.8(a), Policies *2.6, 2.7, and 2.48 allow Highway 1 to be expanded to increase the number of lanes to a capacity needed to serve the maximum buildout that the "Amount of Development Allowed" sections of *1.8 permit. This result directly contradicts Coastal Act Section 30254's requirement that Highway 1 remain a two-lane scenic road, and therefore the proposed amendment must be rejected. The Commission does recognize, however, that this result is not inevitable, and as discussed later, suggests modifications that are a measured, flexible response to the inconsistency with section 30254 of the Coastal Act.

Additionally, the proposed amendment to Policy *1.8c(1) exempts "a residential dwelling unit associated with a visitor-serving facility that is occupied by the facility owner or operator," from the density credit requirement. The County's analysis assumes that such residences would contribute no traffic to Highway 1 during the peak recreational travel period, a conclusion that has not been demonstrated. Residential development has low priority under Coastal Act sections 30222 and 30254 (as well as under the policies of the LCP itself). The incremental impact of such residences on Highway 1 recreational capacity, taken together with other cumulative effects on water and visual resources, combine to create significant adverse cumulative effects inconsistent with Coastal Act Section 30250.

Water Resources: Cumulative Effects on Visitor Uses and Agriculture

The fundamental reality of the rural area of San Mateo County is that water is hard to come by. The San Mateo County Comprehensive Water Resources Management Plan: Final Report (Jan. 1978; p. VIII 3-4) notes that:

> There is little development of groundwater in the South Coastal area and apparently little potential for developing any substantial amounts from that source. Recoverable groundwater is largely confined to the lower alluvial valleys of streams such as Pescadero and San Gregorio Creeks. The bedrock between the valleys has little permeablility and supports only a few small domestic stock watering wells.

In the case of water resources, the concept of cumulative effects plays out on a more localized scale than that of recreational highway capacity. The boundaries of the aquifers that provide the pockets of available water do not respect lot lines. The cumulative impact to these water resources is defined in terms of the groups of parcels that share the same underlying pool of groundwater for their water supply. While the LCP contains extensive analysis and policies for water supply in the urban areas, little information is provided in either the existing LCP or the current Amendment submittal about the potential conflicts among competing uses and different properties for the limited groundwater resources of the rural area.

The Development Density Table (Exhibit 11) illustrates that the proposed amendments to Policy *1.8 would allow greater consumption of water than the existing policy. The proposed amendment could produce two kinds of cumulative consequences, each with implications for conformity with other Coastal Act policies:

- Since water on the coast is so limited, the "bonus" manager's residential development that would be allowed by proposed Policy *1.8c(1) could pre-empt higher priority (visitor-serving) proposals by drawing down the limited groundwater to the point that subsequent visitor-serving proposals on nearby parcels would not have enough water to develop. This result is contrary to Coastal Act Section 30222.

- In a similar way, intensified water use in a given area may decrease the water available for agriculture. Coastal Act Section 30222 gives priority to certain visitor serving uses, but specifically does not give them priority over agriculture. Coastal Act sections 30241 and 30242, as well as LCP Policy *1.8a (2), prohibit new development that would diminish the ability to keep agricultural land in production. Yet nothing in the proposed Amendment demonstrates how this prohibition would be effective, since the amendment permits "bonus" residence and inn uses that would together consume four times the amount of water as the "baseline" permitted residential development.

The proposed amendments to Policy *1.8 exempting a residential unit as specified from the density credit requirement and permitting greater intensity of water use do not protect against significant cumulative impacts adversely affecting (1) visitor serving uses, contrary to section 30222, and (2) agriculture, contrary to section 30241 and 30242, and therefore must be rejected.

(2) Visitor-Serving: (Sections 30213, 30222); Proposed Policy *1.8 and Policy 11.15

Coastal Act sections 30213 and 30222 state:

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible provided. Developments providing public recreational opportunities are preferred.

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Section 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

The proposed modifications to Policy *1.8c would in several places delete the phrase "Public and Commercial Recreation uses" and replace it with "visitor serving uses" in delineating which uses qualify for the increased water use density bonus incentive. Giving "visitor serving uses" a priority by granting them density incentives is consistent with Coastal Act section 30222 to the extent those uses enhance public opportunities for coastal recreation. However, deleting "Public and Commercial Recreation uses" from this priority status is a conflict, not only with Coastal Act sections 30213 and 30222, but also with the LCP's own Policy 11.5. That policy mirrors section 30222 to "give priority to visitor-serving and commercial recreational facilities throughout the South Coast. "The proposed change also conflicts with Policies 11.22 and 11.23 which, consistent with Section 30213, encourage commercial recreational facilities low cost visitor serving facilities and low cost public recreation facilities." (please see Exhibit 9, which reproduces the LCP provisions referenced in this section).

In Section 30222 the term "visitor-serving commercial recreational facilities" is followed by the phrase "designed to enhance public opportunities for coastal recreation;" thus, it is those type of visitor serving commercial recreational facilities that are afforded priority under Section 30222.

The terms "Visitor Serving Facilities," "Commercial Recreation Facilities," and "Public Recreation Facilities" as used in the LUP are also separately defined in LUP Policies 11.1 through 11.3:

11.1 Definition of Visitor Serving Facilities

Define visitor serving facilities as public and private developments that provide necessary, basic visitor support services such as lodging, food, water, restroom and automobile services. Visitor serving facilities include, but are not limited to, hotels, motels, hostels, campground, group camps, grocery stores, food concessionaires, auto serving stations, public drinking water, restrooms, public parking for coastal recreation or access, restaurants, and country inns no more than two stories in height.

11.2 Definition of Commercial Recreation Facilities

Define commercial recreation facilities as developments serving primarily a recreation function which are operated by private business for profit. Commercial recreation facilities include, but are not limited to, private beaches, stables, golf courses, specialty stores and sporting equipment sales and rentals.

11.3 Definition of Public Recreation Facilities

Define public recreation facilities as lands and facilities serving primarily a recreation function which are operated by public agencies or other non-profit organizations. Public recreation facilities include, but are not limited to, public beaches, parks, recreation areas, natural preserves, wild areas and trails.

In reviewing the specific facilities listed in these definitions, it is appropriate that some of the facilities listed as Commercial Recreation not receive an additional priority in the form of a density incentive, including specialty stores and sporting equipment sales. This is because these commercial developments do not enhance public opportunities for coastal recreation. However, other Commercial Recreation facilities which do enhance public opportunities for coastal recreation, including private (in the sense they are privately owned) beaches and stables which are open to public use, and all of the listed Public Recreation facilities (public beaches, parks, recreation areas, natural preserves, wild areas, and trails), should receive priority.

Moreover, while most of the "Visitor Serving Facilities" listed in Policy 11.1 are uses the Commission has historically recognized as embraced by section 30222, "automobile services," "grocery stores," and "auto serving stations" should not receive the density bonus that proposed Policy *1.8 would give because they are not facilities which are designed to enhance public opportunities for coastal recreation.

The proposed amendments to Policy *1.8, as it relates to the deletion of "Public and Commercial Recreation land uses" would deny priority treatment to uses that are clearly priorities under section 30213 and 30222, and must be rejected. In addition, the proposed inclusion of a priority for visitor

serving uses that do not enhance opportunities for coastal recreation is inconsistent with Sections 30222 and 30213 and must also be rejected. Modification 3 to Policy 1.8 is suggested to add these priority uses back, and at the same time ensure that only those commercial recreation and visitor serving facilities which enhance public opportunities for coastal recreation are afforded priority treatment.

POLICY 11.15

The LCP Amendment proposes to change Policy 11.15 to reflect the proposed amendment to Policy *1.8 as follows

11.15 Private Recreation and Visitor Serving Facilities

a. Require that private recreation and visitor serving facilities conform to: (1) the development and locational standards included throughout this component and as referred in other components, and (2) the design standards of the Visual Resources Component.

b. Require that private recreation and visitor serving facilities conform to the intensities of use appropriate to the rural or urban setting and to the requirements of the individual site. In rural areas, ~~limit visitor-serving development to water supply requirements of 630 gallons per density credit~~ visitor-serving uses shall require density credits based on daily water use in accordance with the requirements set forth in Local Coastal Program Policy 1.8.

The proposed amendment adequately conforms Policy 11.15 with changes in Policy *1.8, but as discussed previously, the proposed amendments to Policy *1.8 substantially increase the density bonus provided to Visitor Serving and Commercial recreation developments. If visitor serving or commercial recreation developments benefitting from this density bonus were converted to residential or other uses that are not given priority by Coastal Act Sections 30213, 30222 and 30254, the resulting density of development would be as much as four times as that currently allowed by the LCP. Such proposed conversions have been an issue in the San Mateo area as well as in other parts of the coast. Subsequent conversion of priority visitor serving and commercial recreation uses benefitting from the density bonus to uses that are not a priority under Coastal Act Sections 30213, 30222 and 30254, would be inconsistent with those policies of Coastal Act. Therefore, proposed Policies *1.8 and 11.15 must be rejected.

(3) Visual Resources: Coastal Act Section 30251 and Proposed Policy *1.8

The Coastal Act provides specific protection for scenic and visual resources:

Section 30251

> The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas...shall be subordinate to the character of its setting.

The proposed modifications to Policy *1.8c(1) would, as described above, permit an additional ("bonus") residential unit when combined with a visitor serving use.

The County's analysis of buildout (exhibit 10, pg. 4) estimates that more than 90% of undeveloped parcels (391 of 425) qualify for just one density credit. Many of these parcels are relatively small. As proposed, the "bonus" residential unit could be combined with a 9 unit hotel/motel building even on the smallest parcel. Other LCP policies would appear to limit such overbuilding, especially in critical oceanfront view areas. LCP Policy *8.15, Coastal Views, states, for example:

> Prevent development (including buildings, structures, fences, un-natural obstructions, signs, and landscaping) from substantially blocking views to or along the shoreline from coastal roads, roadside rests and vista points, recreation areas, and beaches.

However, it is possible that a determination that a project's water use resulting in 9 visitor-serving units could be interpreted to override Policy *8.15's prohibition against those units "substantially blocking views to or along the shoreline from coastal roads." Proposed Policy *1.8 would add the potentially view-blocking bulk of an additional residence to the blockage of the hotel/motel/inn itself. Since Policy *1.8 as proposed does not make it clear that the densities of use it describes are maximums which may be reduced by the requirements of other policies such as *8.15, the proposed amendment to Policy *1.8 must be rejected.

In addition, the original LCP certification was based on public and commercial recreation development as an option to, not in addition to residential units. To the degree low-priority residential units are allowed in addition, such incremental view blockage for a low-priority purpose, is contary to Section 30251 and must be rejected.

(4) SUGGESTED MODIFICATIONS RELATED TO POLICY *1.8

Policy *1.8 is the centerpiece of the LCP's development allocation system in the rural part of the San Mateo Coastside. Its influence and effects reach into many important policy areas of the Coastal Act and the LCP. As discussed

previously in the sections analyzing conformance of the proposed amendments to Policy *1.8 to the Coastal Act, the proposed policy:

- Allows for cumulative impacts adversely affecting Highway 1's capacity to serve recreational needs and remain a scenic two lane road contrary to sections 30250 and 30254,

- Allows for cumulative impacts on water that would significantly adversely affect priority visitor-serving uses and agriculture contrary to sections 30250, 30222, 30241 and 30242, and

- Permits development that would conflict with the Coastal Act requirement to protect views and visual qualities (section 30251).

Modification No. 1 suggests changes to the County's proposed amendments to Policy *1.8 that address these issues of consistency with the Coastal Act in part. However, since Policy *1.8 is such a pivotal part of how the LCP addresses both Coastal Act issues and development on an individual and cumulative basis, and because the proposed changes to Policy *1.8 directly affect or conflict with other policies, changes in other policies are required to maintain the internal consistency of the LCP. Modifications Nos. 2, 3, 4, and 5 change related policies to clarify or moderate the proposed changes to policy *1.8 so that it can be found consistent with the Act.

(a) SUGGESTED MODIFICATION POLICY 1.8:

Suggested Modification No. 1 would make several inter-related changes to bring proposed Policy *1.8 into conformity with the Coastal Act. As summarized here, and discussed point by point below, the modification would:

1. Change section *1.8b to clarify that density credits are not an entitlement, and may be reduced if needed to comply with other LUP policies.

2. Change section *1.8c(1) to eliminate the "bonus" residential unit.

3. Restore the priority and density incentives to Public and Commercial Recreation Uses.

4. Change section *1.8c(3) to create a long-term, interim control on the number of visitor-serving units permitted, (done in conjunction with Modification 3 to Policy 1.23).

SUGGESTED MODIFICATION NO. 1: **Policy *1.8 shall be modified as follows:**

*1.8 Land Uses and Development Densities in Rural Areas

a. Allow new development (as defined in Section 30106 of the California Coastal Act of 1976) in rural areas only if it is

demonstrated that it will not: (1) have significant adverse impacts, either individually or cumulatively, on coastal resources and (2) diminish the ability to keep all prime agricultural land and other land suitable for agriculture (as defined in the Agriculture Component) in agricultural production.

b. Permit in rural areas land uses designated on the Local Coastal Program Land Use Plan Maps, and conditional uses ~~at~~ up to the densities specified in Tables 1.2 and 1.3.

c. (1) Require Density Credits for Non-Agricultural Uses

Require density credits for all new or expanded non-agricultural uses in rural areas, including all residential uses, except ~~a residential dwelling unit associated with a visitor-serving facility that is occupied by the facility owner or operator,~~ affordable housing (to the extent provided in Local Coastal Program Policy 3.23) and farm labor housing, as defined in Local Coastal Program Policy 3.28, mining in accordance with General Plan Policies 3.11 and 3.12, and solid waste facilities under the policies in General Plan Chapter 13. The existence and number of density credits on a parcel shall be determined by applying Table 1.3.

Expanded or additional non-agricultural uses shall only be permitted on a parcel when there are enough density credits available to that parcel to meet the density credit requirements of this policy for both (a) existing uses, and (b) any expanded or additional uses, and only where such development meets all other applicable policies of the Local Coastal Program.

(2) Amount of Development Allowed for Non-agricultural Uses, Except Visitor-Serving, Commercial Recreation, and Public Recreation Uses

For new or expanded non-agricultural uses, except visitor-serving, commercial recreation, and public recreation uses, one density credit shall be required for each 315 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 non-agricultural use, including landscaping, swimming pools and all other appurtenant uses.

(a) Residential Uses

For new or expanded residential uses, a single-family dwelling unit shall be deemed to use 315 gallons of water per day~~/~~ during the two months of highest water use in a

year (including landscaping, swimming pools and all other appurtenant uses).

(b) Non-Agricultural Uses Listed in the Kleinfelder Report, Except Visitor-Serving Uses

For ~~those~~/ non-agricultural uses, except visitor-serving uses, ~~listed in Table 7 of the Kleinfelder, Rural Area Water Use Study, Final Report,~~ the amount of development allowed for each density credit in accordance with the requirements of this policy shall be the amount stated in Table 1.5~~/7/~~ in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

(3) Amount of Development Allowed for Visitor-Serving, Commercial Recreation, and Public Recreation, Uses ~~Listed in the Kleinfelder Report~~

For new or expanded visitor-serving, commercial 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. One additional density credit shall be required for each 630 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 uses, including landscaping, swimming pools and all other appurtenant uses. The 945-gallon water use allowance for one density credit may be applied one time only on a parcel.

For ~~those~~ visitor-serving, Commercial Recreation, and Public Recreation uses ~~listed in Table 7 of the Kleinfelder, Rural Area Water Use Study, Final Report,~~ the amount of development allowed for each density credit in accordance with the requirements of this policy shall be:

(a) For one density credit or the first density credit when multiple density credits are available, 1 1/2 times the amount stated in Table 1.5~~/7/~~ in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

(b) For each additional density credit, the amount stated in Table 1.5~~/7~~ in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

d. For the purpose of this policy, "visitor serving, commercial recreation, and public recreation uses" shall be only those lands and facilities listed in LCP Policies 11.1, 11.2 and 11.3, and only if those lands and facilities.

e. As an interim limit, no more than 600 visitor serving lodging units may be approved in the rural area coastal zone as specified by Policy 1.23.

1. Clarify that Density Credits Are Not An Entitlement (Policies *1.8b and 1.5b.)

Numerous LCP policies are written to limit specific potential impacts of development. These policies were essential to the Commission certifying the LCP as consistent with the corresponding sections of the Coastal Act. However, in some cases the maximum development calculated under proposed Policy *1.8 and Policy 1.5, and Tables 1.2 and 1.3 to which they both refer, could not be accomodated consistent with these policies. For example, a small shorefront parcel similar to those depicted in Exhibit 14 for illustrative purposes only, qualifies for one density credit. Under Policies *1.8 and 1.5 as proposed, that density credit, translates to a residential dwelling plus a 9-unit visitor use, such as a motel. A policy that would allow development massed on a small parcel would clearly be incompatible with Sections 30250, 30251 and 30254 of the Coastal Act, and with many LCP policies including, as previously discussed, Policy *8.15 which, in the rural area, requires the County to prevent development from substantially blocking views. The implied (and in the case of Policy 1.5, explicit,) entitlement contained in the text of Policy *1.8b and Policy 1.5b, without an express acknowledgement that such development must meet all other applicable policies of the LCP, establishes a conflict that undermines the conformity of the LCP to the Coastal Act.

Both policies provide:

b. Permit in urban areas land uses designated on the Land Use Plan Maps and conditional uses at **densities specified in Tables 1.2 and 1.3....**

Policy 1.5b goes on to provide:

> 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, the use and amount of development allowed on a parcel 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 **the density credit entitlements of** Table 1.3.

This conflicting language could result in the interpretation of the LCP in a manner than does not conform to the Coastal Act. Suggested Modification 1

would eliminate that confusion and conflict by making the following changes to *1.8b :

> b. Permit in rural areas land uses designated on the Local Coastal Program Land Use Plan Maps, and conditional uses ~~if~~ up to the densities specified in Tables 1.2 and 1.3.

Suggested Modification No. 2 would make the same change in Policy 1.5(b), and would also eliminate the phrase "the density credit entitlements of" from Policy 1.5b.

Modification 1 also borrows from the County's proposed change in Policy 1.5b to explicitly state that the amount of development on a parcel is limited to that permitted by the LCP, and incorporates that idea into Policy *1.8c with similar clarifying text. Similarly, Modification 6 repositions the proposed clarifying phrase in Policy 1.5 to make clear that it applies to all development, including that within the cited land use designations.

These modifications will allow both Policies 1.5b and *1.8b to conform to the Coastal Act and maintain internal consistency in the LCP.

2. Eliminate the "bonus" residential unit.

Policy *1.8c(1) as proposed requires density credits for all residential uses, except "a residential dwelling unit associated with a visitor-serving facility that is occupied by the facility owner or operator,..." This exemption, as discussed previously, presents three areas of inconsistency with the Coastal Act. First the "bonus" residential units that could be allowed by *1.8c(1) would draw down limited groundwater supplies to the point that subsequent visitor-serving proposals on nearby parcels would be pre-empted by not having enough water, contrary to Coastal Act section 30222. Similarly, to the degree that such non-priority residential development would drain groundwater supplies, less water would be available for agriculture, diminishing the ability to keep agricultural land in production as required by Coastal Act Sections 30241 and 30242.

Second, The potential traffic associated with the "bonus" residential development would reduce available recreational travel capacity of Highway 1, and contribute to driving its level of service down below the standards set in the LCP.

Finally, the extra residential development permitted would add to the size and bulk of development in visually sensitive areas, contrary to Coastal Act Section 30251.

To bring this part of Policy *1.8 into conformity with the Coastal Act, Suggested Modification 1 eliminates the exemption for an extra residential structure associated with a visitor serving use.

3. Restore the Priority and Density Incentives to Public and Commercial Recreation Uses.

Coastal Act section 30222 gives priority to "visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation." As discussed above in the analysis of conformity of Policy *1.8 to section 30222, the elimination of "Public and Commercial Recreation uses" from Policy*1.8 would eliminate the density bonus (an important part of how the LCP implements the 30222 priority) for all public recreation facilities (public beaches, parks, recreation areas, natural preserves, wild areas, and trails), which should receive priority under section 30222. Suggested Modification 1 would restore "public and commercial recreation uses" to the text, so that together with the "visitor-serving uses" added by the County's amendment, the full complement of priority uses designed to enhance public opportunities for coastal recreation would be recognized, consistent with section 30222.

However, the current LCP's use of the terms "visitor-serving,"and "commercial recreation," include facilities that are not designed "to enhance public opportunties for coastal recreation." Therefore suggested modification 1 also includes text that clarifies the use of these terms to, and exclude all private facilities not open to the general public, automobile services, auto serving stations, specialty stores and sporting equipment sales from the extra density extended to visitor serving, commercial recreation uses that do enhance public opportunities for coastal recreation.

4. Establish an Interim Control on Visitor-Serving Units Permitted

As discussed above in the analysis of section 30250 and Policy *1.8's cumulative effects, *1.8 as proposed could potentially allow a level of development that would exceed the capacity of Highway 1, and create pressure to expand the road in a manner inconsistent with Coastal Act section 30254 which mandates that it remain a two-lane scenic road.

Modification 1 includes a provision that would establish an interim limit to the number of visitor-serving units that could be permitted. The County's buildout analysis concluded that under the scenario it considers most likely, buildout of the LCP under Policy *1.8 would result in a maximum of approximately 424 to 608 new hotel rooms being approved, representing about 10% of the parcels at buildout. This percentage is consistent with experience to date. The County's analysis of cumulative traffic impacts also demonstrates that growth represented by this scenario could be accommodated without exceeding the LCP's standard of Level of Service "E" for recreational travel. However, under scenario 4, traffic capacity is clearly exceeded. Thus it is necessary to limit development to avoid exceeding Highway 1's recreational carrying capacity. Limiting the number of visitor-serving units to 600 (Scenario 3) is appropriate because, according to the County's analysis, that is the most likely level of development, and the traffic it would generate would not exceed Highway 1's recreational capacity.

The Commission notes that it is quite possible that the future pattern of development will be different than the past. Factors such as better access to the Coastside through Devil's Slide and Highway 92 improvements and other land use trends such as an influx of people who telecommute to the Silicon Valley and elsewhere, could easily change Coastside development trends. Modification 1 provides a flexible means of response to such trend changes.

The LCP contains many examples of phasing policies that the County has used well to address exactly this kind of situation. The interim phasing limit of 600 visitor-serving units suggested in modification 1 reflects that approach. The interim limit provides ample room for growth of visitor-serving facilities (there are just 6 units on the coast now), and is sufficient to accommodate the amount of growth that the County considers most likely (the 424 to 608 visitor-serving units projected under scenario 3), but will also allow the flexibility for a readjustment via a LCP amendment if the County is able to demonstrate that an additional amount of visitor serving development would not adversely affect coastal resources.

Not only will the trends in new development become clearer as the 600-unit number is approached, but so too will the data the County could use to substantiate an amendment request if one proved desirable. The County currently includes several policies in the LCP to gather data necessary to better manage future growth, including the following:

1.25 <u>Rural Watershed Monitoring Program</u>

Commencing within one year of certification of the LCP, the County shall, providing funding can be secured, undertake a water monitoring program to determine, on a watershed-by-watershed basis, water availability for new development consistent with LCP resource protection policies. The monitoring program should be completed within five years of LCP certification and subsequent developmen shall be consistent with the findings of the approved final report.

1.26 <u>Monitor Build Out in Rural Areas</u>

The County shall maintain accurate records of development undertaken in the rural areas and release annual reports indicating the types, location and intensity of new development. Cumulative number of permitted units (or density credit equivalents) shall not exceed that projected on Table 1 absent an LCP amendment specifically providing for the increase.

2.52 <u>Phase I Monitoring</u>

a. Require during Phae I that Caltrans monitor peak commuter period traffic and submit data reports to the County on the results of this monitoring ...

b. Monitor the number and rate of new residential construction, particularly in the rural Mid-Coast.

2.57 Protecting Road Capacity for Visitors Through Transportation System Management Techniques

a. Use ... transportation system management techniques to maximize the efficiency and effectiveness of existing roadways during recreation peak periods and protect road capacity for visitors ...

c. Monitor the peak recreation period traffic to determine whether the above techniques are successful and whether new residential development is consuming road capacity needed for visitors.

Such data will improve information on the factors used to project traffic impacts, such as the traffic generation rates attributable to residential versus visitor-serving uses during critical congestion periods. Together these data could provide an improved basis to determine whether and to what degree an increase in the number of visitor serving units is warranted under the Coastal Act.

(b) SUGGESTED MODIFICATION 2: LUP TABLE 1.3

Policy *1.8 refers to Table 1.3 to establish the maximum density credits allowed for a development, including a subdivision. As discussed above under "Intensity of Use" (part III.C.1(d)), however, the fact that density credits act to limit subdivision is not only unclear, but is contained within the implementation plan rather than the land use plan as required by Coastal Act Section 30108.5. Suggested Modification 2 to Table 1.3 clarifies within the land use plan itself that, aside from specific density bonus provisions, the number of density credits a parcel has sets the upper limit to the number of lots it can be subdivided into.

SUGGESTED MODIFICATION NO. 2: Table 1.3 of the Locating and Planning New Development Component of the LUP shall be modified as follows:

Table 1.3

MAXIMUM DENSITY CREDITS

In the rural areas of the Coastal Zone which are zoned Planned Agricultural District, Resource Management/Coastal Zone, or Timberland Preserve/Coastal Zone, determine the maximum number of density credits to which any legal parcel is entitled by using the method of calculation shown below, and further defined by the Planned Agriculture, Resource Management/Coastal Zone, and Timberland Preserve/Coastal Zone Zoning District regulations. All legal parcels shall accumulate at least one density credit. Except as provided in Policy 5.11, the sum of the density credits on parcels created by a land division shall not exceed the total credits on the original parcels or parcels divided....

(c) SUGGESTED MODIFICATION 3: TABLE 7, RURAL AREA WATER USE STUDY

The proposed amendments to Policy *1.8 refer repeatedly to Table 7 of the Rural Area Water Use Study. Rather than attaching or incorporating the entire study, or even the entire table, into the LUP, this suggested modification would extract the required information and include it as a much more concise table in the "Locating and Planning New Development Component" of the LUP which contains Policy *1.8. This modification will also eliminate any potential confusion created by the "N" and "P" entries in Talbe 7's "Priority Category" column and the priorities established elsewhere in the LCP and in the Suggested Modification herein.

SUGGESTED MODIFICATION NO. 3: Table 7 of the Kleinfelder Rural Area Water Use Study: Final Report shall be modified as follows and incorporated into The Locating and Planning New Development Component of the LUP as Table *1.5:

The Table shall present two of the columns included in Table 7:

1. The column headed "Type of Land Use and Water Using Features," and,

2. The column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

(d) SUGGESTED MODIFICATION 4: POLICY 1.23

Suggested Modification 4 changes Policy 1.23 to create a control on the number of visitor-serving units permitted consistent with Modification 1 to the corresponding provisions of Policy 1.8c(3). The findings for Modification 1 also apply to Suggested Modification 4 to Policy 1.23, and are here incorporated by reference.

SUGGESTED MODIFICATION NO. 4: Policy 1.23 shall be modified as follows:

1.23 Timing of Development in the South Coast

To insure that South Coast residential buildout proceeds at an even rate and does not overburden coastal resources or public services, and provides for priority coastal uses (agriculturally related development, public/private recreation, affordable housing and visitor serving commercial uses consistent with LUP policies):

(a) limit the building permits granted in any year for the construction of residences in rural areas, other than affordable and/or farm labor housing, in each watershed as specified in Table 1.4. Exceptions may be made by the appropriate County officials for large scale, master planned developments, on a case-by-case basis, when a qualified hydrologist determines that the cumulative impact of all new development on the relevant watershed(s) will not adversely affect coastal resources

including wetlands, streams, riparian habitats, wildlife and agriculture. The hydrological study should include an analysis of the geological formation within the watershed(s) and stream flow data for both summer and winter flows, and should project expected drought-year flows, and should provide data pertaining to riparian and appropriative water rights of the property being planned and a correlation of those water rights with the agricultural activity proposed on the property. Hydrologic data collected by project and/or collectively within watersheds for different projects shall be utilized to consider changes in the size of any annual increment of development or total amount, and.

(b) Limit Coastal Development Permits granted for hotel, motel and country inn visitor serving uses in the rural area to an interim total of 600 lodging units. After that limit is reached, visitor serving development would only be permitted through an LCP amendment. The amount of additional visitor serving development allowed shall be based on the County demonstrating that additional visitor serving development in the rural area would not adversely affect coastal resources and public services.

(e) SUGGESTED MODIFICATION 5: AND RELATED POLICIES 11.1, 11.2 and 11.15

The proposed amendments to Policy *1.8 provide significant density incentives for the development of visitor-serving uses on rural parcels, as documented in the discussions "Projecting Buildout" and "Cumulative Effects" above. As noted, the intensity of use permitted for visitor-serving uses in the County's proposal, is four times that allowed for residential use, as measured by water demand, for the first density credit. More than 90% of the undeveloped parcels qualify for this incentive. Even if Suggested Modification 1 were accepted, the incentive for visitor-serving uses would still be three times the intensity of residential. Converted into units, this incentive means that a 9-unit visitor-serving development could be built in place of a single residential dwelling. This policy represents a strong committment to the visitor-serving priority established by Sections 30213, 30222 and 30254 of the Coastal Act.

However, if developments permitted under the incentives for visitor-serving uses established by Policy *1.8 are subsequently converted to private use, the policy objectives of both the LCP and Coastal Act will be defeated.

Additionally, the County has proposed an amendment to Policy 11.15 to make it consistent with the proposed amendments to Policy *1.8.

Modification 5 to Policy 11.15 and related Policies 11.1, 11.2 is suggested to assure that developments which receive increased density and intensity because they are visitor-serving or commercial recreation uses as provided in Policy *1.8 and modification 1 will actually remain available for public use and are not privatized contrary to Coastal Act Sections 30213, 30222 and 30254.

POLICIES 11.1 and 11.2

The modification to Policy 11.1 clarifies that only developments that "are exclusively available to the general public" are considered visitor-serving. Similarly, Policy 11.2 is suggested for modification because Coastal Act Section 30222 specifically provides that "the use of private lands suitable for visitor-serving **commercial recreational facilities designed to enhance public opportunities for coastal recreation** shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry. (emphasis added) The modification to Policy 11.2 makes the LUP definition consistent with Section 30222 by clarifying that it is the ability of the general public to use a commercial recreation facility, rather than the ownership of that facility, that is the key to whether it is considered commercial recreation within the meaning of Section 30222. Retaining the text "operated by private business for profit" to describe the types of development included, but deleting the word "private" before the list of recreation facilities makes this distinction. For example, a beach that it is privately owned **would** fall within the definition if it were operated for general public use, but would not if it were "private" in the sense that it is not available to the public. As suggested, the modification and avoids possible this possible confusion.

POLICY 11.15

The following additional modifications to Policy 11.15 are suggested to assure that the visitor serving and commercial recreation uses that take advantage of the density incentives granted by amended Policy *1.8 are not subsequently converted to uses that do not enjoy priority under those sections without a corresponding reduction in density.

Modification 5 adds a section to Policy 11.15 to provide that prior to the issuance of any Coastal Development Permit, a deed restriction be recorded for visitor serving uses that take advantage of the density bonus to assure that they will continue to be available to the general public. The deed restriction specifies a maximum visitor length of stay 29 consecutive days, and 84 days out of the year. Similar length of stay requirements have been used by the Commission in approving permits for other visitor serving developments, such as in the case of the Hotel Oceano in San Luis Obispo County. In addition, the modification specifically identifies that a conversion to residential use requires an amendment to the subject permit, and acknowledges that such a conversion shall require a reduction in density to the amount prescribed by Policy *1.8 for uses which are not visitor serving.

SUGGESTED MODIFICATION NO. 5: Policy 11.1, 11.2 and 11.15 shall be modified as follows:

11.1 Definition of Visitor Serving Facilities

Define visitor serving facilities as public and private developments

that are exclusively available to the general public and provide necessary, basic visitor support services such as lodging, food, water, restroom and automobile services. Visitor serving facilities include, but are not limited to, hotels, motels, hostels, campground, group camps, grocery stores, food concessionaires, auto serving stations, public drinking water, restrooms, public parking for coastal recreation or access, restaurants, and country inns no more than two stories in height.

11.2 Definition of Commercial Recreation Facilities

Define commercial recreation facilities as developments serving primarily a recreation function which are operated by private business for profit and are exclusively available to the general public. Commercial recreation facilities include, but are not limited to, ~~private~~ beaches, stables, golf courses, specialty stores and sporting equipment sales and rentals.

Policy 11.15 shall be modified to add section 11.15c as follows:

11.15 c. Visitor Serving Uses: Any Coastal Development Permits for a visitor serving or commercial recreation use, shall include a prior to issuance condition that requires the applicant and owner of the land to execute and record a deed restriction over the entire parcel or parcels. The deed restriction shall specify that :

(1) The development is a visitor serving use exclusively available to the general public and that visitor length of stays are limited to no more than 29 consecutive days, and no more than 90 days per year. The deed restriction shall be recorded with the County Recorder to run with the land free and clear of all prior liens and encumbrances.

(2) Conversion of any portion of the visitor serving or commercial recreation facilities to a non-public, private, or member only use, or the implementation of any program to allow extended or exclusive use or occupancy of such facilities by an individual or limited group or segment of the public shall require an amendment to the applicable permit, and shall require a reduction in project density to the amount prescribed by Policy *1.8 for uses which are not visitor serving.

5. CONCLUSION: CONFORMANCE OF POLICY *1.8 TO THE COASTAL ACT

The Commission finds that, as discussed above, amended Policy *1.8 of the LUP, as submitted, does not conform to Coastal Act Sections 30250, 30222, 30241, 30242, 30251 and 30254. The Commission further finds that the Amendment relative to Policy *1.8, as submitted, must be modified in accordance with

Suggested Modifications No. 1, 2, 3, 4, and 5 to be consistent with the Coastal Act.

6. POLICY 1.5, MID-COAST DEVELOPMENT: SUGGESTED MODIFICATIONS

Policy 1.5 applies to the Mid-Coast area

LUP policy 1.5, as proposed, addresses the density of rural designated land in the urban mid-coast:

1.5 Land Uses and Development Densities in Urban Areas

a. Incorporate the adopted Montara-Moss Beach-El Granada Community Plan into the land use plan for the Mid-Coast, but amend it where necessary to meet Local Coastal Program objectives.

b. Permit in urban areas land uses designated on the Land Use Plan Maps and conditional uses at densities specified in Tables 1.2 and 1.3. 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, the use and amount of development allowed on a parcel 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 the density credit entitlements of Table 1.3.

The proposed amendments to Policy 1.5 as submitted would clarify that the permitted uses and densities of rural designated land ("General Open Space," "Agriculture," or "Public Recreation-Community Park") in the urban Mid-Coast are the same as rural designated land elsewhere in the Coastal Zone.

The LCP urban/rural boundary currently distinguishes between areas where more intensive urban development and less intensive rural development are preferred. The urban Mid-Coast is generally designated for residential and commercial development. However, the Mid-Coast also includes various vacant or public-owned parcels that are designated Agriculture, General Open Space or Public Recreation: land uses typically found in the rural area. A map showing the location of rural designated land in the urban Mid-Coast is attached as Exhibit 5.

In response to arguments that the existing density requirements for rural parcels elsewhare in the coastal zone should <u>not</u> apply to these parcels because they are located in the urban area, the San Mateo County Counsel has previously advised the Planning Commission that based on the legislative intent for rural zoning designations, the density of rural designated parcels in the urban Mid-Coast is the same as rural designated land elsewhere in the Coastal Zone. The proposed amendment To Policy 1.5 would formalize County Counsel's legal advice, but not change current zoning administration.

Further, LCP Policy 1.3 explains that to make a logical urban/rural boundary these rural designated urban area parcels "should be restricted to open space use and not developed at relatively high densties." LCP Policy 1.5.b. allows land uses in urban areas "at densities specified in Tables 1.2 and 1.3." LCP Table 1.2 specifies that the development density for lands designated Agriculture, General Open Space, Private Recreation, and Public Recreation in urban areas shall be "(1 d.c./40 acres-1 d.c./160 acres)" The proposed amendment: (1) reinforces LCP Policy 1.3, and (2) further clarifies LCP Policy 1.5.

Conformity to the Coastal Act: The proposed amendment to Policy 1.5, in a manner consistent with certified Policy 1.3 and Table 1.2, clarifies and makes more explicit the existing policy of the certified LCP. These designations were originally certified as consistent with the requirements of Coastal Act because they help concentrate development as called for by Section 30250. The Agriculture designation for agricultural lands, and proposed Policy 1.5's clarification that densities consistent with that designation apply, is not only consistent, but required by Coastal Act policies calling for the protection of coastal agriculture. Also application of the densities specified in Table 1.2 to the General Open Space or Public Recreation designated lands is entirely consistent with Coastal Act policies giving priority to public recreation uses.

However, Policy 1.5 refers to and incorporates certain aspects of the proposed Policy *1.8 amendments and modifications. As discussed in detail in the findings for the modifications to Policy *1.8, the corresponding changes in Policy 1.5 shown in Modification 1 are necessary in order for Policy 1.5 as amended to be consistent with the locating and planning development policies of the Coastal Act.

7. POLICY 1.6: SUGGESTED MODIFICATIONS

Policy 1.6 applies to the Mid-Coast area

The amendment to LUP Policy 1.6, as proposed by the County, limits building size on residential parcels less than 5,000 sq. ft. in the urban mid-coast. (The text of proposed Policy 1.6 is shown below in Modification 7, which simply renumbers the policy)

The proposed Policy 1.6, creates a provision that requires use permit approval for new homes on non-conforming residential parcels (substandard lots) in the urban mid-coast that are less than 5,000 sq.ft. It would also provide for an optional public hearing when considering use permit requests to develop parcels between 3,500 and 5,000 sq.ft.

For such parcels it:

(a) limits structures to not more than 50% of the parcel if structures

are less than 16 feet above grade, or 35% if any structure is 16 feet or more,

(b) limits structural floor area to 60% of parcel size, and

(c) limits height to 28 feet.

Much of the urban Mid-Coast was originally subdivided into tracts with a 2,500 sq.ft. (25' x 100') predominant lot size. Many lots have been combined into 5,000 sq.ft. building sites. However, many non-conforming, substandard parcels remain. The County's current regulations do not limit house floor area, but do require that proposed development must be proportionate to parcel size. The existing practice of the San Mateo County Planning Commission is to require certain setback, lot coverage and height standards that allow construction of an approximately 1,500 sq.ft. house on a 2,500 sq.ft. parcel (which equates to a 60% floor area requirement). This amendment makes those requirements an explicit LUP Policy to complement and reinforce other existing LUP Policies. Specifically, existing LUP Policy 1.5 incorporates the Montara-Moss Beach-El Granada Community Plan into the land use plan for the Mid-Coast, and provides for land uses and densities consistent with Tables 1.2 and 1.3. The policies of this Plan endorse reducing building size "to insure that new residential development is in scale with its surroundings." In addition, current LCP Policy 8.3 requires that Mid-Coast structures be designed "in scale with the character of their setting and blend rather than dominate or distract from the overall view of the urbanscape." The proposed amendments would strengthen these policies.

Use Permit approval is currently required for development on a parcel if the parcel area is less than 3,500 sq.ft. in size. Use permit review is to assure that the new house is proportioned to the substandard parcel on which it is being built. The optional hearing provisions as incorporated in the policy as amended are consistent with the County's existing approach when processing Variance and Home Improvement Exemption requests, and would allow closer public scrutiny of new homes built on parcels between 3,500 and 5,000 sq.ft. to ensure that they meet LCP policies.

Conformity to the Coastal Act: Coastal Act Sections 30250 and 30251 require that new residential development be located in existing developed areas able to accommodate it, and permitted development be sited and designed to be visually compatible with the character of surrounding areas. As proposed, Policy 1.6 would establish another procedure within the certified land use plan for processing new residential development in the developed area of the urban Mid-Coast. Section 6328.4 of the County's implementation plan state that a coastal development permit shall be obtained in addition to any other permit required by law. Section 6328.13 of the County's implementation plan establishes that the coastal development permit process takes precedence over other provisions of the County's implementing ordinances (including the Use Permit requirements) when there is a conflict. Section 6328.13 states:

> SECTION 6328.13. PRECEDENCE OF LOCAL COASTAL PROGRAM. Where the plans, policies, requirements or standards of the Local Coastal Program, as applied to any project in the "CD" District, conflict with those of the underlying district, or other provisions of this Part, the plans, policies, requirements or standards of the Local Coastal Program shall take precedence.

Sections 6328.4 and 6328.13 of the implementation plan help assure that within the coastal zone, use permit requirements do not replace or substitute for coastal development permit requirements. This assurance is especially necessary where coastal development permit requirements are more stringent than use permit requirements. However, these procedures are contained within the implementation plan. Because the proposed amendment to Policy 1.6 would establish use permit requirements in the Land Use plan, it is necessary to also ensure that such use permit requirements do not replace or substitute for any coastal development permit requirements in the certified land use plan. Without this assurance, proposed Policy 1.6 could eliminate the protections established by any existing coastal development permit requirements inconsistent with Sections 30250 and 30251 of the Coastal Act. Therefore, Modification 7 clarifies within the certified land use plan that the use permit process is in addition to any existing coastal development permit requirements. Modification 7 is necessary to assure that new development sited in this area will be designed to be compatible with the character of its surroundings consistent with Coastal Act Section 30250.

In addition, within the area that would be governed by Policy 1.6, Categorical Exclusion E-81-1 provides that certain types of development do not require a Coastal Development Permit (CDP). Where a CDP is not required, the standards provided in the Policy 1.6 use permit requirement will assure that development on substandard lots nevertheless is designed to be compatible with community character, and will also provide the public opportunites to participate in those decisions.

Finally, LUP Policy 1.6 was submitted as a new policy to limit building size on small lots in the Mid-Coast. However, there is already an existing Policy 1.6 (Definition of Rural Areas). The County did not intend to eliminate this definition, but that would be the effect of the amendment as proposed. Since proposed Policy 1.6 deals with densities in urban areas, which is also the subject of Policy 1.5, Modification No. 7 adds the text of proposed Policy 1.6 to Policy 1.5 as Policy 1.5c.

SUGGESTED MODIFICATION NO. 7: Policy 1.6: Policy 1.6, "Development of Residential Substandard Parcels in the Urban Mid-Coast," shall be modified as follows, renumbered as Policy 1.5c, and added to Policy 1.5.

~~1.6~~ 1.5

c **Development of Residential Substandard Parcels in the Urban Mid-Coast**

In addition to any requirements for a Coastal Development Permit, including notice and hearing requirements, rRequire a use permit to build or enlarge a structure on any residentially zoned parcel less than 5,000 sq. ft. within the urban Mid-Coast. This requirement does not apply to structures 30 inches or less above the ground, or fences and retaining walls. Consideration of a use permit application to develop a parcel greater than 3,500 sq. ft., but less than 5,000 sq. ft. shall be subject to the optional public hearing procedures of Zoning Regulations Section 6532. The use permit may be granted only if:

~~a~~ 1. All structures on the parcel, including garages and accessory buildings, will not cover more than 50% of the parcel area if all structures are less than 16 feet above the natural or finished grade, whichever is lower, or 35% of the parcel area if one or more of the structures is 16 feet or more above the natural grade;

~~b~~ 2. The aggregate square footage of all of the floors of a structure or structures, including garages and other accessory structures, will not exceed 60% of the number of square feet in the parcel; and

~~c~~ 3. The maximum height of any structure will not exceed 28 feet measured from the natural or finished grade, whichever is lower.

For purposes of subsections (~~a~~1) and (~~b~~2), walks, patios, in-ground swimming pools, pools that do not extend more than 30 inches above the ground, uncovered decks and porches 30 inches or less above the ground, and eaves projecting 30 inches or less from the exterior surface of a building wall shall not be included in calculation of the area covered by structures or the total square footage of floors.

8. POLICY 3.24: SUGGESTED MODIFICATION (REQUESTED BY COUNTY)

LUP policy 3.24 is proposed to be amended to become consistent with Policy 1.6 (suggested to be renumbered 1.5c) and General Plan Policy 14.41:

Policy 3.24 encourages second dwelling units in all single family residential areas, without addressing second dwelling units in areas containing sub-standard sized lots. The County partially addressed this inconsistency by amending General Plan Policy 14.41, to exclude second units on the substandard Mid-Coast parcels.

Throughout the hearing process, LCP Policy 3.24, governing second units in the coastal zone, was proposed to be amended in the same manner as General Plan Policy 14.41, i.e., to discourage second dwelling units on substandard Mid-Coast parcels. However, this amendment was inadvertently omitted from the final approval resolution. The County has requested Commission staff to include a "modification" that would amend LCP Policy 3.24 to reconcile and be consistent with General Plan Policy 14.41, as shown below.

SUGGESTED MODIFICATION NO. 8:

3.24 Permit second dwelling units on building sites containing a one-family residence in R-1 zoning districts subject to the following restrictions:

a. Limit the total number of approved second units to 466 in the Coastal Zone.

b. Limit the size of the units to 700 sq.ft. or 35% of the floor area of the existing principal residence, whichever is greater.

c. Second dwelling units shall not be permitted on parcels covered by Local Coastal Program Policy 1.5c.

Conformity to the Coastal Act: The suggested modification to Policy 3.24 carries out the County's intent to prohibit second dwelling units on substandard residential lots because they already fail to meet current intensity standards. As Policy 3.24 currently stands, it could be argued that an existing one-family residence that has already maximized the intensity of its build-out on a substandard-sized lot could nevertheless qualify for an additional 700 square feet of building area or more. Policy 3.24 as amended would restrict substandard lots from such excessive intensification, consistent with the requirement of Coastal Act Section 30250 that new development be limited to developed areas able to accomodate it, and the requirement of Section 30251 that development be compatible with the character of its surrounding area.

D. COASTAL AGRICULTURE

As introduced above in the discussion of the potential impacts to agriculture associated with the proposed Policy *1.8 amendments, the Coastal Act sets clear standards for the protection of coastal agriculture that must be provided for in LCPs. Coastal Act Section 30241 states that the maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses. Coastal Act Section 30242 states that all other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion must be compatible with continued agricultural use on surrounding lands.

The proposed amendment includes changes to two policies, *5.11 and *5.22, which deal directly with agricultural lands.

(1) POLICY *5.11: LIMIT LOT CONSOLIDATION DENSITY BONUS

Policy *5.11 is located in the "Open Field Agriculture" section of the LCP's Agriculture Component and applies throughout the coastal zone.

The proposed amendment to LCP policy *5.11 would limit the existing density bonus for voluntary lot consolidation of agricultural parcels to projects where the subsequent land division would create at least one agricultural parcel whose area is greater than the largest parcel before consolidation.

A density bonus is currently granted for voluntary consolidation of contiguous parcels. The density bonus ranges between 10% and 25% based on parcel size, and is offered as an incentive to create large parcels that only could be resubdivided in accordance with the LCP's agriculturally protective requirements.

Members of the public had proposed eliminating the existing bonus provision because it might be misapplied and used to grant the bonus to resubdivide into smaller agricultural parcels than had existed before lot consolidation or into parcels that would then be converted into non-agricultural uses.

The local hearing process resulted in the current proposed amendment, which would restrict granting the bonus to only those subdivisions which, after lot consolidation, create at least one agricultural parcel whose area is greater than the largest parcel before consolidation.

As stated in the LCP Amendment submittal, the Board of Supervisors believes the existing density bonus provision provides the County with another available technique to foster and protect agriculture, and that correcting how the bonus is applied is preferable to eliminating the provision entirely.

As submitted, with the proposed amendment underlined, Policy *5.11 states:

*5.11 Maximum Density of Development per Parcel

d. A density credit bonus may be allowed for the merger of contiguous parcels provided that any subsequent land division of the merged property shall result in at least one agricultural parcel whose area is greater than the largest parcel before consolidation. The maximum bonus shall be calculated by:

(1) Determining the total number of density credits on all parcels included in a master development plan; and

(2) Multiplying that total by 25% if the merger is entirely of parcels of 40 acres or less, or by 10% if some or all of the parcels combined are larger than 40 acres.

> The merged parcel shall be entitled to the number of density credits on the separate parcels prior to merger plus the bonus calculated under this subsection. The total number of density credits may be used on the merged parcel. Once a parcel or portion of a parcel has been part of a merger for which bonus density credit has been given under this subsection, no bonus credit may be allowed for any subsequent merger involving that parcel or portion of a parcel.

Local Coastal Program: Local Coastal Program Policies 5.7, 5.8, 5.9, 5.10, 5.12 and Planned Agricultural District (PAD) Regulations Section 6350, 6355, and 6360 require that subdivision and conversion of agricultural land does not reduce or diminish agricultural productivity.

Coastal Act Conformance: Coastal Act Sections 30241 and 30242 require that the maximum amount of agricultural land be maintained in agricultural production. Consistent with this requirement, existing Local Coastal Program Policies 5.7, 5.8, 5.9, 5.10, 5.12 and Planned Agricultural District (PAD) Regulations Sections 6350, 6355, and 6360 require that subdivision and conversion of agricultural land does not reduce or diminish agricultural productivity.

Policy *5.11 as proposed is not consistent with Section 30241 and 30242 of the Coastal Act because it fails to assure that divisions of agricultural land do not diminish the productivity of such lands or their continued or renewed agricultural use. As submitted, proposed Policy *5.11 adds the " one larger parcel" criterion to the existing criteria pertaining subdivision of agricultural land contained in Policies *5.7, *5.8, *5.9, *5.10, *5.11b, *5.12, *5.13, *5.14, and *5.16. These policies, taken together, establish the agricultural land division and conversion requirements that are necessary to maintain consistency of the LCP to Coastal Act Sections 30241 and 30242. However, the proposed policy makes no reference to these policies, and could lead to the erroneous conclusion that merely producing "one agricultural parcel whose area is greater than the largest parcel before consolidation" is sufficient to qualify for the density credit bonus. Illustrated in Exhibit 15 is one of many possible scenarios in which the density bonus granted by Policy *5.11 could actually result in generally smaller, and less viable, agricultural parcels while still meeting the requirement that one agricultural parcel have an area greater than the largest parcel before consolidation. This result is inconsistent with Coastal Act Section 30241 and 30242.

Indeed, the only reason for granting a density bonus under the Coastal Act would be to ensure the agricultural viability and continued productivity of the resulting parcels. As proposed, Policy *5.11 allows the density bonus to be granted at the time of merger but does not require a Coastal Development Permit, and therefore would not trigger the findings and conditions of the LCP's well-crafted provisions for agricultural land that would protect agricultural use. Section 30600 requires that a coastal development permit be obtained in order to undertake any development in the coastal zone. Section

30106 defined development to include any change in the density or intensity of use of land. By failing to provide a clear, effective connection between the granting of the density bonus and the attendant change in the intensity and density of use of land, and the agricultural protection policies of the LCP, proposed Policy *5.11 is inconsistent with the above-referenced sections of the Coastal Act and must be rejected.

SUGGESTED MODIFICATION NO. 9: POLICY *5.11

Modification No. 9 to Policy *5.11 clarifies that the density bonus can only be granted in the context of a Coastal Development Permit, and where a deed restriction is recorded to assure that any subsequent land division fulfills the conditions for agricultural protection contained in the policies of the LCP.

SUGGESTED MODIFICATION NO. 9: **Policy *5.11 shall be modified as follows:**

d. A density credit bonus may only be allowed for the merger of contiguous parcels as part of a Coastal Development Permit, and provided that a deed restriction is recorded prior to issuance of any Coastal Development Permit requiring that any subsequent land division of the merged property shall be consistent with all other applicable policies of the LCP including this Component and shall result in at least one agricultural parcel whose area is greater than the largest parcel before consolidation. The maximum bonus shall be calculated by:

(1) Determining the total number of density credits on all parcels included in a master development plan; and

(2) Multiplying that total by 25% if the merger is entirely of parcels of 40 acres or less, or by 10% if some or all of the parcels combined are larger than 40 acres.

The merged parcel shall be entitled to the number of density credits on the separate parcels prior to merger plus the bonus calculated under this subsection. The total number of density credits may be used on the merged parcel. Once a parcel or portion of a parcel has been part of a merger for which bonus density credit has been given under this subsection, no bonus credit may be allowed for any subsequent merger involving that parcel or portion of a parcel.

Conclusion: Conformance of Policy *5.11 to the Coastal Act: The Commission finds that, as discussed above, amended Policy *5.11 of the LUP, as submitted, does not conform to Coastal Act Sections 30600, 30106, 30241 and 30242. The Commission further finds that the amendment to Policy *5.11, as submitted, must be modified in accordance with Suggested Modification No. 9 to be consistent with the Coastal Act.

2. Policy *5.22: Limit Number of Shared Wells

Policy *5.22 is located in the "Agricultural Water Supplies" section of the LCP's Agriculture Component.

An amendment to LUP Policy *5.22 that would enact the same regulatory language as being contained in a proposed amendment to PAD Regulations Section 6355.B.1 (Ordinance 03718 of the I.P.) was inadvertently omitted from Resolution 60232 transmitting the LCP Amendment submittal from the County to the Commission. The County has requested that Commission staff recommend a "modification" to this submittal that would amend LCP Policy *5.22 to reconcile the policy with proposed PAD Section 6355.B.1., as follows:

Proposed Amendment to Policy *5.22 to be incorporated by means of Modification 10

*5.22 Protection of Agricultural Water Supplies

Before approving any division or conversion of prime agricultural land or other land suitable for agriculture, require that:

a. All non agricultural uses permitted on a parcel demonstrate the existing availability of a potable and adequate on site well water source.

   The existing availability of an adequate and potable well water source be demonstrated for all non-agricultural uses according to the following criteria: (1) each existing parcel developed with non-agricultural uses, or parcel legalized in accordance with Local Coastal Program Policy 1.29, shall demonstrate a safe and adequate well water source located on that parcel, and (2) each new parcel created by a land division shall demonstrate a safe and adequate well water source located either (a) on that parcel, or (b) on the larger property that was subdivided to create the new parcel, providing that a single well source may not serve more than four (4) new parcels.

b. Adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed are not diminished.

c. All new non-agricultural parcels are severed from land bordering a stream and their deeds prohibit the transfer of riparian rights.

Under Policy *5.22 as it currently exists, all non-agricultural uses permitted on an agricultural parcel proposed to be subdivided or converted from agriculture must demonstrate a well water source either on the new parcel or anywhere on the larger parcel being subdivided (referred to as the "parent parcel"). The proposed amendment (incorporated into the suggested

modifications by request of the County) would clarify the requirements that must be met in order to demonstrate groundwater for non-agricultural development. In addition, wells may currently be shared by multiple parcels. The proposed amendment would provide that upon land division, no more than four new subdivided parcels would be allowed to share a well on the larger (parent) parcel being divided.

Groundwater is not evenly distributed in the rural Coastal Zone, and its availability may constrain the location of new development. In its Amendment submission, the Board of Supervisors indicated it believes that limiting the number of new parcels that may share a well, but continuing to allow the location of wells anywhere on the parent parcel, will retain the needed flexibility when locating new development without overburdening coastal resources. The County also maintains that requiring demonstration of a groundwater source for non-agricultural development: (1) helps reserve surface water for agricultural uses, and (2) discourages water distribution lines serving non-agricultural development from extending throughout the agricultural area.

The proposed amendment does not conflict with other LCP policies, and is consistent with LCP objectives to: (1) prevent overburdening of limited groundwater resources, (2) reserve surface water for agricultural uses, and (3) discourage water distribution lines from extending throughout the rural area.

The Commission finds that the LCP amendment, if modified in accordance with Suggested Modification No. 10, is consistent with Coastal Act Section 30250 which requires that new non-agricultural development not adversely impact coastal resources.

E. VISUAL AND SCENIC RESOURCES

Coastal Act Section 30251 provides that the scenic and visual qualities of coastal areas be protected as a resource of public importance. The Section further requires that new development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality. The proposed Amendment includes changes to LUP Visual Resource Policies *8.5, *8.7, 8.14, *8.17 and *8.18. Policies *8.17 and *8.18 are approved as submitted, while modifications are suggested to the other policies.

1. POLICY *8.17: Alteration of Landforms: Roads and Grading; Findings for APPROVAL as Submitted

Policy *8.17 applies to the Rural area of the Coastal Zone.

As submitted, the amendment to Policy 8.17 states the following:

Policy *8.17 Alteration of Landforms; Roads and Grading

Minimize the visual degradation of natural landforms caused by cutting, filling, or grading for building sites, access roads, or public utilities by:

a. Concentrating development so that steep hillsides may be left undisturbed;

b. Requiring structures to be designed to fit hillsides rather that altering the landform to accommodate buildings designed for level sites;

c. Prohibiting new development which requires grading, cutting, or filling that would substantially alter or destroy the appearance of natural landforms;

d. Restoring as much as possible the natural topographic contours after any permitted temporary alteration of landforms during construction, timber harvesting, or mineral extraction;

a. Require that development be located and designed to conform with, rather than change landforms. Minimize the alteration of landforms as a consequence of grading, cutting, excavating, filling or other development.

b. To the degree possible, ensure restoration of preexisting topographic contours after any alteration by development, except to the extent necessary to comply with the requirements of Policy 8.18.

c. Control development to avoid the need to construct access roads visible from State and County Scenic Roads. Existing private roads shall be shared wherever possible. New access roads may be permitted only where it is demonstrated that use of existing roads is physically or legally impossible or unsafe. New roads shall be (1) located and designed to minimize visibility from State and County Scenic Roads and (2) built to fit the natural topography and to minimize alteration of existing landforms and natural characteristics.

This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation, or convert agricultural soils. In such cases, build new access roads to minimize alteration of existing landforms and natural characteristics.

Policy *8.17 currently prohibits new development if such development would substantially alter natural landforms. As now proposed, Policy 8.17 would instead require that new development, including new access roads, be located and designed to conform with, rather than change, landforms and that to the degree possible, development restore pre-existing topographic contours. The proposed amendment would explicitly require that new access roads be located

to minimize their visibility from scenic roads and other public viewing areas. The proposed amendment would also exempt agricultural roads where application of the requirement would impair an agricultural operation or convert agricultural soils, by providing that in such cases new farm roads be built to minimize alteration of existing landforms and natural characteristics.

Conformance with the Coastal Act: The proposed amendment would continue to be consistent with the Coastal Act in that Section 8.17a conforms with Coastal Act Section 30251's requirement that development "minimize" the alteration of natural land farms. The provisions of 8.17b to control construction of new access roads mirror and are consistent with Section 30251's requirements that development protect views and minimize alteration of landforms. The proposed amendment would (a) further minimize the alteration of landforms by requiring the consolidation of roads whenever possible, (b) better protect views to and along the coast and scenic coastal areas and better ensure that new roads are located and designed to be visually compatible with the character of the surrounding area by requiring the shared use of roads to reduce their number and requiring that new roads be located and designed to minimize visibility from State and County Scenic.

The Commission further finds that the requirement of 8.17(b) to ensure restoration of pre-existing topographic contours after development "to the degree possible" is consistent with Coastal Act Section 30251 in that 8.17a requires that landform alteration first be minimized (the Coastal Act standard) and then goes on to require that pre-existing contours be restored "to the degree possible." This provision is consistent with Section 30251's requirement that development restore and enhance visual quality in visually degraded areas "where feasible"."

The exception to this requirement of 8.17b proposed for agricultural roads is limited to "the extent necessary to comply with the requirement of Policy 8.18. That policy requires that development blend with and be subordinate to the character of the area, be as unobtrusive as possible and include design and screening features to further reduce or eliminate adverse visual effects. Where these requirements may best be achieved by not restoring pre-existing contours (such as in the case of a berm to screen development), Policy 8.17b would allow that as a means to best protect visual resources consistent with Section 30251. The Commission finds that the agricultural exemption as proposed will prevent the inadvertent loss of prime agricultural lands and lands suitable for agricultural use, and is therefore consistent with section 30241 and 30242. In addition, the Commission finds that the agricultural exemption as proposed will prevent the inadvertent loss of agricultural productivity, and is therefore consistent with section 30241 and 30242.

2. POLICY *8.18: DEVELOPMENT DESIGN; FINDINGS FOR APPROVAL

Policy *8.18 applies to the Rural area of the Coastal Zone.

As submitted, the amendment to Policy *8.18 states the following:

Policy *8.18 ~~Location of New Development~~ Development Design

~~Required~~

~~a) That new development be located, sited and designed to fit the physical setting, so that its presence is subordinate to the pre-existing character of the site, the visual qualities of the area, including but not limited to siting, design, layout, size, height, shape, materials, colors, access and landscaping.~~

~~b) That roads, buildings and other structural improvements be constructed to fit the natural topography and to minimize grading and modification of existing landforms.~~

~~c) That private roads and driveways be shared, where feasible, to reduce the amount of grading, cutting and filling required to provide access.~~

~~d) That all development minimize the impacts of noise, light, glare and odors on adjacent properties and the community at large.~~

a. Require that development (1) blend with and be subordinate to the environment and the character of the area where located, and (2) be as unobtrusive as possible and not detract from the natural, open space or visual qualities of the area, including but not limited to siting, design, layout, size, height, shape, materials, colors, access and landscaping.

   The colors of exterior materials shall harmonize with the predominant earth and vegetative colors of the site. Materials and colors shall absorb light and minimize reflection. Exterior lighting shall be limited to the minimum necessary for safety. All lighting, exterior and interior, must be placed, designed and shielded so as to confine direct rays to the parcel where the lighting is located.

   Except for the requirement to minimize reflection, agricultural development shall be exempt from this provision. Greenhouse development shall be designed to minimize visual obtrusiveness and avoid detracting from the natural characteristics of the site.

b. Require screening to minimize the visibility of development from scenic roads and other public view points. Screening shall be by vegetation or other materials which are native to the area or blend with the natural environment and character of the site.

c. Require that all non-agricultural development minimize noise, light, dust, odors and other interference with persons and property off the development site.

The proposed amendment as submitted rewords the present policy dealing with the appearance of development and some potential off-site effects, and moves provisions dealing with landform alteration and road development to policy *8.17. Proposed Policy *8.18 would require that exterior colors harmonize with the predominant natural colors on the site and minimize reflection. It would exempt agricultural development from the requirement to "harmonize", but not the requirement to "minimize reflection." It would specifically require that greenhouse development be designed to minimize visual obtrusiveness and avoid detracting from the natural characteristics of the site. Finally, *8.18c would exempt agricultural development from the current requirement that "all development minimize the impacts of noise, light, glare and odors on adjacent properties and the community at large."

As stated in the Amendment submittal, the Board of Supervisors believes that these proposed amendment will provide farmers with more flexibility when selecting colors and materials, while averting the visual nuisance of highly reflective or shiny metal farm buildings. The Board also believes that the specific requirements applicable to greenhouses would mitigate some of the land use compatibility issues that have arisen over greenhouse development.

Conformance with the Coastal Act: Coastal Act Section 30251 (cited above) protects the scenic and visual qualities of the coast. Consistent with its requirements, Local Coastal Program Policies *8.7, *8.15, 8.16, *8.17, *8.18, and 8.19 require that new development: (1) be subordinate to the natural landscape, (2) blend rather than contrast with the surrounding physical conditions of the site, (3) use colors and materials to integrate the man-made and natural environment, (4) avoid ridgeline locations, and (5) be designed to preserve views from a scenic road. The proposed amendment to Policy *8.18 either strengthens or augments these policies, and does not conflict with other LCP policies.

The Commission therefore finds that the proposed amendment to Policy *8.18 is consistent with Section 30251 of the Coastal Act. The amendment incorporates provisions to require development to be subordinate to the character of the area, be as unobtrusive as possible, and not detract from the visual qualities of the area, in a manner consistent with the Coastal Act Section 30251 requirements that development be "compatible with the character of surrounding areas, and that new development in highly scenic areas, such as San Mateo County's rural coastside, "shall be subordinate to the character of its setting."

In addition, Policy *8.18 takes into account that agricultural uses themselves are integral to defining the rural character of the area. Therefore exempting agricultural uses from the above visual mitigation requirements is consistent with the mandate of Coastal Act Section 30251 to maintain the character of the rural area.

Finally, the proposed amendment to Policy *8.18 is consistent with Coastal Act Sections 30241 and 30242 because it specifically adapts its requirements for

agricultural uses in a manner that helps assure that the maximum amount of prime agricultural land is maintained in production and that the requirements of Policy *8.18 do not adversely affect the feasibility of continued renewed agricultural use.

3. POLICY *8.5: LOCATION OF DEVELOPMENT: SUGGESTED MODIFICATIONS

The proposed amendments to LCP Policy *8.5 would direct new development to the site least visible from scenic roads throughout the County's coastal zone.

As submitted, the amendment to Policy 8.5 states the following:

8.5 Location of Development

*8/5 Structures

Minimize the number of structures located in open fields and grassland areas, require that structures be designed in scale with the rural character of the region, and that they be clustered near existing natural or man made vertical features.

a. Require, to the extent practicable, that new development be located on a portion of a parcel where the development (1) is least visible from State and County Scenic Roads, and (2) consistent with that requirement, best preserves the visual and open space qualities of the parcel overall.

This provision does not apply to enlargement of existing structures, provided that the size of the structure after enlargement does not exceed 150 percent of the pre-existing floor area, or 2,000 sq. ft., whichever is greater.

This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation on the parcel. In such cases, agricultural development shall use appropriate building materials, colors, landscaping and screening to eliminate or minimize the visual impact of the development.

b. Require, including by clustering if necessary, that new parcels have building sites that are not visible from State and County Scenic Roads. If (1) the entire property being subdivided is visible from State and County Scenic Roads or (2) compliance with this provision is not permissible under the General Plan and Local Coastal Program, then require that new parcels have building sites that minimize visibility from those roads.

c. The provisions of this policy do not apply to the extent that the application of this policy would direct development to a location prohibited by the application of other General Plan or Local Coastal Program policies.

The proposed Amendment would require, to the extent practicable, that non-agricultural development be located on the least visible site from a scenic road. It would exempt the enlargement of existing structures from this requirement, provided that the size of the structure after enlargement does not exceed 150% of the original floor area, or 2,000 sq. ft., whichever is greater.

The LCP currently seeks to protect the rural Coastside's visual resources by requiring that development be subordinate to the natural landscape, and blend rather than contrast, with existing vegetation, landforms and topography. In scenic road corridors, Policy 8.31(e) presently requires development to be: (1) set back 100 feet (50 feet with sufficient screening) from the scenic road, and (2) designed to protect views from the scenic road. Policy *8.15 prevents development from substantially blocking public views in the rural area. Many other policies in the Visual Resources Component affect the design and visual character of development.

According to the LCP submittal, the Board of Supervisors believes that the proposed amendment: (1) would better assure adequate preservation of the Coastside's scenic amenities, (2) would allow for logical decisions at the time of development without posing undue hardship on a land owner, and (3) would provide reasonable limits when enlarging existing structures.

The limited exception for enlargement of existing structures is consistent with Section 30610 of the Coastal Act, which excludes such minor development from permit requirements.

The limited exception for "agricultural development to the extent that application of the provision would impair any agricultural use or operation on the parcel..." is consistent with Section 30241 and 30242 which require the protection of agricultural productivity.

However, although the proposed amendment provides increased visual resource protection in scenic areas, as discussed below, it allows exceptions that could allow development inconsistent with the Coastal Act:

The proposed policy only extends protection to views from Scenic Roads, where Coastal Act Section 30251 requires protection of all coastal scenic and visual resources of public importance, specifically **"views to and along the ocean and scenic coastal areas."** The Commission has consistently found that Section 30251 protects public views, including those from public viewpoints other than Scenic Roads, and omitting protection for such public views is inconsistent with the Coastal Act.

Proposed Policy *8.5 also includes the phrase "to the extent practicable" in section "a." to limit the requirements for siting new development to protect views. Section 30251 has no such limitation. The word "practicable" is defined neither in the LUP not the Zoning Ordinance. If it is taken to be mean "feasible," then this phrase is nevertheless inconsistent with Section

30251, which specifically states that development "shall" be designed to protect views, and limits the use of the phrase "where feasible" to situations where development may be required to "restore and enhance visual quality in visually degraded areas."

Policy *8.5b., as proposed, requires that new building sites created by the division of a parcel not be visible, or if the entire property is visible, or that compliance with Policy *8.5b is impermissible under the General Plan or Local Coastal Plan, that new parcels have building sites that minimize visibility. Because there is generally more siting flexibility in designing new subdivisions than in dealing with existing structures or parcels, it is appropriate that Policy *8.5b requires that building sites on new parcels not be visible. However, where the entire property is visible, or compliance is not permissible under the General Plan and LCP, Policy *8.5b sets up a different standard than Policy *8.5a, i.e. that parcels "have building sites that minimize visibility..." This text could set up a needless conflict with Policy *8.5a., because subdivision is itself a development, and Policy *8.5a would apply to any subdivision also proposed to be addressed by *8.5b. The standard proposed in *8.5a is "least visible," whereas the standard in *8.5b is "have building sites that minimize visibility..." The proposed *8.5b standard fails to limit development itself," and thus could result in development inconsistent with Section 30251 of the Coastal Act.

In addition, proposed subsection *8.5c invalidates the entire Policy "to the extent that the application of this provision would direct development to a location restricted by the application of other General Plan or Local Coastal Program policies." Proposed Subsection *8.5c is unnecessary and negates the respective policy in a way that would only add confusion to the interpretation of Policy *8.5 and could result in development inconsistent with the Act. The first part of the proposed policy already allows for the application of other LCP policies by utilizing the language "least visible" and "best preserves." Thus 8.5a adequately addresses the County's concern that each respective Policy not direct development to restricted locations because the additional text limiting application of the policy in situations where it would direct development to other restricted locations could not arise in the context of a policy that utilizes the terms "least" and "best."

For the reasons discussed above, Policy*8.5 as proposed is inconsistent with the Coastal Act and must be rejected.

MODIFICATION 11 POLICY *8.5

Modification 11 addresses the issues leading to rejection of Policy *8.5 discussed above as follows:

Modification 11 deletes the phrase "to the extent practicable" from proposed Policy *8.5a. as inconsistent with Coastal Act Section 30251, which specifically states that development "shall" be designed to protect views, and limits the use of the phrase "where feasible" to situations where development may be required to "restore and enhance visual quality in visually degraded areas."

An addition, the creation of new building sites by the division of a parcel (Policy *8.5b.), inherently affords more flexibility in siting and design, as addressed in Section 30251, than additions and enlargements to existing structures. Therefore such development should always be located where it is not visible when that is possible. Modification 11 incorporates this standard into Policy *8.5. Where it is not possible, the modification provides that all development, including subdivision, meet the standard expressed in *8.5a that development be located where it is least visible, consistent with other applicable LCP requirements.

As discussed above, Coastal Act Section 30251 specifically requires protection **"views to and along the ocean and scenic coastal areas."** Policy *8.5 as proposed protects views from Scenic Roads, but not from other public viewpoints. Existing LUP Policy *8.15, which applies in the rural area only, does reflect this important Coastal Act standard by enumerating a number of such public viewpoints:

*8.15 Coastal Views

> Prevent development (including buildings, structures, fences, un-natural obstructions, signs, and landscaping) from substantially blocking views to or along the shoreline from **coastal roads, roadside rests and vista points, recreation areas, and beaches.**

In addition, proposed Policy 8.14, also entitled "Coastal Views" as submitted, lists **publicly owned recreation areas, trails and beaches,"** among the areas from which views should be protected, while existing Policy 8.12 requires that ocean views are not blocked "from **public viewing points such as public roads and publicly-owned lands"**

In consultation with County staff, a modification was fashioned to make these various listings consistent in suggested modifications for this and other related policies. Modification 11 incorporates this consistent list of "public viewpoints" into Policies *8.5, and to maintain LUP consistency, revises Policy *8.15 accordingly (Modification 11 makes a corresponding change to proposed Policy 8.13)

SUGGESTED MODIFICATION NO. 11: Policies *8.5 and *8.15 shall be modified as follows:

*8.5 Location of Development

a. Require, ~~to the extent practicable,~~ that new development be located on a portion of a parcel where the development (1) is least visible from State and County Scenic Roads and other public viewpoints, and (2) consistent with ~~that~~ all other LCP requirements, best preserves the visual and open space qualities of the parcel overall.

Public viewpoints include, but are not limited to coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches.

This provision does not apply to enlargement of existing structures, provided that the size of the structure after enlargement does not exceed 150 percent of the pre-existing floor area, or 2,000 sq. ft., whichever is greater.

This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation on the parcel. In such cases, agricultural development shall use appropriate building materials, colors, landscaping and screening to eliminate or minimize the visual impact of the development.

b. Require, including by clustering if necessary, that new parcels have building sites that are not visible from State and County Scenic Roads and other public viewpoints. If (1) the entire property being subdivided is visible from State and County Scenic Roads or other public viewpoints, ~~or (2) compliance with this provision is not permissible under the General Plan and Local Coastal Program~~ then require that new parcels have building sites that minimize visibility from those roads and other public viewpoints.

c. ~~The provisions of this policy do not apply to the extent that the application of this policy would direct development to a location prohibited by the application of other General Plan or Local Coastal Program policies.~~

*8.15 Coastal Views

Prevent development (including buildings, structures, fences, un-natural 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.

Conclusion: Conformance of Policy *8.5 to the Coastal Act: The Commission finds that, as discussed above, amended Policy *8.5 of the LUP, as submitted, does not conform to Coastal Act Sections 30251, and that the amendment to Policy *8.5, as submitted, must be modified in accordance with Suggested Modifications No. 11 to be consistent with the Coastal Act.

4. POLICY *8.7 DEVELOPMENT ON RIDGELINES: SUGGESTED MODIFICATION

The proposed amendment would :

- Prohibit development from locating on, or projecting above a ridgeline, unless no alternative site exists or where "this

provision" would direct development to a location restricted by theh General Plan or LCP. A ridgeline is defined as "the top of a hill or hillock normally viewed against a background of other hills."

- Reduce the permitted height of ridgeline development to 18 feet.

- Prohibit the creation of new parcels whose only building site would be on a ridgeline, except where that would direct development to a location restricted by theh General Plan or LCP.

Policy 8.31 presently requires that buildings be set back at least 100 feet (50 feet with sufficient screening) from the scenic road. Policy *8.18 presently requires that future development is subordinate to the natural landscape.

The current regulations prohibit new development from locating on a ridgeline, unless no alternative site exists, and require that structural height be restricted to 36 feet to minimize their projection above a ridgeline.

Ridgelines are not currently defined by the LCP, although they are defined in the County General Plan (Policy 4.7). The proposed amendment would add that definition to the LCP.

As submitted, the amendment to Policy 8.7 states the following:

*8.7 ***Ridgelines/and/Hilltops*** Development on Ridgelines

a. Prohibit the location of ***new*** development, in whole or in part, on a ridgeline***s***, or where it will project above a ridgeline, ***and Hilltops*** unless there is no other ***buildable/area*** developable building site on the parcel. Ridgelines are the tops of hills or hillocks normally viewed against a background of other hills, as defined by General Plan Policy 4.7. This provision does not apply to the extent that the application of this provision would direct development to a location restricted by the application of other General Plan or Local Coastal Program policies.

b/ Prohibit/the/removal/of/trees/masses/which/would/destroy/the silhouette/of/the/ridgeline/or/hilltop/forms/

c/ Restrict/the/height/of/structures/to/prevent/their/projection above/ridgeline/or/hilltop/silhouettes/

d/ Prohibit/land/divisions/which/would/create/parcels/whose/only building/site/would/be/on/ridgelines/or/hilltops/

b. Limit development on a ridgeline to 18 feet in height from the natural or finished grade, whichever is lower.

c. Prohibit the creation of new parcels which have no developable building site other than on a ridgeline, except to the extent that the application of this provision would direct development to a location restricted by the application of other General Plan or Local Coastal Program policies.

Conformance of Policy *8.7 to the Coastal Act: Unspoiled ridgelines and skylines are both part of the scenic heritage of the San Mateo Coastside that are protected by Coastal Act Section 30251's requirement that "the scenic and visual qualities of coastal areas ... shall be protected as a resource of public importance." Proposed Policy *8.7, as submitted, does not conform to Coastal Act Sections 30251, in that it does not protect skylines.

In addition Proposed Policy *8.7, as submitted, is in conflict with proposed Policy 9.18, which restricts development on slopes of 30% or more, in a manner that could result in development inconsistent with Coastal Act Section 30251. Policy *8.7, as proposed, would prohibit development on a ridgeline, "unless there is no other developable building site on the parcel." However, the policy goes on to include the statement that "This provision does not apply to the extent that the application of this provision would direct development to a location restricted by the application of other General Plan or Local Coastal Program policies." Policy 9.18, as proposed, restricts development from slopes of 30% or more, unless "the only practicable alternative site is on a ridgeline,..." but it too goes on to state "This provision does not apply to the extent that it is inconsistent with policies of the General Plan or Local Coastal Program which restrict the location of development." Aside from introducing the ambiguity of whether a "practicable alternative site" in Policy 9.18 is, or is not, the same as an "other developable building site" in Policy *8.7, the existence of the two underlined phrases in each policy set up a double negative infinite loop that makes it impossible to determine which siting constraint would take precedence over the other.

Finally, proposed provisions of *8.7a and *8.7c negate provisions of those subsections "to the extent that the application of this provision would direct development to a location restricted by the application of other General Plan or Local Coastal Program policies." The identical text is proposed in *8.5c. Here the provision is even more problematic given the water and road constraints that exist in the rural area. As revealed in the County's cumulative impact assessment (Exhibit 10), a large number of undeveloped rural parcels already exist. The policy does not proposed to prohibit creation of any new parcels, just those that would only have building sites on ridgelines (or skylines). As such, the creation of new parcels need never "direct development" to restricted areas.

Deleting this proposed provision (and adding skylines as proposed in the suggested modification) would leave policy 8.7 essentially the same as that which had previously been certified in the LCP, and as such, it would continue to be consistent with the Coastal Act.

For the reasons described above, the proposed amendment is not consistent with the Coastal Act and must be rejected.

MODIFICATION NO. 12

SUGGESTED MODIFICATION NO. 12: **Policy 8.7 shall be modified as follows:**

*8.7 Development on Skylines and Ridgelines

a. Prohibit the location of development, in whole or in part, on a skyline or ridgeline, or where it will project above a skyline or ridgeline, unless there is no other developable building site on the parcel. ~~/This/provision/does/not/apply/to/the/extent/that/the/application/of/this/provision/would/direct/development/to/a/location/restricted/by/the/application/of/other/General/Plan/or/Local/Coastal/Program/policies/~~

Consistent with Policy 9.18, a site of greater than 30% slope may be deemed developable if it is the only other building site on the parcel and can be developed consistent with all other applicable LCP policies.

Prohibit the location of development, in whole or in part, on a skyline, or where it will project above a skyline, when a developable building site exists on a ridgeline.

A skyline is the line where sky and land masses meet, and ridgelines are the tops of hills or hillocks normally viewed against a background of other hills, ~~as/defined/by~~(General Plan Policy 4.7).

b. Where no other developable building site exists on a parcel, limit development on a skyline or ridgeline to 18 feet in height from the natural or finished grade, whichever is lower.

c. Prohibit the creation of new parcels which have no developable building site other than on a skyline or ridgeline, ~~except/to/the/extent/that/the/application/of/this/provision/would/direct/development/to/a/location/restricted/by/the/application/of/other/General/Plan/or/Local/Coastal/Program/policies/~~

Modification 12 would permit limited development on slopes over 30% only where no other alternative exists to protect skylines and ridgelines and consistent with the existing requirement in Policy 9.18 that geologic measures identified in geologic reports minimize hazards. The Commission therefore finds that the amendment to Policy *8.7, as submitted, must be modified in accordance with Suggested Modification No. 12 to be consistent with the Coastal Act.

In consultation with County staff, suggested modification 1 to Policy *8.7 and

modification 14 to Policy 9.18 have been developed to remove this ambiguity and conform the two policies to one another in a more straightforward manner.

Also in consultation with County staff, and consistent with Coastal Act Section 30251, modification 12 would extend protection to skylines. Modification 12 changes Policy *8.7 as submitted to establish a clear hierarchy among the policies protecting views and limiting development on steep slopes. Suggested Modifications 12 and 14 work together to protect to skylines over ridgelines, and where no other alternative exists, to protect skylines and ridgelines rather than prohibit development on land with slopes over 30%.

Conclusion: Conformance of Policy *8.7 to the Coastal Act: The Commission finds that, as discussed above, amended Policy *8.7 of the LUP, as submitted, does not conform to Coastal Act Sections 30251. Unspoiled ridgelines and skylines are both part of the scenic heritage of the San Mateo Coastside that are protected by Coastal Act Section 30251's requirement that "the scenic and visual qualities of coastal areas ... shall be protected as a resource of public importance." Suggested modification 12 developed in conjunction with County staff places "skylines" under protection as required by Section 30251. It also ensures consistency with proposed Policy 9.18 in a manner that recognizes unspoiled ridgelines and skylines are scenic resources of a finite nature that must be protected consistent with Coastal Act Section 30251. Moreover, Modification 12 permits limited development on slopes over 30% where no other alternative exists to protect skylines and ridgelines and only where consistent with the geologic mitigation requirements of Policy 9.18.

The modification also deletes the ambiguous exception that provides that parts of the policy would not apply "the extent that the application of this provision would direct development to a location restricted by the application of other General Plan or Local Coastal Program policies." As modified, no new parcels would be created on skylines or ridgelines. On existing parcels, skyline or ridgeline development would be prohibited unless no other building site exists. Where no other building site exists on the parcel, any allowable development would be limited to 18 ft. The Commission therefore finds that the amendment to Policy *8.7, as submitted, must be modified in accordance with Suggested Modifications No. 12 to be consistent with the Coastal Act.

Finally, the modification deletes the ambiguous exception text that provides that parts of the policy would not apply "to the extent .(copy in) . LCP policies." In subsection "a" of *8.7 this leaves the phrase "unless there is no other developable site on the parcel" as an exception to the prohibition of locating development on a ridgeline or skyline. Taken together with proposed *8.7b, this exception minimizes any development that would be allowed by limiting it to 18 feet in height when there is no alternative. These provisions are consistent with Coastal Act Section 30251, which requires that development be sited to protect view and minimize alteration of land forms.

In the context of *8.7c, deleting this exception leaves essentially the existing certified policy, which continues to be consistent with Section 30251.

(5) POLICY 8.14: SPECIAL DESIGN GUIDELINES FOR COASTAL COMMUNITIES: MONTARA-MOSS BEACH-EL GRANADA; SUGGESTED MODIFICATION

This proposed policy was submitted with the title "8.14: Coastal Views." However, there is already an existing Policy 8.14, the Definition of Rural. As submitted, proposed Policy 8.14 would delete existing Policy 8.14. This is not what the County intended. Proposed Policy 8.14 was to apply only in the Montara-Moss Beach-El Granada area, which should place it under 8.13a, as (5) and (6). The Suggested Modification corrects these difficulties. With this introduction, the following description of the proposed amendment is more easily understood.

Coastal Act Section 30251 requires that new development be "sited and designed to protect views to and along the ocean." Coastal Act Section 30253 requires that new development "protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses." The proposed amendments adding special design guidelines for the above-referenced coastal communities strengthen and augment these policies.

Existing LCP Policy 8.13 requires that structures in the urban Mid-Coast be designed in scale with the character of their setting and blend rather than dominate or distract from the overall view of the urbanscape. The Coastside Commercial Recreation Zoning Regulations (Section 6269) currently require that development height not exceed 36 ft. The proposed amendment to proposed Policy 8.14 to reduce the height limit to 28 ft. east of Denniston Creek would strengthen these certified policy and ordinance provision consistent with Section 30253 of the Coastal Act.

Development in the area east of Denniston Creek that reached 36 ft. in height would have the potential to adversely affect views to and along the ocean and from public viewpoints. Restricting development to 28 ft. will also protect such views consistent with Section 30251. Due to the geography and existing vegetative screening, limiting development to 36 ft. in height in the area West of Denniston Creek will be sufficient to protect views to and along the ocean and from public viewpoints, consistent with Coastal Act Section 30251.

Existing LCP Policy 8.12 requires that new development be designed "so that ocean views are not blocked from public viewing points such as publicly owned lands." The proposed amendment to minimize the blocking of shoreline views from Highway One to the sea strengthens and augments LCP Policies 8.12 and 8.13. However, the phrasing in proposed policy 8.14 creates an ambiguity that diminishes its ability to carry out section 30251 of the Coastal Act and must be rejected.

As submitted, the amendment states the following:

8.14: Coastal Views

a. To the extent feasible, design development to minimize the blocking of views to or along the ocean shoreline from Highway 1 to the sea, including publicly owned recreation areas, trails and beaches lying between Highway 1 and the sea. This provision shall not apply in areas west of Denniston Creek zoned either Coastside Commercial Recreation or Waterfront.

b. In areas east of Denniston Creek zoned Coastside Commercial Recreation, the height of development may not exceed 28 feet from the natural or finished grade, whichever is lower.

Conformance with Coastal Act

The proposed policy only extends protection of views to or along the ocean between Highway One and the sea from Highway One, publicly owned recreational areas, trails, and beaches, whereas Coastal Act Section 30251 requires protection of all coastal scenic and visual resources of public importance. The Commission has consistently found that Section 30251 protects public views, including those from public viewpoints other than Highway One, publicly owned recreational areas, trails, and beaches. For example, the Commission has often sought to protect views to and along the ocean from other coastal public roads besides Highway 1. Omitting protection for such public views is inconsistent with the Coastal Act. For this reason, Policy*8.5 as proposed is inconsistent with the Coastal Act and must be rejected.

MODIFICATION 13

As outlined above, this modification is in part technical: it renumbers proposed Policy 8.14 as 8.13a, sections (5) and (6). As a substantive change, the suggested modification clarifies that the policy applies to all public views, but not private views. The modification rephrases the policy (number 8.13a(5) in the modification) to clarify that the policy is not concerned with views from the entire area "from Highway 1 to the Sea" as stated in the proposed policy as submitted, but rather with "views to or along the ocean shoreline from Highway 1 and other public viewpoints between Highway 1 and the Sea." consistent with Coastal Act Section 30251.

The modification also makes the definition of public viewpoints consistent with Policies *8.15, rather than including only "publicly owned recreation areas, trails and beaches." The modification thus maintains internal consistency of the LCP so that the LCP can adequately carry out the Coastal Act. Moreover, the policy has ben modified consistent with Section 30251 of the Coastal Act, which specifies that scenic and visual qualities of coastal areas be protected as a resource of public importance. The Commission has consistently interpreted this provision to apply to views from public areas, including those listed as public viewpoints in the suggested modification.

SUGGESTED MODIFICATION NO. 13: **Policy 8.14 shall be modified as follows:**

~~8.14 Coastal Views~~

8.13 Special Design Guidelines for Coastal Communities

a. Montara-Moss Beach-El Granada...

~~d~~ (5) To the extent feasible, design development to minimize the blocking of views to or along the ocean shoreline from Highway 1 and other public viewpoints between Highway 1 ~~to~~ and the sea, ~~including public ly owned~~ Public viewpoints include coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches ~~lying between Highway 1 and the sea~~. This provision shall not apply in areas west of Denniston Creek zoned either Coastside Commercial Recreation or Waterfront.

~~b~~ (6) In areas east of Denniston Creek zoned Coastside Commercial Recreation, the height of development may not exceed 28 feet from the natural or finished grade, whichever is lower.

Conclusion: Conformance of Policy 8.14 to the Coastal Act: As discussed above, the Commission finds that amended Policy 8.14 of the LUP, as submitted, does not conform to Coastal Act Sections 30251, and the Commission further finds that the amendment to Policy 8.14, as submitted, must be modified in accordance with Suggested Modification No. 13 to be consistent with Section 30251 of the Coastal Act.

F. HAZARDS

POLICY 9.18: REGULATION OF DEVELOPMENT ON 30% OR STEEPER SLOPES: SUGGESTED MODIFICATION

Coastal Act Section 30253 requires that new development minimize risks to life and property in areas of high geologic, flood and fire hazard.

Local Coastal Program Policy 9.18 currently prohibits development on 30% or steeper slopes, unless no alternative site exists. Ridgelines (and skylines) are not explicitly excluded as an alternative site, and may currently be considered an alternative building site. The proposed amendment would allow development on 30% or steeper slopes if a ridgeline is the only practicable alternative site. LCP Policy 9.18 also prohibits the creation of new parcels whose only building site would be on 30% or steeper slopes, unless no alternative exists. The proposed amendment would unconditionally prohibit new parcels on land entirely comprised of 30% or steeper slopes. The proposed amendment would also exempt structures that are less that 10 feet in height and do not require grading, such as fences, wells, etc. The proposed change strengthens Policy 9.18, and does not conflict with any other LCP policies.

As stated in the submittal, the Board of Supervisors believes that the proposed amendment would strengthen existing LCP policies aimed at reducing the hazard risks of development on steep slopes. As submitted, the amendment to Policy 9.18 reads:

9.18 Regulation of Development on 30% or Steeper Slopes

~~a/ Prohibit, unless no alternatives exist, development (including land divisions which would create parcels exclusively) on slopes of 30% or greater. If no alternatives exist, require engineering geologic reports to enable minimizing of hazards.~~

a. Prohibit development on slopes of 30% or more, unless (1) no alternative exists or (2) the only practicable alternative site is on a ridgeline. Parcels may not be created where the only building site, in whole or in part, is on a slope of 30% or more. An engineering geologic report shall be required for any development on a slope of 30% or more. This provision does not apply to the extent that it is inconsistent with policies of the General Plan or Local Coastal Program which restrict the location of development.

Development less than 10 feet in height that does not constitute a building or require grading shall be exempt from the application of this provision.

b. Employ the siting and grading criteria of the Design Review Zoning Ordinance and the Community Design Manual for Development on Slopes 30% or Greater.

As indicated, the proposed amendment would strengthen protection of visual resources, specifically natural ridgelines, as required by Coastal Act Section 30251. The proposed amendment would also unconditionally prohibit the creation of new parcels on land entirely comprised of 30% or steeper slopes.

As discussed in relation to Suggested Modification 12, Suggested Modification 14 adds skylines to the text of Policy 9.18 to assure that scenic and visual resources represented by both natural skylines and ridgelines are protected as a resource of public importance consistent with Coastal Act Section 30251. Adding "skylines" is also necessary to maintain consistency with Policy *8.7.

Modification 14 also clarifies that when considering the creation of new parcels, access roads and driveways must be considered as part of the building site, so that no parcels are created that would require construction of a road or driveway across a slope greater than 30%. Roads and driveways are clearly "development" that is prohibited by the first sentence of 9.18, and creating parcels that would require such prohibited development sets up a needless conflict. The proper "alternative" that exists, consistent with Section 30253 of the Coastal Act is to not create parcels in the first place, which could create or contribute to erosion, geologic instability, or the destruction of the site or surrounding area in a manner inconsistent with Coastal Act Section 30253.

SUGGESTED MODIFICATION NO. 14: Policy 9.18 shall be modified as follows:

9.18 Regulation of Development on 30% or Steeper Slopes

a. Prohibit development on slopes of 30% or more, unless (1) no alternative exists or (2) the only practicable alternative site is on a skyline or ridgeline. Parcels ~~may~~ shall not be created where the only building site, in whole or in part, including roads or driveways, is on a slope of 30% or more. An engineering geologic report shall be required for any development on a slope of 30% or more. ~~This provision does not apply to the extent that it is inconsistent with policies of the General Plan or Local Coastal Program which restrict the location of development.~~

Development less than 10 feet in height that does not constitute a building, road or driveway, or require grading, shall be exempt from the application of this provision.

b. Employ the siting and grading criteria of the Design Review Zoning Ordinance and the Community Design Manual for Development on Slopes 30% or Greater.

Conclusion: Conformance of Policy 9.18 to the Coastal Act: As discussed above, the Commission finds that, amended Policy 9.18 of the LUP, as submitted, does not conform to Coastal Act Sections 30251 and 30253, and further finds that the amendment to Policy 9.18, as submitted, must be modified in accordance with Suggested Modification No. 14 to be consistent with Sections 30251 and 30253 of the Coastal Act.

PART THREE: COUNTY OF SAN MATEO LCP IMPLEMENTATION PROGRAM AMENDMENT

I. Analysis Criteria

To approve the amendments to the Implementation Plan, the Commission must find that the Implementation Plan as amended, will conform with and adequately carry out the policies of the LUP, as amended.

II. Staff Recommendation, Motions, and Resolutions (Implementation Plan Amendment)

A. Denial of Amendment No. 1-97-C, as submitted

Staff recommends that the Commission adopt the following resolution:

MOTION III:

"I hereby move that the Commission reject Amendment No. 1-97-C to the Implementation Plan of the County of San Mateo Local Coastal Program."

Staff recommends a YES vote, which would result in the adoption of the following resolution and findings. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

RESOLUTION III:

The Commission hereby rejects Amendment No. 1-97-C to the Implementation Plan of the County of San Mateo Local Coastal Program on the grounds that, as submitted, it does not conform with and is inadequate to carry out the provisions of the Land Use Plan as certified. There are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact, within the meaning of CEQA, that the approval of the Implementation Program would have on the environment.

B. Approval of Amendment No. 1-97-C If Modified As suggested

Staff recommends that the Commission adopt the following resolution:

MOTION IV:

"I hereby move that the Commission approve Amendment No. 1-97-C to the Implementation Plan of the County of San Mateo Local Coastal Program if it is modified as suggested."

Staff recommends a YES vote, which would result in the adoption of the following resolution and findings. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

RESOLUTION IV:

The Commission hereby approves certification of Amendment No. 1-97-C to the Implementation Program of the County of San Mateo Local Coastal Program according to Modifications 15, 16 and 17, for the specific reasons discussed in the following findings on the grounds that, as modified, the zoning ordinance, zoning map, and other implementing materials conform with and are adequate to carry out the provisions of the Land Use Plan as certified. Approval of the Zoning and Implementation Program if modified as suggested would have no significant adverse impacts on the environment within the meaning of CEQA.

C. SUGGESTED MODIFICATIONS

SUGGESTED MODIFICATION NO. 15: MODIFY SECTIONS 6356, 6906 and 6979 OF THE SAN MATEO COUNTY ORDINANCE CODE TO CONFORM TO SUGGESTED MODIFICATION NO. 1 TO POLICY *1.8: The County shall modify sections 6356, 6906 and 6979 to conform to the text of Policy *1.8 as included in Suggested Modification No. 1.

SUGGESTED MODIFICATION NO. 16: **Section 6328.7 shall be modified as follows:**

Section 6328.7 APPLICATION REQUIREMENTS. Application for a Coastal Development Permit shall be made to the Planning and Development Division on forms provided by the Planning Director. Where required by this Chapter, application for a Coastal Development Permit shall be made prior to or concurrently with application for any other permit or approvals required for the project by the San Mateo County Ordinance Code. The application for a Coastal Development Permit shall be accompanied by: . . .

(e) Demonstrated proof of the existing availability of an adequate and potable water source for the proposed development, and that use of the water source will not impair surface streamflow, the water supply of other property owners, agricultural production or sensitive habitats.

(f) Any additional information determined by the Planning Director to be necessary for evaluation of the proposed development.

SUGGESTED MODIFICATION NO. 17: EFFECTIVE DATES OF THE LCP The County shall (a) provide the Commission with a definitive list of projects that meet the following criteria on the date proposed Amendment 1-97-C will become effective; (b) shall include that list in the LCP; (c) shall indicate within the LCP that the provisions of LCPA 1-97-C will not apply to the listed projects; and (d) shall specify policies that apply to that list of projects. The list shall be accompanied by evidence that the development has fulfilled at least one of the following requirements before the effective date of Amendment 1-97-C:

1. A permit application for each development permit required by the County Zoning Regulations applicable to the proposed development, including a Coastal Development Permit application, has been submitted to the County and determined to be complete, or

2. With respect to Section 6355, Subsection B of the San Mateo County Ordinance, a tentative subdivision map or tentative parcel map application has been submitted to the County and determined to be complete, or

3 A building permit application has been submitted to the County and determined to be complete, if no development permit required by the County Zoning Regulations, or

4. A development agreement has been recorded between the County and the owner of the property where the development will occur, and the proposed development conforms with the terms of that development agreement.

III. FINDINGS

A. AMENDMENT DESCRIPTION:

Five ordinances were adopted and submitted to change various sections of the Zoning Ordinance as described below:

(1) Ordinance No. 03716, amends the RM/CZ District regulations to reduce the permitted level of non-agricultural development (Section 6906).

(2) Ordinance No. 03717, amends the CCR District regulations to reduce the height limit east of Denniston Creek from 36 to 28 feet (Section 6269).

(3) Ordinance No. 03718, amends the Planned agricultural District (PAD) regulations to: (a) delete reference to the visitor serving facility density calculation in the definition of "Density Credits" (Section 6351.J), (b) limit the number of newly subdivided parcels that may share a well (Section 6355.B), (c) reduce the permitted level of non-agricultural development (Section 6356), and (d) add an agriculturally protective requirement before granting a density bonus for combining contiguous parcels (Section 6357.A).

(4) Ordinance No. 03719, amends the Zoning Regulations to: (a) limit building size on residential parcels less than 5,000 sq.ft. in the urban Mid-Coast (Section 6133), and (b) revise use permit procedures (Section 6503) to conform with (a), above.

(5) Ordinance No. 03720, amends the TPZ/CZ District regulations to reduce the permitted level of non-agricultural development (Section 6979).

For convenience the proposed amendments in the zoning district regulations are listed below under the proposed amendments to the LCP Land Use Plan Policies that they implement. Note that an "@" indicates existing sections 6328.20 through 6328.31 of the Coastal Development District Ordinance, which establish criteria that any Coastal Development Permit (CDP) must meet. These sections incorporate by reference the exact policy language of the applicable LUP policies, and thus, together with the other cited sections, carry out those policies.

(1) **Clarify Density of Rural Designated Land (LCP Policy 1.5)**

@ Coastal Development (CD) District Sections 6328.20.

(2) **Limit House Size on Substandard Residential Lots (LCP Policy 1.6)**

Zoning Nonconformities Regulations Sections 6133.
Use Permit Regulations Section 6503.
@ Coastal Development (CD) District Sections 6328.20.

(3) **Reduce Non-Residential Development Density (LCP Policies *1.8 and 11.15)**

Planned Agricultural District (PAD) Sections 6351.J and 6356.
Resource Management/Coastal Zone (RM/CZ) Zoning District Section 6906.
Timber Production/Coastal Zone (TPZ/CZ) Zoning District Section 6979.
@ Coastal Development (CD) District Sections 6328.20@ and 6328.31.

(4) **Limit Lot Consolidation Density Bonus (LCP Policy *5.11)**

Planned Agricultural District (PAD) Section 6357.A.
@ Coastal Development (CD) District Sections 6328.24.

(5) **Limit Number of Shared Wells (LCP Policy *5.22)**

Planned Agricultural District (PAD) Sections 6355.
@ Coastal Development (CD) District Sections 6328.24.

(6) **Increase Visual Resources Protection (LCP Policies *8.5,8.7, *8.17, *8.18)**

@ Coastal Development (CD) District Sections 6328.27.

(7) **Increase Ocean View Protection (LCP Policy 8.14/CCR Section 6269)**

Coastside Commercial Recreation (CCR) District Section 6269.
@ Coastal Development (CD) District Sections 6328.27.

(8) **Increase Steep Slope Hazard Avoidance (LCP Policy 9.18)**

@ Coastal Development (CD) District Sections 6328.28.

B. GENERAL ADEQUACY OF PROPOSED IMPLEMENTATION PROGRAM (IP)

To approve the proposed amendments to the Implementation Program (IP), the Commission must find that the IP, as amended, will conform with and adequately carry out the policies of the LUP, as certified.

Copies of the individual sections making up the Implementation Plan amendment as submitted are included in Exhibit 1, and a version showing the existing certified of these sections text, with the County's proposed additions underlined and deletions crossed out, is included as Exhibit 3.

1. IMPLEMENTATION PLAN SECTIONS APPROVED AS SUBMITTED

Of the package of amendments submitted for certification, the following IP amendments, as submitted, are fully consistent with and adequate to carry out the noted policies of the Land Use Plan, if the LUP amendments are modified as previously suggested.

(a) Limit House Size on Substandard Residential Lots (LCP Policy 1.6)

Zoning Nonconformities Regulations Section 6133.
Use Permit Regulations Section 6503.
@ Coastal Development (CD) District Section 6328.20.

Section 6133, the zoning nonconformities regulations, and Section 6503, the use permit regulations, of the County's Zoning Ordinance are both proposed to be amended to add new regulations specifically applying to residentially zoned non-conforming parcels less than 5,000 sq. ft. within the urban Mid-Coast. The amendments are adequate to carry Policy 1.6 in that Section 6133 incorporates the specific numerical standards of proposed Policy 1.6, and both Sections 6133 and 6503 require specific findings that the proposed use meets those standards be made before the use permit required by Section 6503 may be issued. The findings also include a provision added at the time both of the sections were amended and certified by the Commission last year (San Mateo County LCP Amendment 2-95), that requires the finding be made that the proposed use permit will not "result in significant adverse impact to coastal resources..." (sect. 6133.3b(1)(e). Consistent with the suggested modification to Policy 1.6 clarifying that the requirement for a use permit does not replace, but is in addition to any requirement for a Coastal Devlopment Permit, the existing Implementation Plan defines what types of development are subject to the issuance of a coastal development permit or certificate of exemption.

As discussed above, Coastal Development (CD) District Section 6328.20 directly refers back to and incorporates by reference all the policies of the Locating and Planning New Development Component, including Policy 1.6 as the criteria that are, in part, the standard of review for any Coastal Development Permit (CDP). In so doing it conforms with and is adequate to carry out the policies of the LUP.

(b) Reduce Non-Residential Development Density (LCP Policies *1.8 and 11.15)

Planned Agricultural District (PAD) Section 6351.J.
@ Coastal Development (CD) District Sections 6328.20@ and 6328.31.

Section 6351.J is the definition of density credits in the PAD:

J. Density Credits

The maximum number of land divisions permitted for a parcel computed in accordance with Section 6356. ~~For Public and Commercial Recreation uses, each density credit equals 630 gallons per day of water. For all other uses, each density credit equals 315 gallons per day of water.~~ Credits may be combined for uses on a single parcel if the number of land divisions is reduced accordingly; however, only one credit shall be assigned to an agricultural parcel. Only one dwelling unit or non-agricultural use shall be permitted per parcel.

The proposed amendment deletes reference to specific water use values assigned to land uses as shown, leaving the reference to Section 6356 which, as will be discussed further below, incorporates the proposed amendments to the text of *1.8 verbatim. For the reasons already discussed above, Coastal Development (CD) District Sections 6328.20 and 6328.31 conform with Policies *1.8 and 11.15. If Policy *1.8 is modified as previously suggested, and Section 6356 and the related zoning ordinance sections are modified as discussed below, Section 6351.J., 6328.20 and 6328.31 will conform with, and be adequate to carry out the LUP.

(c) Limit Lot Consolidation Density Bonus (LCP Policy *5.11)

Planned Agricultural District (PAD) Section 6357.A.

Section "A" of the Planned Agricultural District (PAD) Section 6357 ("Density Bonus and Transfer") incorporates exactly the same standards as provided in Policy *5.11, and conforms with, and is adequate to carry out Policy *5.22.

(d) Increase Ocean View Protection (LCP Policy 8.14/CCR Section 6269)

Coastside Commercial Recreation (CCR) District Section 6269.
@ Coastal Development (CD) District Sections 6328.27.

Coastside Commercial Recreation (CCR) District Section 6269 specifies the Development Standards for that district. The proposed amendment would amend subsection 3 to include the same change to permissible building height as proposed Policy 8.14, for the exact geographic area described in that policy. As discussed, Coastal Development (CD) District Section 6328.27 conforms with Policies 8.14. Therefore, Sections 6269 and 6328.27 will conform with, and be adequate to carry out the LUP.

2. IMPLEMENTATION PLAN (IP) SECTIONS REJECTED, AND SUGGESTED FOR MODIFICATION

The following IP amendments as submitted by the County of San Mateo are not consistent with and adequate to carry out the noted policies of the Land Use Plan, as modified:

(a) Reduce Non-Residential Development Density (LCP Policies *1.8 and 11.15)

Planned Agricultural District (PAD) Section 6356.
Resource Management/Coastal Zone (RM/CZ) Zoning District Section 6906.
Timber Production/Coastal Zone (TPZ/CZ) Zoning District Section 6979.

Each of the three sections listed above is the "Maximum Density of Development" section for the respective District Ordinance, and presently incorporates the text of Policy *1.8 and Table 1.3 as they are now written. The proposed amendments to these sections in the same way incorporate the text

of Policy *1.8 and Table 1.3 as they are proposed. For the reasons set out previously, Policy *1.8 is rejected and suggested for modification, and therefore Sections 6356, 6906 and 6979 must similarly be rejected. Sections 6356, 6906 and 6979 would be consistent with and adequate to carry out the Land Use Plan if they are modified to incorporate the text of Policy *1.8 as modified:

SUGGESTED MODIFICATION NO. 15: MODIFY SECTIONS 6356, 6906 and 6979 OF THE SAN MATEO COUNTY ORDINANCE CODE TO CONFORM TO SUGGESTED MODIFICATION NO. 1 TO POLICY *1.8: The County shall modify sections 6356, 6906 and 6979 to conform to the text of Policy *1.8 as included in Suggested Modification No. 1.

(b) Limit Number of Shared Wells (LCP Policy *5.22)

Planned Agricultural District (PAD) Section 6355.
@ Coastal Development (CD) District Section 6328.24.

Planned Agricultural District (PAD) Section 6355 (SUBSTANTIVE CRITERIA FOR ISSUANCE OF A PLANNED AGRICULTURAL PERMIT), requires that "each application...shall be approved if found consistent with the following criteria." The proposed amendment to Section 6355 replaces part B, "Water Supply Criteria" with the verbatim text of Policy *5.22, with changes exactly as shown in Exhibit 3 for Policy *5.22. (Policy *5.22, which was inadvertently omitted from the County's submittal, is incorporated into the LUP by means of a modification, as previously discussed).

For the reasons already discussed, Coastal Development (CD) District Section 6328.24 conforms with Policy *5.22. If Policy *5.22 is modified as suggested (i.e., simply to incorporate it into the LUP), Section 6328.24 will conform with the Policy. However, as proposed these sections are not adequate to carry out the LUP.

Policy *5.22 requires, in part, that prior to the division or conversion of agricultural land "the existing availability of an adequate and potable well water source be demonstrated ..."

The issue of ensuring the availability of public services is especially relevant to the rural areas of the County of San Mateo in light of the limited and extremely variable nature of groundwater resources in the area.

The permit application and permit findings provisions of PAD Sec. 6355.B.1 are consistent in most respects with LUP Policy *5.22 requirements, but fail to specify what is needed for the Planning Commission or County Board to make its findings of services' availability prior to the adoption of the findings, i.e., evidence, at the permit application stage, of water and sewer capacity availability to meet the requirements of all of the proposed uses within the project area. Consequently, the proposed Implementation Plan is inadequate to carry out the certified LUP and must be denied.

The Commission, therefore, is able to certify that Sec. 6355.B.1 is adequate to carry out the provisions of Policy *5.22 of the certified Land Use Plan only if additional text is added to the implementing ordinance to augment Section 6355.B.1 pursuant to suggested modification No. 14, which includes the following suggested revisions:

SUGGESTED MODIFICATION NO. 16: Section 6328.7 shall be modified as follows:

Section 6328.7 APPLICATION REQUIREMENTS. Application for a Coastal Development Permit shall be made to the Planning and Development Division on forms provided by the Planning Director. Where required by this Chapter, application for a Coastal Development Permit shall be made prior to or concurrently with application for any other permit or approvals required for the project by the San Mateo County Ordinance Code. The application for a Coastal Development Permit shall be accompanied by: . . .

(e) Demonstrated proof of the existing availability of an adequate and potable water source for the proposed development, and that use of the water source will not impair surface streamflow, the water supply of other property owners, agricultural production or sensitive habitats.

(f) Any additional information determined by the Planning Director to be necessary for evaluation of the proposed development.

PART IV: APPLICATION OF LCP AMENDMENT

Both the Land Use Plan and Implementation Plan amendments include a set of provisions that prevent the application of the amended policies to certain projects that have proceeded to a certain stage in the approval process. Specifically these provisions state that the amended policies and ordinances "shall not apply to development that has fulfilled at least one of the following requirements before the effective date of " the amendments:

1. A permit application for each development permit required by the County Zoning Regulations applicable to the proposed development, including a Coastal Development Permit application, has been submitted to the County and determined to be complete, or

2. With respect to Section 6355, Subsection B of the San Mateo County Ordinance, a tentative subdivision map or tentative parcel map application has been submitted to the County and determined to be complete, or

3 A building permit application has been submitted to the County and determined to be complete, if no development permit required by the County Zoning Regulations, or

4. A development agreement has been recorded between the County and the owner of the property where the development will occur, and the proposed development conforms with the terms of that development agreement.

As such, the County proposes to utilize the existing policies and ordinances now certified by the Commission to govern approval of the above-identified development, rather than utilize the proposed amendments now before the Commission. This proposal is consistent with the Coastal Act in that the existing policies of the LCP have been certified as consistent with the Coastal Act, and review of development proposals against these certified policies is adequate to carry out the policies of the Act. Thus a different set of policies would apply to developments that meet these criteria than will apply to all other future development.

Given this bifurcated application of LCP policies, it will be critical for the County, and the Commission on appeal, to know with assurance which set of policies to apply in order to adequately carry out the LCP in a manner consistent with Section 30604 of the Coastal Act. Moreover, applicants and members of the public will also need to ascertain which set of standards apply in order to obtain a coastal development permit and/or decide whether valid grounds for appeal under Section 30603 of the Coastal Act do or do not exist. Whether a given development proposal has progressed to a certain stage in the approval process is information primarily known to the County. Accordingly, Modification 17 requires the County to identify which development projects are subject to which policies and to place that listing within the LCP, accompanied by evidence that the above-referenced criteria have been met. In this way, the applicant, approving entities and prospective appellants will know with assurance which LUP policies will govern consistent with the mandates of Coastal Act Sections 30603 and 30604.

While these provisions are consistent with the Coastal Act as discussed above they do cause a difficult implementation problem. Copies of the existing policies must be retained in the LCP for them to be effective as the applicable standard for the development proposals meeting these criteria. Additionally, in order for the County, and the Commission on appeal, to know with assurance which set of standards to apply to which proposed projects, a determination must be made whether each project claiming to be covered by the above criteria does, or does not, meet those criteria. The amendment as proposed has no implementation measures to make the distinction between projects that fall in one class as opposed to the other. Such implementation measures include establishing a definitive list of projects that meet the criteria on the date the proposed Amendment becomes effective, and including that list in the LCP, along with references to the specific policies that apply to that list of projects. Incorrect application of the policies that legally apply to these two classes of projects would be a failure to carry out the Land Use Plan. Without such means of implementation, the proposed amendment is inadequate to carry out the certified LUP and must be denied.

The Commission, therefore, is able to certify that these "effective date" provisions as consistent with the Coastal Act and adequate to carry out the provisions of the certified Land Use Plan only if additional information is added to the LUP and implementing ordinance pursuant to suggested modification No. 17.

PART V. CEQA

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local governments from the requirements of preparing an environmental impact report (EIR) in connection with a local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. Additionally, the Commission's Local Coastal program review and approval procedures have been found by the Resources Agency to be functionally equivalent to the environmental review process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an environmental impact report for each local coastal program submitted for Commission review and approval. Nevertheless, the Commission is required when approving a local coastal program to find that the local coastal program does conform with the provisions of CEQA. The County of San Mateo's Amendment No. 1-97-C consists of Land Use Plan and Implementation Plan amendments.

As currently proposed, the Land Use Plan amendment raises a number of concerns regarding the Chapter 3 policies of the Coastal Act and thus cannot be found to be consistent with and adequate to carry out the Chapter 3 policies of the Coastal Act. The Land Use Plan amendment as submitted is not adequate to carry out and is not in conformity with the policies of Chapter 3 of the Coastal Act with respect to the location and intensity of new development, the protection of Highway 1 in rural areas as a scenic two lane road, the priority of visitor-serving and commercial recreation development and protection of lower cost visitor and recreation facilities, the protection of agricultural land and productivity, the protection of visual and scenic resources, and minimizing risks from natural hazards.

The Commission, therefore, has suggested a number of modifications to bring the Land Use Plan amendment into full conformance with the requirements of the Coastal Act. Specifically, the development allocation (density credit) system will assure that visitor-serving, public and commercial recreation will receive priority, that Highway 1's recreational traffic capacity will not be exceeded, that agricultural land will continue to have priority for available water, that density bonuses for lot mergers will not adversely effect agricultural land, that development will be controlled to protect views from public viewing areas, and that development will avoid geologic hazards. As modified, the Commission finds that approval of the Land Use Plan amendment will not result in significant adverse environmental impacts under the meaning of the California Environmental Quality Act.

Relative to the Implementation Program, the Commission finds that approval of the Implementation Program with the incorporation of the suggested

modifications would not result in significant adverse environmental impacts under the meaning of CEQA. Absent the incorporation of these suggested modifications to effectively mitigate potential resource impacts, such a finding could not be made.

Specifically, the Implementation Plan as modified would carry out the new provisions of the Land Use Plan, specifically assure that sufficient water is available prior to approving proposed development consistent with the needs of priority uses, and would assure that the legally applicable LCP provisions are properly applied to projects entering the approval processes at different times relative to the effective date of the Amendment.

Given the suggested mitigation measures, the Commission finds that the County of San Mateo's Local Coastal Program, as modified, will not result in significant adverse environmental impacts under the meaning of the CEQA. Further, future individual projects would require coastal development permits, either issued by the County of San Mateo or, in the case of areas of original jurisdiction, by the Coastal Commission. Throughout the coastal zone, specific impacts associated with individual development projects are assessed through the CEQA environmental review process; thus, an individual project's compliance with CEQA would be assured. Therefore, the Commission finds that there are no feasible alternatives under the meaning of CEQA which would reduce the potential for significant adverse environmental impacts which have not been explored.

9512p, 9527p

Environmental Services Agency

Planning and Building Division

County of San Mateo

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RECEIVED
SEP 1 0 1996
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

September 9, 1996

Tami Grove, District Director
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Dear Ms. Grove:

The purpose of this letter is to transmit a set of Local Coastal Program (LCP) amendments to the California Coastal Commission for certification.

On June 4, 1996, the San Mateo County Board of Supervisors approved by resolution and ordinance, a set of Local Coastal Program amendments that either clarify or further reduce the amount and location of development in the Coastal Zone. The amendments are derived from a voters initiative petition entitled Coastside Protection Initiative of 1994.

Attached to this transmittal are the following documents, as required by California Code of Regulations Sections 13551 and 13552:

1. A resolution of the San Mateo County Board of Supervisors approving submittal of the amendments to the California Coastal Commission.

2. A description and analysis of the proposed amendments.

3. An assessment of the amendments relationship to the certified Local Coastal Program and the California Coastal Act.

4. A general indication of the zoning measures that will be used to carry out the land use plan.

5. An assessment of the proposed amendments' relationship to the California Environmental Quality Act (CEQA).

6. A summary of measures taken to provide maximum public participation.

7. A compilation of staff reports from the public hearings.

EXHIBIT NO. 1
San Mateo County
LCP Amendment 1-97C Submittal

In order to provide for maximum public participation at the Coastal Commission hearing, we request that this set of amendments be considered at the Commission's December meeting in San Francisco.

Thank you in advance for all assistance in processing this request. Should you have any questions, please feel free to call me at 415/363-1851.

Sincerely,

George Bergman

George Bergman
Senior Planner

GDB:kcd/cdn - GDBG1098.6KN

ATTACHMENTS:

1. Resolution and ordinances approving the amendments, and directing their submittal to the California Coastal Commission for certification.

2. A description and analysis of the proposed amendments.

3. Assessment of the proposed amendments' relationship to the certified Local Coastal Program and the California Coastal Act.

4. General indication of the zoning measures that will be used to carry out the land use plan.

5. Summary of measures taken to provide maximum public participation.

6. Environmental Evaluation.

7. Administrative Record--A compilation of staff reports and key correspondence from the public hearings.

RESOLUTION AND ORDINANCES ADOPTING THE AMENDMENTS AND DIRECTING THEIR SUBMITTAL TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

A copy of the resolution and ordinances adopting the amendments are attached as follows:

1. Resolution No. 60232, which amends the San Mateo County Local Coastal Program as described below, and directs staff to submit the such amendments to the Coastal Commission for certification of conformity with the California Coastal Act:

   a. Revise the Locating and Planning New Development Component to: (1) clarify the development density of rural designated land in the urban Mid-Coast (Policy 1.5), and (2) to reduce the permitted level of non-agricultural development in the rural Coastal Zone (Policy 1.8).

   b. Revise the Agriculture Component to add an agriculturally protective requirement before granting a density bonus for combining contiguous parcels in rural agricultural areas (Policy 5.11).

   c. Revise the Visual Resources Component to: (1) direct new development to the least visible site from designated scenic roads, reduce the height limit for ridgeline development, and strengthen existing landform alteration and development design regulations in the rural Coastal Zone (Policies 8.5, 8.7, 8.17, and 8.18), and (2) reduce the height limit in select urban commercial recreation areas, and strengthen shoreline view protection regulations in the urban Mid-Coast (Policy 8.14).

   d. Revise the Hazards Component to strengthen rural steep slope development regulations (Policy 9.18).

   e. Revise the Recreation and Visitor-Serving Facilities Component to clarify the permitted level of visitor-serving development (Policy 11.15).

2. Ordinance No. 03716, amends the RM/CZ District regulations to reduce the permitted level of non-agricultural development (Section 6906).

3. Ordinance No. 03717, amends the CCR District regulations to reduce the height limit east of Denniston Creek from 36 to 28 feet (Section 6269).

4. Ordinance No. 03718, amends the Planned Agricultural District (PAD) regulations to: (a) delete reference to the visitor serving facility density calculation in the definition of "Density Credits" (Section 6351.J), (b) limit the number of newly subdivided parcels that may share a well (Section 6355.B), (c) reduce the permitted level of non-agricultural development (Section 6356), and (d) add an agriculturally protective requirement before granting a density bonus for combining contiguous parcels (Section 6357.A).

5. Ordinance No. 03719, which amends the Zoning Regulations to: (a) limit building size on residential parcels less than 5,000 sq. ft. in the urban Mid-Coast (Section 6133), and (b) revise use permit procedures (Section 6503) to conform with (a), above.

6. Ordinance No. 03720, which amends the TPZ/CZ District regulations to reduce the permitted level of non-agricultural development (Section 6979).

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RESOLUTION NO. 60232

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* *

RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS AMEND THE SAN MATEO COUNTY GENERAL PLAN AND LOCAL COASTAL PROGRAM (LCP) AS FOLLOWS:

NOT PART OF SUBMITTAL

~~(1) REPEAL GENERAL PLAN POLICY 14.27 AND AMEND TABLE 14.34 TO ELIMINATE THE POSSIBILITY OF INCREASING DENSITY AFTER PARK ACQUISITION IN THE RURAL UNINCORPORATED AREA~~

NOT PART OF SUBMITTAL

~~(2) AMEND GENERAL PLAN POLICY 14.41 TO DISCOURAGE SECOND DWELLING UNITS ON RESIDENTIAL PARCELS LESS THAN 5,000 SQ. FT. IN THE URBAN MID-COAST~~

(3) AMEND LCP POLICY 1.5 TO CLARIFY THE DENSITY OF RURAL DESIGNATED LAND IN THE URBAN MID-COAST

(4) ENACT LCP POLICY 1.6 TO LIMIT BUILDING SIZE ON RESIDENTIAL PARCELS LESS THAN 5,000 SQ. FT. IN THE URBAN MID-COAST

(5) AMEND LCP POLICY 1.8 TO REDUCE THE PERMITTED LEVEL OF NON-AGRICULTURAL DEVELOPMENT IN THE RURAL COASTAL ZONE

(6) AMEND LCP POLICY 5.11 TO ADD AN AGRICULTURALLY PROTECTIVE REQUIREMENT BEFORE GRANTING A DENSITY BONUS FOR COMBINING CONTIGUOUS PARCELS IN AGRICULTURAL AREAS OF THE RURAL COASTAL ZONE

(7) AMEND LCP POLICY 8.5 TO DIRECT NEW DEVELOPMENT TO THE LEAST VISIBLE SITE FROM SCENIC ROADS IN THE RURAL COASTAL ZONE

(8) AMEND LCP POLICY 8.7 TO LIMIT THE HEIGHT FOR RIDGELINE DEVELOPMENT TO 18 FEET IN THE RURAL COASTAL ZONE

(9) ENACT LCP POLICY 8.14 TO REDUCE THE HEIGHT LIMIT IN SELECT COMMERCIAL RECREATION AREAS, AND INCREASE SHORELINE VIEW PROTECTION REGULATIONS IN THE URBAN MID-COAST

(10) AMEND LCP POLICIES 8.17 AND 8.18 TO STRENGTHEN LANDFORM ALTERATION AND DEVELOPMENT DESIGN REGULATIONS IN THE RURAL COASTAL ZONE

(11) AMEND LCP POLICY 9.18 TO STRENGTHEN STEEP SLOPE DEVELOPMENT REGULATIONS IN THE RURAL COASTAL ZONE

(12) AMEND LCP POLICY 11.15 TO CLARIFY THE PERMITTED LEVEL OF VISITOR-SERVING DEVELOPMENT

* *

RESOLVED, by the Planning Commission of the County of San Mateo, State of California, that:

WHEREAS, in February, 1994, two organizations known as Save Our Coast and the Sierra Club filed a notice of intention to circulate an initiative petition, entitled Coastside Protection Initiative of 1994, with the County Clerk; and

WHEREAS, the Coastside Protection Initiative of 1994 generally included provisions that either clarify or further restrict the amount and location of development in the Coastal Zone; and

WHEREAS, on March 15, 1994, County Planning staff presented the Board of Supervisors with a preliminary assessment of the proposed Coastside Protection Initiative of 1994; and

WHEREAS, on May 23, 1994, the sponsoring organizations filed the proposed Coastside Protection Initiative of 1994 petition with the County Clerk; and

WHEREAS, in November, 1994, the County Clerk determined that the proposed Coastside Protection Initiative of 1994 failed to qualify as an initiative petition under the applicable provisions of the State Elections Code; and

WHEREAS, on December 6, 1994, at the request of Save Our Coast and Sierra Club, the Board of Supervisors authorized the Planning Commission to begin the legislative process to consider the Local Coastal Program amendments contained in the proposed Coastside Protection Initiative of 1994; and

WHEREAS, on May 1, 1995, Planning staff (1) prepared a report that comprehensively analyzed the content and implication of the proposed LCP amendments, and (2) distributed the report to all interested and key affected parties; and

WHEREAS, during May, 1995, Planning staff met with the Mid-Coast Community Council (MCC), Pescadero Municipal Advisory Council (PMAC), and Agricultural Advisory Committee (AAC) to describe the content of the proposed LCP amendments; and

WHEREAS, on May 17, 1995, Planning staff presented the Planning Commission with an overview of major policies contained in the County Local Coastal Program, in preparation for consideration of the proposed LCP amendments; and

WHEREAS, on June 14, 1995, the Planning Commission held a public hearing to begin consideration of the proposed LCP amendments, and Planning staff presented a comprehensive analysis of the proposed amendments' content and implication; and

WHEREAS, between June 14, 1995 and January 24, 1996, the Planning Commission held ten public meetings in both Redwood City and the Mid-Coast to consider the proposed LCP amendments; and

WHEREAS, between June 14, 1995 and January 24, 1996, Planning staff provided the Planning Commission with studies and illustrations to assess the implication of the proposed amendments on Coastal Zone property; and

WHEREAS, between June 14, 1995 and January 24, 1996, members of the public representing many perspectives provided the Planning Commission with substantial testimony and numerous letters; and

WHEREAS, maximum opportunity for public participation in the hearing process was provided through: (a) publication of all Planning Commission meeting announcements in the San Mateo Times and Half Moon Bay Review newspapers, and (b) direct mailing of meeting announcements and staff reports to approximately 200 concerned San Mateo County citizens; and

WHEREAS, on February 14 and 28, 1996, the Planning Commission thoughtfully considered the merits of all concerns and issues presented during

the public hearing process, and on February 28, 1996, approved its recommendation to the Board of Supervisors; and

WHEREAS, on April 23, May 7, and May 21, 1996, the San Mateo County Board of Supervisors held public hearings to consider the proposed amendments; and

WHEREAS, public notice was made of these hearings to insure maximum public participation, and all interested parties were afforded the opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED, that the San Mateo County Board of Supervisors:

1. Amend the San Mateo County General Plan-Housing Chapter to: (a) repeal Policy 14.27 and amend Table 14.34 to eliminate the possibility of increasing rural development density after park acquisition, and (b) revise Policy 14.41 to discourage second dwelling units on substandard Mid-Coast residential parcels, as shown in Exhibit A of this Resolution.

2. Amend the San Mateo County Local Coastal Program-Locating and Planning New Development Component to: (a) revise Policy 1.5 to clarify the development density of rural designated land in the urban Mid-Coast, and (b) revise Policy 1.8 to reduce the permitted level of non-agricultural development in the rural Coastal Zone, as shown in Exhibit B of this Resolution.

3. Amend the San Mateo County Local Coastal Program-Agriculture Component to revise Policy 5.11 to add a requirement before granting a density bonus for combining contiguous parcels in rural agricultural areas, as shown in Exhibit C of this Resolution.

4. Amend the San Mateo County Local Coastal Program-Visual Resources Component to: (a) revise Policies 8.5, 8.7, 8.17, and

8.18 to direct new development to the least visible site from designated scenic roads, reduce the height limit for ridgeline development, and strengthen existing landform alteration and development design regulations in the rural Coastal Zone, and (b) enact Policy 8.14 to reduce the height limit in select urban commercial recreation areas, and strengthen shoreline view protection regulations in the urban Mid-Coast, as shown in Exhibit D of this Resolution.

5. Amend the San Mateo County Local Coastal Program-Hazards Component to revise Policy 9.18 to strengthen rural steep slope development regulations, as shown in Exhibit E of this Resolution.

6. Amend the San Mateo County Local Coastal Program-Recreation and Visitor-Serving Facilities Component to revise Policy 11.15 to clarify the permitted level of visitor-serving development, as shown in Exhibit F of this Resolution.

AND, BE IT FURTHER RESOLVED, that the provisions of this resolution do not apply to development that has fulfilled at least one of the following requirements before the effective date of this resolution:

1. A permit application for each development permit required by the County Zoning Regulations applicable to the proposed development, including a Coastal Development Permit application, has been submitted to the County and determined to be complete, or

2. A building permit application has been submitted to the County and determined to be complete, if no development permit is required by the County Zoning Regulations, or

3. A development agreement has been recorded between the County and the owner of the property where the development will occur, and the proposed development conforms with the terms of that development agreement.

AND, BE IT FURTHER RESOLVED, that the Local Coastal Program amendments shall not have the force of law until the California Coastal Commission has certified it, without modification, as conforming with the California Coastal Act.

AND, BE IT FURTHER RESOLVED, that the San Mateo County Board of Supervisors direct staff to submit the Local Coastal Program amendments to the Coastal Commission for certification of conformity with the California Coastal Act.

GB:fc - GDBG0778.AFS

EXHIBIT A

14.41 Encourage Second Dwelling Units

Except for substandard parcels covered by Local Coastal Program Policy 1.6, encourage the legalization of existing and construction of new second dwelling units on parcels where single-family residences are permitted by the zoning provided that: (a) the maximum housing growth from second units is limited to 20 percent of the existing number of main dwelling units in existence in an area; (b) the second unit is small or secondary in size to the main dwelling unit; (c) minimum building site, off-street parking and design review requirements are met in order to ensure the compatibility of the second unit with the character of the neighborhood; and (d) there are no major conflicts with resource protection in rural areas.

TABLE 14.34 (continued)

FIVE-YEAR IMPLEMENTATION PLAN
UNINCORPORATED AREAS OF SAN MATEO COUNTY
1990-1995

OBJECTIVE	1990 POLICY NO.	1987 POLICY NO.	PROGRAM	IMPLEMENTING SCHEDULE	COUNTY IMPLEMENTING DIVISION	TARGET FOR 1985-1990[1]	ACCOMPLISHED 1985-1990[2]	TARGET FOR 1990-1995
	14.25	--	Provide Infrastructure Adequate to Support Housing Development	Ongoing Program	Planning/ Public Works	--	--	Proceed with plans to develop a public water system for Pescadero and to improve water service in County Service Area Number 12 (Montara-Moss Beach).
	14.26	--	Establish Transfer of Development Rights Program	FY 1991-1992	Planning	--	--	Develop implementing ordinance and administrative procedures.
B. Ensure Availability of Land for Affordable Housing	14.28	14.21	Designate Sites for Affordable Housing	Ongoing Program	Planning	Look for additional sites when preparing area plans.	Considered during preparation of Colma Area Plan and Princeton Area Study. Instead of designating sites, alternatives were chosen to increase housing opportunities, including: (1) establishing an inclusionary requirement, (2) relaxing non-conforming provisions, and (3) introducing mixed use zoning.	Identify and designate sites for housing and affordable housing as part of Housing Chapter implementation and preparation of area plans land use studies.

EXHIBIT B

1.5 Land Uses and Development Densities in Urban Areas

a. Incorporate the adopted Montara-Moss Beach-El Granada Community Plan into the land use plan for the Mid-Coast, but amend it where necessary to meet Local Coastal Program objectives.

b. Permit in urban areas land uses designated on the Land Use Plan Maps and conditional uses at densities specified in Tables 1.2 and 1.3. 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, the use and amount of development allowed on a parcel 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 the density credit entitlements of Table 1.3.

1.6 Development of Residential Substandard Parcels in the Urban Mid-Coast

Require a use permit to build or enlarge a structure on any residentially zoned parcel less than 5,000 sq. ft. within the urban Mid-Coast. This requirement does not apply to structures 30 inches or less above the ground, or fences and retaining walls. Consideration of a use permit application to develop a parcel greater than 3,500 sq. ft., but less than 5,000 sq. ft. shall be subject to the optional public hearing procedures of Zoning Regulations Section 6532. The use permit may be granted only if:

a. All structures on the parcel, including garages and accessory buildings, will not cover more than 50% of the parcel area if all structures are less than 16 feet above the natural or finished grade, whichever is lower, or 35% of the parcel area if one or more of the structures is 16 feet or more above the natural grade;

b. The aggregate square footage of all of the floors of a structure or structures, including garages and other accessory structures, will not exceed 60% of the number of square feet in the parcel; and

c. The maximum height of any structure will not exceed 28 feet measured from the natural or finished grade, whichever is lower.

For purposes of subsections (a) and (b), walks, patios, in-ground swimming pools, pools that do not extend more than 30 inches above the ground, uncovered decks and porches 30 inches or less above the ground, and eaves projecting 30 inches or less from the exterior surface of a building wall shall not be included in calculation of the area covered by structures or the total square footage of floors.

*1.8 Land Uses and Development Densities in Rural Areas

a. Allow new development (as defined in Section 30106 of the California Coastal Act of 1976) in rural areas only if it is demonstrated that it will not: (1) have significant adverse impacts, either individually or cumulatively, on coastal resources and (2) diminish the ability to keep all prime agricultural land and other land suitable for agriculture (as defined in the Agriculture Component) in agricultural production.

b. Permit in rural areas land uses designated on the Local Coastal Program Land Use Plan Maps, and conditional uses at densities specified in Tables 1.2 and 1.3.

c. (1) Require Density Credits for Non-Agricultural Uses

Require density credits for all new or expanded non-agricultural land uses in rural areas, including all residential uses, except a residential dwelling unit associated with a visitor-serving facility that is occupied by the facility owner or operator, affordable housing (to the extent provided in Local Coastal Program Policy 3.23) and farm labor housing, as defined in Local

Coastal Program Policy 3.28, mining in accordance with General Plan Policies 3.11 and 3.12, and solid waste facilities under the policies in General Plan Chapter 13. The existence and number of density credits on a parcel shall be determined by applying Table 1.3.

Expanded or additional non-agricultural uses shall only be permitted on a parcel when there are enough density credits available to that parcel to meet the density credit requirements of this policy for both (a) existing uses, and (b) any expanded or additional uses.

(2) Amount of Development Allowed for Non-agricultural Uses, Except Visitor-Serving Uses

For new or expanded non-agricultural uses, except visitor-serving uses, one density credit shall be required for each 315 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 non-agricultural use, including landscaping, swimming pools and all other appurtenant uses.

(a) Residential Uses

For new or expanded residential uses, a single-family dwelling unit shall be deemed to use 315 gallons of water per day during the two months of highest water use in a year (including landscaping, swimming pools and all other appurtenant uses).

(b) Non-Agricultural Uses Listed in the Kleinfelder Report, Except Visitor-Serving Uses

For those non-agricultural uses, except visitor-serving uses, listed in Table 7 of the Kleinfelder, Rural Area

Water Use Study: Final Report, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be the amount stated in Table 7 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

(3) Amount of Development Allowed for Visitor-Serving Uses Listed in the Kleinfelder Report

For new or expanded visitor-serving 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. One additional density credit shall be required for each 630 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 use, including landscaping, swimming pools and all other appurtenant uses. The 945-gallon water use allowance for one density credit may be applied one time only on a parcel.

For those visitor-serving uses listed in Table 7 of the Kleinfelder, Rural Area Water Use Study: Final Report, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be:

(a) For one density credit or the first density credit when multiple density credits are available, 1 1/2 times the amount stated in Table 7 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

(b) For each additional density credit, the amount stated in Table 7 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

EXHIBIT C

*5.11 Maximum Density of Development per Parcel

d. A density credit bonus may be allowed for the merger of contiguous parcels provided that any subsequent land division of the merged property shall result in at least one agricultural parcel whose area is greater than the largest parcel before consolidation. The maximum bonus shall be calculated by:

(1) Determining the total number of density credits on all parcels included in a master development plan; and

(2) Multiplying that total by 25% if the merger is entirely of parcels of 40 acres or less, or by 10% if some or all of the parcels combined are larger than 40 acres.

The merged parcel shall be entitled to the number of density credits on the separate parcels prior to merger plus the bonus calculated under this subsection. The total number of density credits may be used on the merged parcel. Once a parcel or portion of a parcel has been part of a merger for which bonus density credit has been given under this subsection, no bonus credit may be allowed for any subsequent merger involving that parcel or portion of a parcel.

EXHIBIT D

8.5 Location of Development

a. Require, to the extent practicable, that new development be located on a portion of a parcel where the development (1) is least visible from State and County Scenic Roads, and (2) consistent with that requirement, best preserves the visual and open space qualities of the parcel overall.

   This provision does not apply to enlargement of existing structures, provided that the size of the structure after enlargement does not exceed 150 percent of the pre-existing floor area, or 2,000 sq. ft., whichever is greater.

   This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation on the parcel. In such cases, agricultural development shall use appropriate building materials, colors, landscaping and screening to eliminate or minimize the visual impact of the development.

b. Require, including by clustering if necessary, that new parcels have building sites that are not visible from State and County Scenic Roads. If (1) the entire property being subdivided is visible from State and County Scenic Roads, or (2) compliance with this provision is not permissible under the General Plan and Local Coastal Program, then require that new parcels have building sites that minimize visibility from those roads.

c. The provisions of this policy do not apply to the extent that the application of this policy would direct development to a location prohibited by the application of other General Plan or Local Coastal Program policies.

*8.7 Development on Ridgelines

a. Prohibit the location of development, in whole or in part, on a ridgeline, or where it will project above a ridgeline, unless there is no other developable building site on the parcel. Ridgelines are the tops of hills or hillocks normally viewed against a background of other hills, as defined by General Plan Policy 4.7. This provision does not apply to the extent that the application of this provision would direct development to a location restricted by the application of other General Plan or Local Coastal Program policies.

b. Limit development on a ridgeline to 18 feet in height from the natural or finished grade, whichever is lower.

c. Prohibit the creation of new parcels which have no developable building site other than on a ridgeline, except to the extent that the application of this provision would direct development to a location restricted by the application of other General Plan or Local Coastal Program policies.

8.14 Coastal Views

a. To the extent feasible, design development to minimize the blocking of views to or along the ocean shoreline from Highway 1 to the sea, including publicly owned recreation areas, trails and beaches lying between Highway 1 and the sea. This provision shall not apply in areas west of Denniston Creek zoned either Coastside Commercial Recreation or Waterfront.

b. In areas east of Denniston Creek zoned Coastside Commercial Recreation, the height of development may not exceed 28 feet from the natural or finished grade, whichever is lower.

*8.17 Alteration of Landforms; Roads and Grading

a. Require that development be located and designed to conform with, rather than change landforms. Minimize the alteration of landforms as a consequence of grading, cutting, excavating, filling or other development.

b. To the degree possible, ensure restoration of preexisting topographic contours after any alteration by development, except to the extent necessary to comply with the requirements of Policy 8.18.

c. Control development to avoid the need to construct access roads visible from State and County Scenic Roads. Existing private roads shall be shared wherever possible. New access roads may be permitted only where it is demonstrated that use of existing roads is physically or legally impossible or unsafe. New roads shall be (1) located and designed to minimize visibility from State and County Scenic Roads and (2) built to fit the natural topography and to minimize alteration of existing landforms and natural characteristics.

This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation, or convert agricultural soils. In such cases, build new access roads to minimize alteration of existing landforms and natural characteristics.

8.18 Development Design

a. Require that development (1) blend with and be subordinate to the environment and the character of the area where located, and (2) be as unobtrusive as possible and not detract from the natural, open space or visual qualities of the area, including but not limited to siting, design, layout, size, height, shape, materials, colors, access and landscaping.

The colors of exterior materials shall harmonize with the predominant earth and vegetative colors of the site. Materials and colors shall absorb light and minimize reflection. Exterior lighting shall be limited to the minimum necessary for safety. All lighting, exterior and interior, must be placed, designed and shielded so as to confine direct rays to the parcel where the lighting is located.

Except for the requirement to minimize reflection, agricultural development shall be exempt from this provision. Greenhouse development shall be designed to minimize visual obtrusiveness and avoid detracting from the natural characteristics of the site.

b. Require screening to minimize the visibility of development from scenic roads and other public view points. Screening shall be by vegetation or other materials which are native to the area or blend with the natural environment and character of the site.

c. Require that all non-agricultural development minimize noise, light, dust, odors and other interference with persons and property off the development site.

EXHIBIT E

9.18 Regulation of Development on 30% or Steeper Slopes

a. Prohibit development on slopes of 30% or more, unless (1) no alternative exists or (2) the only practicable alternative site is on a ridgeline. Parcels may not be created where the only building site, in whole or in part, is on a slope of 30% or more. An engineering geologic report shall be required for any development on a slope of 30% or more. This provision does not apply to the extent that it is inconsistent with policies of the General Plan or Local Coastal Program which restrict the location of development.

   Development less than 10 feet in height that does not constitute a building or require grading shall be exempt from the application of this provision.

b. Employ the siting and grading criteria of the Design Review Zoning Ordinance and the Community Design Manual for Development on Slopes 30% or Greater.

EXHIBIT F

11.15 Private Recreation and Visitor-Serving Facilities

a. Require that private recreation and visitor-serving facilities conform to: (1) the development and locational standards included throughout this component and as referred in other components, and (2) the design standards of the Visual Resources Component.

b. Require that private recreation and visitor-serving facilities conform to the intensities of use appropriate to the rural or urban setting and to the requirements of the individual site. In rural areas, visitor-serving uses shall require density credits based on daily water use in accordance with the requirements set forth in Local Coastal Program Policy 1.8.

Regularly passed and adopted this 4th day of June, 1996.

AYES and in favor of said resolution:

Supervisors: *MARY GRIFFIN*

TOM HUENING

TED LEMPERT

RUBEN BARRALES

MICHAEL D. NEVIN

NOES and against said resolution:

Supervisors: *NONE*

Absent Supervisors: *NONE*

RUBEN BARRALES
President, Board of Supervisors
County of San Mateo
State of California

Certificate of Delivery
(Government Code section 25103)

I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

RICHARD L. SILVER
Clerk of the Board of Supervisors

ORDINANCE NO. 03716

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * * * * * * * * *

AN ORDINANCE AMENDING SAN MATEO COUNTY ORDINANCE CODE (ZONING ANNEX) DIVISION VI, PART ONE, CHAPTER 36 TO REVISE SECTION 6906 TO REDUCE THE PERMITTED LEVEL OF NON-AGRICULTURAL DEVELOPMENT IN THE RESOURCE MANAGEMENT COASTAL ZONE (RM/CZ) DISTRICT

* * * * * * * * * * * *

The Board of Supervisors of the County of San Mateo, State of California, ORDAIN as follows:

Section 1. San Mateo County Ordinance Code, Division VI, Part One, Chapter 36, Section 6906 be amended to read as follows:

SECTION 6906. MAXIMUM DENSITY OF DEVELOPMENT. In the RM/CZ District, for purposes of determining the maximum total number of dwelling units permissible on any parcel, the following system shall be used:

The total parcel shall be compared against the criteria of this section in the order listed. Once considered under a criterion, a segment of the parcel shall not be considered under subsequent criteria. When the applicable criteria have been determined for each of the areas, any portion of the parcel which has not yet been assigned a maximum density accumulation shall be assigned a density of one density credit per 40 acres.

The sum of densities accrued under all applicable categories shall constitute the maximum density of development permissible under this section. If the fractional portion of the number of dwelling credits allowed is equal to or greater than .5, the total number of dwelling credits allowed shall be rounded up to the next whole density credit. If the fraction is less than .5, the fractional unit shall be deleted. All legal parcels shall accumulate at least one density credit.

Expanded or additional non-agricultural uses shall only be permitted on a parcel when there are enough density credits available to that parcel to meet the density credit requirements of this Section for both (a) existing uses, and (b) any expanded or additional uses.

Amount of Development Allowed for Non-agricultural Uses, Except Visitor-Serving Uses

For new or expanded non-agricultural uses, except visitor-serving uses, one density credit shall be required for each 315 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 non-agricultural use, including landscaping, swimming pools and all other appurtenant uses.

Residential Uses

For new or expanded residential uses, a single-family dwelling unit shall be deemed to use 315 gallons of water per day during the two months of highest water use in a year (including landscaping, swimming pools and all other appurtenant uses).

Non-Agricultural Uses Listed in the Kleinfelder Report, Except Visitor-Serving Uses

For those non-agricultural uses, except visitor-serving uses, listed in Table 7 of the Kleinfelder, Rural Area Water Use Study: Final Report, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be the amount stated in Table 7 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

Amount of Development Allowed for Visitor-Serving Uses Listed in the Kleinfelder Report

For new or expanded visitor-serving 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. One additional density credit shall be required for each 630 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 use, including landscaping, swimming pools and all other appurtenant uses. The 945-gallon water use allowance for one density credit may be applied one time only on a parcel.

For those visitor-serving uses listed in Table 7 of the Kleinfelder, Rural Area Water Use Study: Final Report, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be:

First Density Credit

For one density credit or the first density credit when multiple density credits are available, 1 1/2 times the amount stated in Table 7 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

Additional Density Credits

For each additional density credit, the amount stated in Table 7 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

The provisions of this section will not apply to farm labor housing, other structures considered to be accessory to agriculture under the

same ownership, a residential dwelling unit associated with a visitor-serving facility that is occupied by the facility owner or operator, or density credits transferred in accordance with the provisions established by the Planned Agricultural District Regulations.

A. Prime Agricultural Lands

One density credit per 160 acres for that portion of a parcel which is prime agricultural land as defined in Section 6351 (i.e., the number of acres of Prime Agricultural Land divided by 160).

B. Lands With Landslide Susceptibility

One density credit per 160 acres for that portion of a parcel which lies within any of the three least stable categories (categories V, VI and L) as shown on the U.S. Geological Survey Map MF 360, "Landslide Susceptibility in San Mateo County" or its current replacement (i.e., the number of acres of land susceptible to landslides divided by 160).

C. Land With Slope 50% or Greater

One density credit per 160 acres for that portion of a parcel which has a slope 50% or greater (i.e., the number of acres of land with a slope 50% or greater divided by 160).

D. Remote Lands

One density credit per 160 acres for that portion of a parcel over 1/2 mile from a public road that was an existing, all-weather through public road before the County Local Coastal Program was initially certified in November 1980 (i.e., the number of acres of remote land divided by 160).

E. Land With Slope 30% But Less Than 50%.

One density credit per 80 acres for that portion of a parcel which has a slope 30% but less than 50% (i.e., the number of acres of land with a slope 30%, but less than 50% divided by 80).

F. Lands Within Rift Zones or Active Faults

One density credit per 80 acres for that portion of a parcel which is located within the rift zone or zone of fractured rock of an active fault as defined by the U.S. Geological Survey and mapped on USGS Map MF 355, "Active faults, probably active faults, and associated fracture zones in San Mateo County," or its current replacement (i.e., the number of acres of land within rift zones or active faults divided by 80).

G. Lands Within Flood Hazard Areas

One density credit per 60 acres for that portion of a parcel falling within a 100-year floodplain as most recently defined by the Federal Emergency Management Agency, the U.S. Geological Survey, or the U.S. Army Corps of Engineers (i.e., the number of acres of land within the 100-year floodplain divided by 60).

H. Land With Slope 15% But Less Than 30%

One density credit per 60 acres for that portion of a parcel with a slope in excess of 15% but less than 30% (i.e., the number of acres of land with a slope 15%, but less than 30% divided by 60).

I. Land Within Agricultural Preserve or Exclusive Agricultural Districts

One density credit per 60 acres for that portion of a parcel within agricultural preserves or the exclusive Agricultural Districts as defined in the Resource Conservation Area Density Matrix policy on

March 25, 1986 (i.e., the number of acres of land within Agricultural Preserves or Exclusive Agricultural Districts divided by 60).

J. All Other Lands

One density credit per 40 acres for that portion or portions of a parcel not within the above areas (i.e., the number of acres of all other land divided by 40).

If the same portion of a parcel is covered by two or more of the subsections A. and J., the density credit for that portion shall be calculated solely on the basis of the subsection which permits the least density credit.

Section 2. The provisions of this Ordinance shall not apply to development that has fulfilled at least one of the following requirements before the effective date of this ordinance:

1. A permit application for each development permit required by the County Zoning Regulations applicable to the proposed development, including a Coastal Development Permit application, has been submitted to the County and determined to be complete, or

2. A building permit application has been submitted to the County and determined to be complete, if no development permit is required by the County Zoning Regulations, or

3. A development agreement has been recorded between the County and the owner of the property where the development will occur, and the proposed development conforms with the terms of that development agreement.

Section 3. This ordinance shall be in full force and effect thirty (30) days after the Coastal Commission has certified it, without modification, as conforming with the California Coastal Act.

Regularly passed and adopted this 4th day of June, 1996.

AYES and in favor of said ordinance:

Supervisors: *MARY GRIFFIN*

TOM HUENING

TED LEMPERT

RUBEN BARRALES

MICHAEL D. NEVIN

NOES and against said ordinance:

Supervisors: *NONE*

Absent Supervisors: *NONE*

RUBEN BARRALES
President, Board of Supervisors
County of San Mateo
State of California

Certificate of Delivery
(Government Code section 25103)

I certify that a copy of the original ordinance filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

RICHARD L. SILVER
Clerk of the Board of Supervisors

ORDINANCE NO. 3717

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * * * * * * * * *

AN ORDINANCE AMENDING SAN MATEO COUNTY ORDINANCE CODE (ZONING ANNEX), DIVISION VI, PART ONE, CHAPTER 16.5 TO REVISE SECTION 6269, SUBSECTION 3 TO REDUCE THE HEIGHT LIMIT FROM 36 TO 28 FEET IN THE COASTSIDE COMMERCIAL RECREATION DISTRICT (EAST OF DENNISTON CREEK)

* * * * * * * * * * * *

The Board of Supervisors of the County of San Mateo, State of California, ORDAIN as follows:

Section 1. San Mateo County Ordinance Code, Division VI, Part One, Chapter 16.5, Section 6269, Subsection 3 is hereby amended to read as follows:

3. Building Height Limit. The maximum building height is thirty-six (36) feet, except when a lower limit is imposed in accordance with this Chapter, and except in areas east of Denniston Creek, where the maximum building height shall be twenty-eight (28) feet from the natural or finished grade, whichever is lower. Height is measured from finished grade to the highest point of the roof.

Section 2. The provisions of this Ordinance shall not apply to development that has fulfilled at least one of the following requirements before the effective date of this ordinance:

1. A permit application for each development permit required by the County Zoning Regulations applicable to the proposed development, including a Coastal Development Permit application, has been submitted to the County and determined to be complete, or

2. A building permit application has been submitted to the County and determined to be complete, if no development permit is required by the County Zoning Regulations, or

3. A development agreement has been recorded between the County and the owner of the property where the development will occur, and the proposed development conforms with the terms of that development agreement.

Section 3. This ordinance shall be in full force and effect thirty (30) days after the Coastal Commission has certified it, without modification, as conforming with the California Coastal Act.

GB:fc/kcd - GDBG0773.AFQ
(6/5/96)

Regularly passed and adopted this 4th day of June, 1996.

AYES and in favor of said ordinance:

Supervisors: MARY GRIFFIN

TOM HUENING

TED LEMPERT

RUBEN BARRALES

MICHAEL D. NEVIN

NOES and against said ordinance:

Supervisors: NONE

Absent Supervisors: NONE

RUBEN BARRALES
President, Board of Supervisors
County of San Mateo
State of California

Certificate of Delivery
(Government Code section 25103)

I certify that a copy of the original ordinance filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

RICHARD L. SILVER
Clerk of the Board of Supervisors

ORDINANCE NO. 03718

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * * * * * * * *

AN ORDINANCE AMENDING SAN MATEO COUNTY ORDINANCE CODE (ZONING ANNEX), DIVISION VI, PART ONE, CHAPTER 21A TO REVISE SECTION 6351, SUBSECTION J TO EXCLUDE THE VISITOR-SERVING FACILITY DENSITY CALCULATION FROM THE DEFINITION OF "DENSITY CREDITS"; SECTION 6355, SUBSECTION B, TO LIMIT THE NUMBER OF NEWLY SUBDIVIDED PARCELS THAT MAY SHARE A WELL; SECTION 6356 TO REDUCE THE PERMITTED LEVEL OF NON-AGRICULTURAL DEVELOPMENT; AND SECTION 6357, SUBSECTION A TO ADD AN AGRICULTURALLY PROTECTIVE REQUIREMENT BEFORE GRANTING THE DENSITY BONUS FOR COMBINING CONTIGUOUS PARCELS IN THE PLANNED AGRICULTURAL DISTRICT

* * * * * * * * * * *

The Board of Supervisors of the County of San Mateo, State of California, ORDAIN as follows:

Section 1. San Mateo County Ordinance Code, Division VI, Part One, Chapter 21A, Section 6351, Subsection J be amended to read as follows:

J. Density Credits

The maximum number of land divisions permitted for a parcel computed in accordance with Section 6356. Credits may be combined for uses on a single parcel if the number of land divisions permitted is reduced accordingly; however, only one credit shall be assigned to an agricultural parcel. Only one dwelling unit or non-agricultural use shall be permitted per parcel.

Section 2. San Mateo County Ordinance Code, Division VI, Part One, Chapter 21A, Section 6355, Subsection B be amended to read as follows:

B. Water Supply Criteria

1. The existing availability of an adequate and potable well water source shall be demonstrated for all non-agricultural uses according to the following criteria: (a) each existing

parcel developed with non-agricultural uses, or parcel legalized in accordance with Local Coastal Program Policy 1.29, shall demonstrate a safe and adequate well water source located on that parcel, and (b) each new parcel created by a land division shall demonstrate a safe and adequate well water source located either (1) on that parcel, or (2) on the larger property that was subdivided to create the new parcel, provided that a single well water source may not serve more than four (4) new parcels.

2. Adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed are not diminished.

3. All new non-agricultural parcels are severed from land bordering a stream and their needs prohibit the transfer of riparian rights.

Section 3. San Mateo County Ordinance Code, Division VI, Part One, Chapter 21A, Section 6356 be amended to read as follows:

SECTION 6356. MAXIMUM DENSITY OF DEVELOPMENT. In the Planned Agricultural District, for purposes of determining the maximum total number of density credits accumulated on any parcel, the following system shall be used:

The total parcel shall be compared against the criteria of this section in the order listed. Once considered under a criterion, a segment of the parcel shall not be considered under subsequent criteria. When the applicable criteria have been determined for each of the areas, any portion of the parcel which has not yet been assigned a maximum density accumulation shall be assigned a density of one density credit per 40 acres.

The sum of densities accrued under all applicable categories shall constitute the maximum density of development permissible under this

section. If the fractional portion of the number of density credits allowed is equal to or greater than .5, the total number of density credits allowed shall be rounded up to the next whole density credit. If the fraction is less than .5, the fractional unit shall be deleted. All legal parcels shall accumulate at least one density credit.

Expanded or additional non-agricultural uses shall only be permitted on a parcel when there are enough density credits available to that parcel to meet the density credit requirements of this Section for both (a) existing uses, and (b) any expanded or additional uses.

Amount of Development Allowed for Non-agricultural Uses, Except Visitor-Serving Uses

For new or expanded non-agricultural uses, except visitor-serving uses, one density credit shall be required for each 315 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 non-agricultural use, including landscaping, swimming pools and all other appurtenant uses.

Residential Uses

For new or expanded residential uses, a single-family dwelling unit shall be deemed to use 315 gallons of water per day during the two months of highest water use in a year (including landscaping, swimming pools and all other appurtenant uses).

Non-Agricultural Uses Listed in the Kleinfelder Report, Except Visitor-Serving Uses

For those non-agricultural uses, except visitor-serving uses, listed in Table 7 of the Kleinfelder, Rural Area Water Use Study: Final Report, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be the amount stated in Table 7 in the column

headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

Amount of Development Allowed for Visitor-Serving Uses Listed in the Kleinfelder Report

For new or expanded visitor-serving 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. One additional density credit shall be required for each 630 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 use, including landscaping, swimming pools and all other appurtenant uses. The 945-gallon water use allowance for one density credit may be applied one time only on a parcel.

For those visitor-serving uses listed in Table 7 of the Kleinfelder, Rural Area Water Use Study: Final Report, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be:

First Density Credit

For one density credit or the first density credit when multiple density credits are available, 1 1/2 times the amount stated in Table 7 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

Additional Density Credits

For each additional density credit, the amount stated in Table 7 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

The provisions of this section will not apply to agriculture, farm labor housing, a residential dwelling unit associated with a visitor-serving facility that is occupied by the facility owner of operator, or affordable housing to the extent authorized in Policy 3.23 of the Local Coastal Program on March 25, 1986, or other structures considered to be accessory to agriculture under the same ownership.

A. Prime Agricultural Lands

One density credit per 160 acres for that portion of a parcel which is prime agricultural land as defined in Section 6351 (i.e., the number of acres of Prime Agricultural Land divided by 160).

B. Lands With Landslide Susceptibility

One density credit per 160 acres for that portion of a parcel which lies within any of the three least stable categories (Categories V, VI and L) as shown on the U.S. Geological Survey Map MF 360, "Landslide Susceptibility in San Mateo County" or its current replacement (i.e., the number of acres of land susceptible to landslides divided by 160).

C. Land With Slope 50% or Greater

One density credit per 160 acres for that portion of a parcel which has a slope 50% or greater (i.e., the number of acres of land with a slope 50% or greater divided by 160).

D. Remote Lands

One density credit per 160 acres for that portion of a parcel over 1/2 mile from a public road that was an existing, all-weather through public road before the County Local Coastal Program was initially certified in November 1980 (i.e., the number of acres of remote land divided by 160).

E. Land With Slope 30% But Less Than 50%

One density credit per 80 acres for that portion of a parcel which has a slope 30% but less than 50% (i.e., the number of acres of land with a slope 30%, but less than 50% divided by 80).

F. Land Within Rift Zones or Active Faults

One density credit per 80 acres for that portion of a parcel which is located within the rift zone or zone of fractured rock of an active fault as defined by the U.S. Geological Survey and mapped on USGS Map MF 355, "Active faults, probably active faults, and associated fracture zones in San Mateo County," or its current replacement (i.e., the number of acres of land within rift zones or active faults divided by 80).

G. Lands Within Flood Hazard Areas

One density credit per 60 acres for that portion of a parcel falling within a 100-year floodplain as most recently defined by the Federal Emergency Management Agency, the U.S. Geological Survey, or the U.S. Army Corps of Engineers (i.e., the number of acres of land within the 100-year floodplain divided by 60).

H. Land With Slope 15% But Less Than 30%

One density credit per 60 acres for that portion of a parcel with a slope in excess of 15% but less than 30% (i.e., the number of acres of land with a slope 15%, but less than 30% divided by 60).

I. Land Within Agricultural Preserves or Exclusive Agricultural Districts

One density credit per 60 acres for that portion of a parcel within agricultural preserves or the exclusive Agricultural Districts as defined in the Resource Conservation Area Density Matrix policy on

March 25, 1986 (i.e., the number of acres of land within Agricultural Preserves or Exclusive Agricultural Districts divided by 60).

J. All Other Lands

One density credit per 40 acres for that portion or portions of a parcel not within the above areas (i.e., the number of acres of all other land divided by 40).

If the same portion of a parcel is covered by two or more of the subsections A. and J., the density credit for that portion shall be calculated solely on the basis of the subsection which permits the least density credit.

Section 4. San Mateo County Ordinance Code, Division VI, Part One, Chapter 21A, Section 6357, Subsection A be amended to read as follows:

A. Consolidating Parcels

In addition to the maximum density of development permitted, bonus densities may be granted when contiguous parcels are combined to form a larger parcel, provided that any subsequent land division of the merged property shall result in at least one agricultural parcel whose area is greater than the largest parcel before consolidation. The bonuses for a proposed combination shall be calculated by:

1. determining the total number of density credits on all parcels included in a master development plan, and

2. multiplying that total by 25% if the merger is entirely of parcels of 40 acres or less, or by 10% if some or all of the parcels combined are larger than 40 acres.

The merged parcel shall be entitled to the number of density credits allowed prior to merger, plus the bonus calculated under this subsection. Once a parcel or portion of a parcel has been granted bonus density credits as a result of a merger under this subsection, no additional bonus credit(s) may be granted for subsequent merger activities involving that parcel or a portion of that parcel.

Section 5. The provisions of this Ordinance shall not apply to development that has fulfilled at least one of the following requirements before the effective date of this ordinance:

1. A permit application for each development permit required by the County Zoning Regulations applicable to the proposed development, including a Coastal Development Permit application, has been submitted to the County and determined to be complete, or

2. With respect to Section 6355, Subsection B of the San Mateo County Ordinance, a tentative subdivision map or tentative parcel map application has been submitted to the County and determined to be complete, or

3. A building permit application has been submitted to the County and determined to be complete, if no development permit is required by the County Zoning Regulations, or

4. A development agreement has been recorded between the County and the owner of the property where the development will occur, and the proposed development conforms with the terms of that development agreement.

Section 6. This ordinance shall be in full force and effect thirty (30) days after the Coastal Commission has certified it, without modification, as conforming with the California Coastal Act.

GB:fc - GDBG0772.AFQ (6/5/96)

Regularly passed and adopted this 4th day of June, 1996.

AYES and in favor of said ordinance:

Supervisors: MARY GRIFFIN

TOM HUENING

TED LEMPERT

RUBEN BARRALES

MICHAEL D. NEVIN

NOES and against said ordinance:

Supervisors: NONE

Absent Supervisors: NONE

RUBEN BARRALES
President, Board of Supervisors
County of San Mateo
State of California

Certificate of Delivery
(Government Code section 25103)

I certify that a copy of the original ordinance filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

RICHARD L. SILVER
Clerk of the Board of Supervisors

ORDINANCE NO. 03715

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * * * * * * * *

AN ORDINANCE AMENDING SAN MATEO COUNTY ORDINANCE CODE (ZONING ANNEX), DIVISION VI, PART ONE, CHAPTER 4, SECTION 6133, SUBSECTION 3, AND CHAPTER 24, SECTION 6503 TO LIMIT BUILDING SIZE ON RESIDENTIAL PARCELS LESS THAN 5,000 SQ. FT. IN THE URBAN MID-COAST

* * * * * * * * * * *

The Board of Supervisors of the County of San Mateo, State of California, ORDAIN as follows:

Section 1. San Mateo County Ordinance Code, Division VI, Part One, Chapter 4, Section 6133, Subsection 3 be amended to read as follows:

3. Development of Non-Conforming Parcels.

a. For non-conforming parcels, except residentially zoned parcels less than 5,000 sq. ft. within the urban Mid-Coast, the following shall apply:

(1) Development Not Requiring Use Permit.

(a) Unimproved Non-Conforming Parcel. Development of an unimproved non-conforming parcel may occur without the issuance of a use permit when any of the following circumstances ((a), (b), (c), or (d) below) exist:

Required Minimum Parcel Size	Actual Non-Conforming Parcel Size
(a) 5,000 sq. ft. (area)	≥3,500 sq. ft. (area)
(b) 50 ft. (width)	≥35 ft. (width)
(c) >5,000 sq. ft. (area)	≥5,000 sq. ft. (area)
(d) ≥50 ft. (width)	≥50 ft. (width)

Proposed development on the unimproved non-conforming parcel shall conform with the zoning and building code regulations currently in effect.

(b) Improved Non-Conforming Parcel. Development of an improved non-conforming parcel may occur without requiring the issuance of a use permit provided that the proposed development conforms with the zoning and building code regulations currently in effect.

(2) Development Requiring a Use Permit.

(a) Unimproved Non-Conforming Parcel.

1) Development of an unimproved non-conforming parcel shall require the issuance of a use permit when any of the following circumstances ((a), (b), (c), or (d)) exist:

Required Minimum Parcel Size	Actual Non-Conforming Parcel Size
(a) 5,000 sq. ft. (area)	<3,500 sq. ft. (area)
(b) 50 ft. (width)	<35 ft. (width)
(c) >5,000 sq. ft. (area)	<5,000 sq. ft. (area)
(d) ≥50 ft. (width)	<50 ft. (width)

2) Proposed development on any unimproved non-conforming parcel that does not conform with the zoning regulations in effect shall require the issuance of a use permit.

(b) Improved Non-Conforming Parcel. Proposed development on an improved non-conforming parcel that does not conform with the zoning regulations currently in effect shall require the issuance of a use permit.

(c) Use Permit Findings. As required by Section 6503, a use permit for development of a non-conforming parcel may only be issued upon making the following findings:

1) The proposed development is proportioned to the size of the parcel on which it is being built,

2) All opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven to be infeasible,

3) The proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible,

4) The establishment, maintenance, and/or conducting of the proposed use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in the said neighborhood, and

5) Use permit approval does not constitute a granting of special privileges.

b. For residentially zoned non-conforming parcels less than 5,000 sq. ft. within the urban Mid-Coast, the following shall apply:

(1) Require a use permit to build or enlarge a structure on any residential parcel less than 5,000 sq. ft. within the urban boundary of the Mid-Coast. This requirement does not apply to structures 30 inches or less above the ground, or fences and retaining walls. The use permit may be granted only if:

(a) All structures on the parcel, including garages and accessory buildings, will not cover more than 50% of the parcel area if all structures are less than 16 feet above the natural or finished grade, whichever is lower, or 35% of the parcel area if one or more of the structures is 16 feet or more above the natural grade;

(b) The aggregate square footage of all of the floors of a structure or structures, including garages and other accessory structures, will not exceed 60% of the number of square feet in the parcel; and

(c) The maximum height of any structure will not exceed 28 feet measured from the natural or finished grade, whichever is lower.

(d) All opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven to be infeasible,

(e) The establishment, maintenance, and/or conducting of the proposed use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in the said neighborhood, and

(f) Use permit approval does not constitute a granting of special privileges.

For purposes of subsections (a) and (b), walks, patios, in-ground swimming pools, pools that do not extend more than 30 inches above the ground, uncovered decks and porches 30 inches or less above the ground, and eaves projecting 30 inches or less from the exterior surface of a building wall shall not be included in

calculation of the area covered by structures or the total square footage of floors.

(2) Proposed development on parcels less than 5,000 sq. ft. that does not conform with zoning development standards, including setbacks, use permit approval shall also be subject to the findings in Section 6133.3(2)(c).

(3) Consideration of use permit applications shall conform with the procedures required by Section 6503, including the optional public hearing provision to develop a parcel greater than 3,500 sq. ft., but less than 5,000 sq. ft.

Section 2. San Mateo County Ordinance Code, Division VI, Part One, Chapter 24, Section 6503 be amended to read as follows:

SECTION 6503. PROCEDURE. Applications for any use permit permissible under the provisions of this Chapter, except as otherwise provided for quarry and topsoil sites, shall be made in writing to the Planning Commission on forms provided by said Commission. Applications shall be signed and verified by the owner of the land involved or by his authorized agent and shall be accompanied by a plan of the proposed development. If application is made by a person other than the owner, written authorization to act on behalf of the owner shall be submitted with such application. Applications may also be made on behalf of one who is or will be plaintiff in an action in eminent domain to acquire the premises involved.

Upon receipt of any such application, the Planning Commission may hold a public hearing or public hearings thereon, if it deems such hearings necessary. A use permit application to develop a residentially zoned non-conforming parcel greater than 3,500 sq. ft., but less than 5,000 sq. ft. within the urban Mid-Coast shall also be subject to the optional public hearing procedures of Section 6532. If a hearing or hearings are held, notice shall be given by:

(a) One (1) publication in a newspaper of general circulation in the county, within ten (10) days next preceding the date of said hearing; and

(b) Posting notices in the same manner as set forth in Chapter 27 for a proposed amendment; or

(c) Mailing a postal card notice not less than ten (10) days prior to the date of the hearing to the owners of property, as shown on the last equalized assessment roll, within three hundred (300) feet of the exterior limits of the property or properties which is the subject of the application for the use permit.

At such hearings the applicant may present testimony and other evidence in support of his application, and other interested persons may be heard and/or present evidence on the matter.

In order to grant the use permit as applied for or conditioned, the findings of the Planning Commission must include that the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

In order to grant a use permit for development of a non-conforming parcel (as defined in Section 6132.11), the following findings must also be made:

A. <u>For non-conforming parcels, except residentially zoned parcels less than 5,000 sq. ft. within the urban Mid-Coast</u>:

1. The proposed development is proportioned to the size of the parcel on which it is being built,

2. All opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven to be infeasible,

3. The proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible, and

4. Use permit approval does not constitute a granting of special privileges.

B. <u>For residentially zoned non-conforming parcels less than 5,000 sq. ft. within the urban Mid-Coast</u>:

1. All structures on the parcel, including garages and accessory buildings, will not cover more than 50% of the parcel area if all structures are less than 16 feet above the natural or finished grade, whichever is lower, or 35% of the parcel area if one or more of the structures is 16 feet or more above the natural grade;

2. The aggregate square footage of all of the floors of a structure or structures, including garages and other accessory structures, will not exceed 60% of the number of square feet in the parcel; and

3. The maximum height of any structure will not exceed 28 feet measured from the natural or finished grade, whichever is lower.

4. All opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven to be infeasible.

5. Use permit approval does not constitute a granting of special privileges.

6. Proposed development that does not conform with zoning development standards, including setbacks, shall also be subject to the findings in Section 6503.A.

In approving the granting of any use permit, the Planning Commission shall designate such conditions in connection therewith, as will, in its opinion, secure substantially the objectives of this Part as to light, air, and the

public health, safety, morals, convenience and general welfare. Such Commission shall require such evidence and guarantees, including bonds, as it may deem to be necessary to obtain compliance with the conditions designated in connection therewith.

In any case where a bond to secure the faithful performance of conditions designated by the Planning Commission has been posted, and the Commission has reasonable grounds for believing that the conditions of said bond have not been complied with, the Commission may hold a hearing to determine whether there has been a non-compliance with the conditions or any part of them. Notice of the time and place of such hearing shall be served upon the person posting said bond by registered mail or by personal service at least ten (10) days prior to the date set for said hearing. If at said hearing the Commission finds that the conditions of the bond or any part of them have not been complied with, it may declare all or part of said bond forfeited. In the event the determination is to declare all or part of said bond forfeited, the person posting said bond may appeal said decision to the Board of Supervisors in the same manner as provided for appeals taken on the application or revocation of use permits. When such forfeiture has been declared and the determination has become final by failure to file an appeal within the time prescribed or otherwise, the Planning Commission may request that the County Counsel take the steps necessary to make such forfeiture effective.

Section 3. The provisions of this Ordinance shall not apply to development that has fulfilled at least one of the following requirements before the effective date of this ordinance:

1. A permit application for each development permit required by the County Zoning Regulations applicable to the proposed development, including a Coastal Development Permit application, has been submitted to the County and determined to be complete, or

2. A building permit application has been submitted to the County and determined to be complete, if no development permit is required by the County Zoning Regulations, or

3. A development agreement has been recorded between the County and the owner of the property where the development will occur, and the proposed development conforms with the terms of that development agreement.

Section 4. This ordinance shall be in full force and effect thirty (30) days after the Coastal Commission has certified it, without modification, as conforming with the California Coastal Act.

GB:fc/kcd - GDBG0770.AFQ (6/5/96)

Regularly passed and adopted this 4th day of June, 1996.

AYES and in favor of said ordinance:

Supervisors: *MARY GRIFFIN*

TOM HUENING

TED LEMPERT

RUBEN BARRALES

MICHAEL D. NEVIN

NOES and against said ordinance:

Supervisors: *NONE*

Absent Supervisors: *NONE*

RUBEN BARRALES
President, Board of Supervisors
County of San Mateo
State of California

Certificate of Delivery
(Government Code section 25103)

I certify that a copy of the original ordinance filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

Richard L. Silver

RICHARD L. SILVER
Clerk of the Board of Supervisors

ORDINANCE NO. 03729

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * * * * * * * *

AN ORDINANCE AMENDING SAN MATEO COUNTY ORDINANCE CODE (ZONING ANNEX), DIVISION VI, PART ONE, CHAPTER 37 TO REVISE SECTION 6979 TO REDUCE THE PERMITTED LEVEL OF NON-AGRICULTURAL DEVELOPMENT IN THE TIMBER PRESERVE ZONE/COASTAL ZONE (TPZ/CZ) DISTRICT

* * * * * * * * * * *

The Board of Supervisors of the County of San Mateo, State of California, ORDAIN as follows:

Section 1. San Mateo County Ordinance Code, Division VI, Part One, Chapter 7, Section 6979 be amended to read as follows:

SECTION 6979. MAXIMUM DENSITY OF DEVELOPMENT. In the TPZ/CZ District, for purposes of determining the maximum total number of density credits accumulated on any parcel, the following system shall be used.

The total parcel shall be compared against the criteria of this section in the order listed. Any segment of a parcel to which a criterion first applies shall be allowed a maximum accumulation of that density. Once considered under a criterion, a segment of the parcel shall not be considered under subsequent criteria. When the applicable criteria have been determined for each of the areas, any portion of the parcel which has not yet been assigned a maximum density accumulation shall be assigned a density of one density credit per 40 acres.

The sum of densities accrued under all applicable categories shall constitute the maximum density of development permissible under this section. If the fractional portion of the number of density credits allowed is equal to or greater than .5, the total number of density credits allowed shall be rounded up to the next whole density credit. If the fraction is less than .5, the fractional unit shall be deleted. All legal parcels shall accumulate at least one density credit.

Expanded or additional non-agricultural uses shall only be permitted on a parcel when there are enough density credits available to that parcel to meet the density credit requirements of this Section for both (a) existing uses, and (b) any expanded or additional uses.

Amount of Development Allowed for Non-agricultural Uses, Except Visitor-Serving Uses

For new or expanded non-agricultural uses, except visitor-serving uses, one density credit shall be required for each 315 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 non-agricultural use, including landscaping, swimming pools and all other appurtenant uses.

Residential Uses

For new or expanded residential uses, a single-family dwelling unit shall be deemed to use 315 gallons of water per day during the two months of highest water use in a year (including landscaping, swimming pools and all other appurtenant uses).

Non-Agricultural Uses Listed in the Kleinfelder Report, Except Visitor-Serving Uses

For those non-agricultural uses, except visitor-serving uses, listed in Table 7 of the Kleinfelder, Rural Area Water Use Study: Final Report, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be the amount stated in Table 7 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

Amount of Development Allowed for Visitor-Serving Uses Listed in the Kleinfelder Report

For new or expanded visitor-serving 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. One additional density credit shall be required for each 630 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 use, including landscaping, swimming pools and all other appurtenant uses. The 945-gallon water use allowance for one density credit may be applied one time only on a parcel.

For those visitor-serving uses listed in Table 7 of the Kleinfelder, Rural Area Water Use Study: Final Report, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be:

First Density Credit

For one density credit or the first density credit when multiple density credits are available, 1 1/2 times the amount stated in Table 7 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

Additional Density Credits

For each additional density credit, the amount stated in Table 7 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

The provisions of this section will not apply to farm labor housing, other structures considered to be accessory to agriculture under the same ownership, a residential dwelling unit associated with a visitor-serving facility that is occupied by the facility owner or operator, or density credits transferred in accordance with the provisions established by the Planned Agricultural District Regulations.

(a) Prime Agricultural Lands

One density credit per 160 acres for that portion of a parcel which is prime agricultural land as defined in Section 6351 (i.e., the number of acres of Prime Agricultural Land divided by 160).

(b) Lands With Landslide Susceptibility

One density credit per 160 acres for that portion of a parcel which lies within any of the three least stable categories (Categories V, VI and L) as shown on the U.S. Geological Survey Map MF 360, "Landslide Susceptibility in San Mateo County" or its current replacement (i.e., the number of acres of land susceptible to landslides divided by 160).

(c) Land With Slope 50% or Greater

One density credit per 160 acres for that portion of a parcel which has a slope 50% or greater (i.e., the number of acres of land with a slope 50% or greater divided by 160).

(d) Remote Lands

One density credit per 160 acres for that portion of a parcel over 1/2 mile from a public road that was an existing, all-weather through public road before the County Local Coastal Program was

initially certified in November 1980 (i.e., the number of acres of remote land divided by 160).

(e) Land With Slope 30% but Less than 50%

One density credit per 80 acres for that portion of a parcel which has a slope 30% but less than 50% (i.e., the number of acres of land with a slope 30%, but less than 50% divided by 80).

(f) Lands Within Rift Zones or Active Faults

One density credit per 80 acres for that portion of a parcel which is located within the rift zone or zone of fractured rock of an active fault as defined by the U.S. Geological Survey and mapped on USGS Map MF 355, "Active faults, probably active faults, and associated fracture zones in San Mateo County," or its current replacement (i.e., the number of acres of land within rift zones or active faults divided by 80).

(g) Lands Within Flood Hazard Areas

One density credit per 60 acres for that portion of a parcel falling within a 100-year floodplain as most recently defined by the Federal Emergency Management Agency, the U.S. Geological Survey, or the U.S. Army Corps of Engineers (i.e., the number of acres of land within the 100-year floodplain divided by 60).

(h) Land With Slope 15% But Less Than 30%

One density credit per 60 acres for that portion of a parcel with a slope in excess of 15% but less than 30% (i.e., the number of acres of land with a slope 15%, but less than 30% divided by 60).

(i) Land Within Agricultural Preserves or Exclusive Agricultural Districts

One density credit per 60 acres for that portion of a parcel within agricultural preserves or the exclusive Agricultural Districts as defined in the Resource Conservation Area Density Matrix policy on March 25, 1986 (i.e., the number of acres of land within Agricultural Preserves or Exclusive Agricultural Districts divided by 60).

(j) All Other Lands

One density credit per 40 acres for that portion or portions of a parcel not within the above areas (i.e., the number of acres of all other land divided by 40).

If the same portion of a parcel is covered by two or more of the subsections (a) and (j), the density credit for that portion shall be calculated solely on the basis of the subsection which permits the least density credit.

Section 2. The provisions of this Ordinance shall not apply to development that has fulfilled at least one of the following requirements before the effective date of this ordinance:

1. A permit application for each development permit required by the County Zoning Regulations applicable to the proposed development, including a Coastal Development Permit application, has been submitted to the County and determined to be complete, or

2. A building permit application has been submitted to the County and determined to be complete, if no development permit is required by the County Zoning Regulations, or

3. A development agreement has been recorded between the County and the owner of the property where the development will occur, and the proposed development conforms with the terms of that development agreement.

Section 3. This ordinance shall be in full force and effect thirty (30) days after the Coastal Commission has certified it, without modification, as conforming with the California Coastal Act.

GB:cdn - GDBG0796.ACQ
(6/5/96)

Regularly passed and adopted this 4th day of June, 1996.

AYES and in favor of said ordinance:

Supervisors: *MARY GRIFFIN*

TOM HUENING

TED LEMPERT

RUBEN BARRALES

MICHAEL D. NEVIN

NOES and against said ordinance:

Supervisors: *NONE*

Absent Supervisors: *NONE*

RUBEN BARRALES
President, Board of Supervisors
County of San Mateo
State of California

Certificate of Delivery
(Government Code section 25103)

I certify that a copy of the original ordinance filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

RICHARD L. SILVER
Clerk of the Board of Supervisors

ENVIRONMENTAL SERVICES AGENCY

Administration • Agricultural Commissioner • Animal Control
Building Inspection • Cooperative Extension • County Library
Fire Protection • Parks & Recreation • Planning

COUNTY OF SAN MATEO
590 HAMILTON STREET, 4TH FLOOR • REDWOOD CITY • CALIFORNIA 94063

BOARD OF SUPERVISORS
RUBEN BARRALES
MARY GRIFFIN
TOM HUENING
TED LEMPERT
MICHAEL D. NEVIN

PAUL M. KOENIG
DIRECTOR
(415) 363-4000, Ext. 1388
FAX (415) 599-1721

EXHIBIT NO. 2
San Mateo County
LCP Amendment 1-97C
Clarification Letters

December 9, 1996

Jack Liebster
California Coastal Commission
North Coast Area Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Mr. Liebster:

The purpose of this letter is to clarify several issues you have raised concerning San Mateo County's submitted "Coastal Protective Initiative" LCP amendment request.

1. Clarifying the Need to Amend LCP Policy 3.24

You have requested that we clarify the relationship between amended General Plan Policy 14.27, which discourages second dwelling units on substandard Mid-Coast parcels, and LCP Policy 3.24 which continues to encourage second dwelling units in all single family residential areas.

Throughout the hearing process, LCP Policy 3.24 was proposed to be amended in the same manner as General Plan Policy 14.27, i.e. to discourage second dwelling units on substandard Mid-Coast parcels. However, this amendment was inadvertently omitted from the final approval resolution due to a clerical error. We request that Coastal Commission staff recommend a "modification" to the proposal that would amend LCP Policy 3.24 to reconcile and be consistent with General Plan Policy 14.27, as shown below. The Board of Supervisors would ultimately consider the Coastal Commission modification prior to it becoming law. This approach to correcting "book keeping" errors has been successfully applied in the past by Coastal Commission staff.

3.24 Except for parcels covered by Local Coastal Program Policy 1.6, permit second dwelling units on building sites containing a one-family residence in R-1 zoning districts subject to the following restrictions:

a. Limit the total number of approved second units to 466 in the Coastal Zone.

b. Limit the size of the units to 700 sq. ft. or 35% of the floor area of the existing principal residence, whichever is greater.

c. *Comply with all applicable policies and procedures as required by the Local Coastal Program.*

2. Clarifying the Need to Amend LCP Policy 5.22

The County has proposed that Planned Agricultural District (PAD) Regulations Section 5355.B.1. be amended to limit the number of new parcels that may share a well, i.e. one well per four new parcels. The amendment transmittal materials indicated that the corresponding amendment to LCP Policy 5.22 for consistency with PAD Section 6355.B.1 was also inadvertently omitted from the final resolution. We continue to request that Coastal Commission staff recommend a "modification" that would amend LCP Policy 5.22 to reconcile with PAD Section 6355.B.1., as follows:

5.22 Protection of Agricultural Water Supplies

Before approving any division or conversion of prime agricultural land or other land suitable for agriculture, require that:

a. ~~*All non-agricultural uses permitted on a parcel demonstrate the existing availability of a potable and adequate on-site well water source.*~~

The existing availability of an adequate and potable well water source be demonstrated for all non-agricultural uses according to the following criteria:

(1) *Each existing parcel developed with non-agricultural uses, or parcel legalized in accordance with Local Coastal Program Policy 1.29, shall demonstrate a safe and adequate well water source located on that parcel, and (2) each new parcel created by a land division shall demonstrate a safe and adequate well water source located either (a) on that parcel, or (b) on the larger property that was subdivided to create the new parcel, providing that a single well source may not serve more than four (4) new parcels.*

b. *Adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed are not diminished.*

c. *All new non-agricultural parcels are severed from land bordering a stream and their deeds prohibit the transfer of riparian rights.*

3. Providing Supplemental Rural Buildout Data

You have requested that we provide at least the following supplemental rural land use data: (a) vacant vs. developed parcel inventory, (b) remaining buildout development potential, and (c) projected level of visitor-serving facility development at buildout. You have also requested that we assist you in analyzing this data to determine whether significant adverse impacts (infrastructure, coastal resources or environmental) would result from the amendment proposal.

The County maintains that the proposal will not pose any adverse impacts greater than that allowed for by the existing certified Local Coastal Program. However, I have asked George Bergman of my staff to provide you with the requested data, and assist you as necessary in evaluating buildout impacts. He anticipates completing the data collection tasks in the next three weeks, i.e. before the end of the year.

4. Intent for Amendments to Conform with the Coastal Act

You have indicated that Board of Supervisors Resolution 60232 transmitting the proposed LCP amendments to the Coastal Commission does not include language specifically affirming that the Board intends "to carry out the amendments in a manner fully in conformity with the Coastal Act."

Thank you informing us of this procedural requirement. Although Resolution 60232 does not include that specific wording, it does contain language directing staff "to submit the amendments to the Coastal Commission for certification of conformity with the Coastal Act." This language implicitly acknowledges that the County recognizes that the amendments, and their subsequent implementation, are to conform with the Coastal Act. All San Mateo County LCP amendment transmittals since 1981 have been filed by the Coastal Commission staff with the same wording as Resolution 60232. We intend to include the correct wording on the final Board resolution accepting the modifications, and on all future LCP amendment transmittal resolutions. However, for the purpose of filing this amendment submittal, we request that you accept Resolution 60232 as adequate.

Finally, Coastal Commission regulations allow a local agency to submit three LCP amendment requests per calender year. To date, there have not been any San Mateo County amendment requests filed 1996. As the 1997 approaches and several other amendment submittals are imminent, we urge you to file the "Coastal Initiative" LCP amendments in 1996. To this end, we will make every effort to promptly provide the requested data and analysis assistance. Should additional materials be determined necessary after January 1, we intend to continue our cooperation and collaboration, including waiving any possible statutory requirements governing the scheduling of Coastal Commission meetings.

Thank you for your assistance in processing this request, and we look forward to a mutually beneficial and rewarding working relationship.

Sincerely,

Paul M. Koenig

Paul M. Koenig
Director of Environmental Services

PMK:GDB/kcd - GDBG1834.6KN

Environmental Services Agency

Planning and Building Division

County of San Mateo

Mail Drop PLN122 · 590 Hamilton Street · 2nd Floor · Redwood City
California 94063 · Telephone 415/363-4161 · Fax 415/363-4849

Board of Supervisors
Ruben Barrales
Mary Griffin
Tom Huening
Ted Lempert
Michael D. Nevin

Director of Environmental Services
Paul M. Koenig

Planning Administrator
Terry L. Burnes

December 23, 1996

RECEIVED
DEC 26 1996
CALIFORNIA
COASTAL COMMISSION

Jack Liebster
California Coastal Commission
North Coast Area Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Jack:

This letter is intended as an addendum to Paul Koenig's December 9 letter to you clarifying points concerning San Mateo County's submitted "Coastal Protective Initiative" LCP amendment request.

1. Reconciling LCP Policy 3.24 and General Plan Policy 14.41

   You have correctly informed us that the letter discussed the need to amend LCP Policy 3.24 for consistency with General Plan Policy 14.27, rather than General Plan 14.41. As such, please substitute Policy 14.41 for Policy 14.27 wherever the later policy is discussed in the first section of the letter.

2. Relationship of General Plan Policy 14.27 and Table 14.34 to Proposed LCP Amendments

   You have requested that we describe the reason why recently amended General Plan Policy 14.27 and Table 14.34 was omitted from the proposed LCP amendment transmittal.

   General Plan Policy 14.27 and Table 14.34, originally adopted in 1991, directed the County: (1) to tabulate the number of density credits that have been acquired by public agencies for park facilities, and (2) to consider increasing permitted density on appropriate sites by that amount. The County has never implemented the later provision, i.e., has never increased allowable density to offset park acquisitions. In June, 1996, the General Plan was amended to delete Policy 14.27 and Table 14.34.

As the original policy was never implemented nor required an LCP amendment, Coastal Commission certification was not necessary. Now that the policy has been deleted and again no LCP amendment is required, we continue to believe that Coastal Commission certification is not necessary.

I hope this adequately responds to your recent questions. Should further clarification be necessary, please do not hesitate to call me. Happy Holidays.

Sincerely,

George

George Bergman
Senior Planner

GB:fc - GDBG1918.6FN

EXHIBIT 3

Existing LCP Sections With Proposed County Amendments Shown

LAND USE PLAN POLICIES

LCP POLICY 1.5

LCP POLICY 1.6

LCP POLICY 1.8

LCP POLICY 5.11

LCP POLICY 8.5

LCP POLICY 8.7

LCP POLICY 8.14

LCP POLICIES 8.17

LCP POLICY 8.18

LCP POLICY 9.18

LCP POLICY 11.15

ORDINANCE SECTIONS:

6133.3
6269
6351.B
6351.J
6357.A
6503
6906
6979

EXHIBIT NO. 3
San Mateo County LCP Amendment 1-97C
County Proposed Changes to Existing
LCP

1.5 **Land Uses and Development Densities in Urban Areas**

a. Incorporate the adopted Montara-Moss Beach-El Granada Community Plan into the land use plan for the Mid-Coast, but amend it where necessary to meet Local Coastal Program objectives.

b. Permit in urban areas land uses designated on the Land Use Plan Maps and conditional uses at densities specified in Tables 1.2 and 1.3. 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, the use and amount of development allowed on a parcel 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 the density credit entitlements of Table 1.3.

1.6 **Definition of Rural Areas**

Define rural areas.as....

Note: This section was inadvertently not renumbered

1.6 Development of Residential Substandard Parcels in the Urban Mid-Coast

Require a use permit to build or enlarge a structure on any residentially zoned parcel less than 5,000 sq. ft. within the urban Mid-Coast. This requirement does not apply to structures 30 inches or less above the ground, or fences and retaining walls. Consideration of a use permit application to develop a parcel greater than 3,500 sq. ft., but less than 5,000 sq. ft. shall be subject to the optional public hearing procedures of Zoning Regulations Section 6532. The use permit may be granted only if:

a. All structures on the parcel, including garages and accessory buildings, will not cover more than 50% of the parcel area if all structures are less than 16 feet above the natural or finished grade, whichever is lower, or 35% of the parcel area if one or more of the structures is 16 feet or more above the natural grade;

b. The aggregate square footage of all of the floors of a structure or structures, including garages and other accessory structures, will not exceed 60% of the number of square feet in the parcel; and

c. The maximum height of any structure will not exceed 28 feet measured from the natural or finished grade, whichever is lower.

For purposes of subsections (a) and (b), walks, patios, in-ground swimming pools, pools that do not extend more than 30 inches above the ground, uncovered decks and porches 30 inches or less above the ground, and eaves projecting 30 inches or less from the exterior surface of a building wall shall not be included in calculation of the area covered by structures or the total square footage of floors.

*1.8 **Land Uses and Development Densities in Rural Areas**

a. Allow new development (as defined in Section 30106 of the California Coastal Act of 1976) in rural areas only if it is demonstrated that it will not: (1) have significant adverse impacts, either individually or cumulatively, on coastal resources and (2) diminish the ability to keep all prime agricultural land and other land suitable for agriculture (as defined in the Agriculture Component) in agricultural production.

b. Permit in rural areas land uses designated on the Local Coastal Program Land Use Plan Maps, and conditional uses at densities specified in Tables 1.2 and 1.3.

c. (1) Require Density Credits for Non-Agricultural Uses

Require density credits for all new or expanded non-agricultural land uses in rural areas, including ~~any~~ all residential uses, except a residential dwelling unit associated with a visitor-serving facility that is occupied by the facility owner or operator, affordable housing (to the extent ~~authorized in Policy 3.27 of the Local Coastal Program on March 25, 1986, the date notice of this ordinance was published~~ provided in Local Coastal Program Policy 3.23) and farm labor housing, as defined in Local Coastal Program Policy 3.28, mining in accordance with General Plan Policies 3.11 and 3.12, and solid waste facilities under the policies in General Plan Chapter 13. The existence and number of density credits on a parcel shall be determined by applying Table 1.3.

Expanded or additional non-agricultural uses shall only be permitted on a parcel when there are enough density credits available to that parcel to meet the density credit requirements of this policy for both (a) existing uses, and (b) any expanded or additional uses.

(2) Amount of Development Allowed for Non-agricultural Uses, Except Visitor-Serving Uses

For new or expanded non-agricultural uses, except visitor-serving uses, one density credit shall be required for each 315 gallons, or fraction thereof, of ~~maximum daily water use as a result of a land use~~ 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 non-agricultural use, including landscaping, swimming pools and all other appurtenant uses.

(a) Residential Uses

~~For purposes of this ordinance,~~ For new or expanded residential uses, a single-family dwelling unit shall be deemed to use 315 gallons of water per day~~.~~ during the two months of highest water use in a year (including landscaping, swimming pools and all other appurtenant uses).

(b) Non-Agricultural Uses Listed in the Kleinfelder Report, Except Visitor-Serving Uses

For those non-agricultural uses, except visitor-serving uses, listed in Table 7 of the Kleinfelder, Rural Area Water Use Study: Final Report, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be the amount stated in Table 7 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

(3) Amount of Development Allowed for Visitor-Serving Uses Listed in the Kleinfelder Report

~~In order to give priority to Public and Commercial Recreation land uses,~~ For new or expanded visitor-serving uses, one density credit shall be required for ~~those uses for each 630 gallons of maximum daily water use. Water use shall be calculated on the best available information and shall include all appurtenant uses, e.g., landscaping, swimming pools, etc.~~ the first 945 gallons, or fraction thereof, of average daily water use during the two months of highest water use in a year. One additional density credit shall be required for each 630 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 use, including landscaping, swimming pools and all other appurtenant uses. The 945-gallon water use allowance for one density credit may be applied one time only on a parcel.

For those visitor-serving uses listed in Table 7 of the Kleinfelder, Rural Area Water Use Study: Final Report, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be:

(a) For one density credit or the first density credit when multiple density credits are available, 1 1/2 times the amount stated in Table 7 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

(b) For each additional density credit, the amount stated in Table 7 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

*5.11 Maximum Density of Development per Parcel

d. A density credit bonus may be allowed for the merger of contiguous parcels provided that any subsequent land division of the merged property shall result in at least one agricultural parcel whose area is greater than the largest parcel before consolidation. The maximum bonus shall be calculated by:

(1) Determining the total number of density credits on all parcels included in a master development plan; and

(2) Multiplying that total by 25% if the merger is entirely of parcels of 40 acres or less, or by 10% if some or all of the parcels combined are larger than 40 acres.

The merged parcel shall be entitled to the number of density credits on the separate parcels prior to merger plus the bonus calculated under this subsection. The total number of density credits may be used on the merged parcel. Once a parcel or portion of a parcel has been part of a merger for which bonus density credit has been given under this subsection, no bonus credit may be allowed for any subsequent merger involving that parcel or portion of a parcel.

*5.22 Protection of Agricultural Water Supplies

Before approving any division or conversion of prime agricultural land or other land suitable for agriculture, require that:

a. ~~All non-agricultural uses permitted on a parcel demonstrate The existing availability of a potable and adequate on-site well water source.~~

The existing availability of an adequate and potable well water source shall be demonstrated for all non-agricultural uses according to the following criteria:

(1) each existing parcel developed with non-agricultural uses, or parcel legalized in accordance with Local Coastal Program Policy 1.29, shall demonstrate a safe and adequate well water source located on that parcel, and

(2) each new parcel created by a land division shall demonstrate a safe and adequate well water source located either (a) on that parcel, or (b) on the larger property that was subdivided to create the new parcel, provided that a single well water source may not serve more than four (4) new parcels.

b. Adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed are not diminished.

c. All new non-agricultural parcels are severed from land bordering a stream and their needs prohibit the transfer of riparian rights.

~~*8.5 Structures~~

~~Minimize the number of structures located in open fields and grassland areas; require that structures be designed in scale with the rural character of the region; and that they be clustered near existing natural or man made vertical features.~~

8.5 Location of Development

a. Require, to the extent practicable, that new development be located on a portion of a parcel where the development (1) is least visible from State and County Scenic Roads, and (2) consistent with that requirement, best preserves the visual and open space qualities of the parcel overall.

   This provision does not apply to enlargement of existing structures, provided that the size of the structure after enlargement does not exceed 150 percent of the pre-existing floor area, or 2,000 sq. ft., whichever is greater.

   This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation on the parcel. In such cases, agricultural development shall use appropriate building materials, colors, landscaping and screening to eliminate or minimize the visual impact of the development.

b. Require, including by clustering if necessary, that new parcels have building sites that are not visible from State and County Scenic Roads. If (1) the entire property being subdivided is visible from State and County Scenic Roads, or (2) compliance with this provision is not permissible under the General Plan and Local Coastal Program, then require that new parcels have building sites that minimize visibility from those roads.

c. The provisions of this policy do not apply to the extent that the application of this policy would direct development to a location prohibited by the application of other General Plan or Local Coastal Program policies.

*8.7 ~~Ridgelines and Hilltops~~ Development on Ridgelines

a. Prohibit the location of ~~new~~ development, in whole or in part, on a ridgeline~~s~~, or where it will project above a ridgeline, ~~and hilltops~~ unless there is no other ~~buildable area~~ developable building site on the parcel. Ridgelines are the tops of hills or hillocks normally viewed against a background of other hills, as defined by General Plan Policy 4.7. This provision does not apply to the extent that the application of this provision would direct development to a location restricted by the application of other General Plan or Local Coastal Program policies.

~~b. Prohibit the removal of tree masses which would destroy the silhouette of the ridgeline or hilltop forms~~

~~c. Restrict the height of structures to prevent their projection above ridgeline or hilltop silhouettes.~~

~~d. Prohibit land divisions which would create parcels whose only building site would be on ridgelines or hilltops.~~

b. Limit development on a ridgeline to 18 feet in height from the natural or finished grade, whichever is lower.

c. Prohibit the creation of new parcels which have no developable building site other than on a ridgeline, except to the extent that the application of this provision would direct development to a location restricted by the application of other General Plan or Local Coastal Program policies.

8.14 Definition of Rural

Define rural as lands indic ated on the LCP Land Use Map for rural use.

Note: The following section was inadvertently misnumbered in the County's submittal.

8.14 Coastal Views

a. To the extent feasible, design development to minimize the blocking of views to or along the ocean shoreline from Highway 1 to the sea, including publicly owned recreation areas, trails and beaches lying between Highway 1 and the sea. This provision shall not apply in areas west of Denniston Creek zoned either Coastside Commercial Recreation or Waterfront.

b. In areas east of Denniston Creek zoned Coastside Commercial Recreation, the height of development may not exceed 28 feet from the natural or finished grade, whichever is lower.

*8.17 Alteration of Landforms; Roads and Grading

~~Minimize the visual degradation of natural landforms caused by cutting; filling, or grading for building sites, access roads, or public utilities by:~~

~~a. Concentrating development so that steep hillsides may be left undisturbed.~~

~~b. Requiring structures to be designed to fit hillsides rather that altering the landform to accomodate buildings designed for level sites.~~

~~c. Prohibiting new development which requires grading, cutting, or filling that would substantially alter or destroy the appearance of natural landforms.~~

~~d. Restoring as much as possible the natural topographic contours after any permitted temporary alteration of landforms during construction, timber harvesting, or mineral extraction.~~

a. Require that development be located and designed to conform with, rather than change landforms. Minimize the alteration of landforms as a consequence of grading, cutting, excavating, filling or other development.

b. To the degree possible, ensure restoration of preexisting topographic contours after any alteration by development, except to the extent necessary to comply with the requirements of Policy 8.18.

c. Control development to avoid the need to construct access roads visible from State and County Scenic Roads. Existing private roads shall be shared wherever possible. New access roads may be permitted only where it is demonstrated that use of existing roads is physically or legally impossible or unsafe. New roads shall be (1) located and designed to minimize visibility from State and County Scenic Roads and (2) built to fit the natural topography and to minimize alteration of existing landforms and natural characteristics.

   This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation, or convert agricultural soils. In such cases, build new access roads to minimize alteration of existing landforms and natural characteristics.

*8.18 ~~Location of New Development~~ Development Design

~~Require:~~

~~a. That new development be located, sited and designed to fit the physical setting, so that its presence is subordinate to the pre-existing character of the site, enhances the scenic and visual qualities of the area; or maintains the natural characteristics of existing major watercourses, established and mature tree, or dominant vegetative communities.~~

~~b. That roads, buildings and other structural improvements be constructed to fit the natural topography and to minimize grading and modification of existing landforms.~~

~~c. That private roads and driveways be shared, where feasible, to reduce the amount of grading, cutting, and filling required to provide access.~~

~~d. That all development minimize the impacts of noise, light, , glare and odors on adjacent properties and the public at large.~~

a. Require that development (1) blend with and be subordinate to the environment and the character of the area where located, and (2) be as unobtrusive as possible and not detract from the natural, open space or visual qualities of the area, including but not limited to siting, design, layout, size, height, shape, materials, colors, access and landscaping.

   The colors of exterior materials shall harmonize with the predominant earth and vegetative colors of the site. Materials and colors shall absorb light and minimize reflection. Exterior lighting shall be limited to the minimum necessary for safety. All lighting, exterior and interior, must be placed, designed and shielded so as to confine direct rays to the parcel where the lighting is located.

   Except for the requirement to minimize reflection, agricultural development shall be exempt from this provision. Greenhouse development shall be designed to minimize visual obtrusiveness and avoid detracting from the natural characteristics of the site.

b. Require screening to minimize the visibility of development from scenic roads and other public view points. Screening shall be by vegetation or other materials which are native to the area or blend with the natural environment and character of the site.

c. Require that all non-agricultural development minimize noise, light, dust, odors and other interference with persons and property off the development site.

9.18 Regulation of Development on 30% or Steeper Slopes

~~a. Prohibit, unless no alternatives exist, development (including land divisions which would create parcels exclusively) on slopes of 30% or greater. If no alternatives exist, require engineering geologic reports to enable minimizing of hazards.~~

a. Prohibit development on slopes of 30% or more, unless (1) no alternative exists or (2) the only practicable alternative site is on a ridgeline. Parcels may not be created where the only building site, in whole or in part, is on a slope of 30% or more. An engineering geologic report shall be required for any development on a slope of 30% or more. This provision does not apply to the extent that it is inconsistent with policies of the General Plan or Local Coastal Program which restrict the location of development.

Development less than 10 feet in height that does not constitute a building or require grading shall be exempt from the application of this provision.

b. Employ the siting and grading criteria of the Design Review Zoning Ordinance and the Community Design Manual for Development on Slopes 30% or Greater.

11.15 Private Recreation and Visitor-Serving Facilities

a. Require that private recreation and visitor-serving facilities conform to: (1) the development and locational standards included throughout this component and as referred in other components, and (2) the design standards of the Visual Resources Component.

b. Require that private recreation and visitor-serving facilities conform to the intensities of use appropriate to the rural or urban setting and to the requirements of the individual site. In rural areas, ~~limit visitor-serving development to water supply requirements of 630 gallons per density credit.~~ visitor-serving uses shall require density credits based on daily water use in accordance with the requirements set forth in Local Coastal Program Policy 1.8.

Section 6133, Subsection 3

From Submittal Ordinance No. 03719: To Limit Building Size On Residential Parcels Less Than 5,000 Sq. Ft. In The Urban Mid-Coast

Section 1. San Mateo County Ordinance Code, Division VI, Part One, Chapter 4, Section 6133, Subsection 3 be amended to read as follows:

3. Development of Non-Conforming Parcels.

a. For non-conforming parcels, except residentially zoned parcels less than 5,000 sq. ft. within the urban Mid-Coast, the following shall apply:

~~a.~~

(1) **Development Not Requiring Use Permit.**

~~(1)~~

(a) **Unimproved Non-Conforming Parcel.** Development of an unimproved non-conforming parcel may occur without the issuance of a use permit when **any** of the following circumstances ((a), (b), (c), or (d) below) exist:

Required Minimum Parcel Size	Actual Non-Conforming Parcel Size
(a) 5,000 sq. ft. (area)	≥3,500 sq. ft. (area)
(b) 50 ft. (width)	≥35 ft. (width)
(c) >5,000 sq. ft. (area)	≥5,000 sq. ft. (area)
(d) ≥50 ft. (width)	≥50 ft. (width)

Proposed development on the unimproved non-conforming parcel shall conform with the zoning and building code regulations currently in effect.

~~(2)~~

(b) **Improved Non-Conforming Parcel.** Development of an improved non-conforming parcel may occur without requiring the issuance of a use permit provided that the proposed development conforms with the zoning and building code regulations currently in effect.

~~b.~~

(2) **Development Requiring a Use Permit.**

~~(1)~~

(a) **Unimproved Non-Conforming Parcel.**

~~(a)~~

1) Development of an unimproved non-conforming parcel shall require the issuance of a use permit when **any** of the following circumstances ((a), (b), (c), or (d)) exist:

Required Minimum Parcel Size	Actual Non-Conforming Parcel Size
(a) 5,000 sq. ft. (area)	<3,500 sq. ft. (area)
(b) 50 ft. (width)	<35 ft. (width)
(c) >5,000 sq. ft. (area)	<5,000 sq. ft. (area)
(d) ≥50 ft. (width)	<50 ft. (width)

~~(b)~~
2) Proposed development on any unimproved non-conforming parcel that does not conform with the zoning regulations in effect shall require the issuance of a use permit.

~~(2)~~
(b) **Improved Non-Conforming Parcel.** Proposed development on an improved non-conforming parcel that does not conform with the zoning regulations currently in effect shall require the issuance of a use permit.

~~(3)~~
(c) **Use Permit Findings.** As required by Section 6503, a use permit for development of a non-conforming parcel may only be issued upon making the following findings:

~~(a)~~
1) The proposed development is proportioned to the size of the parcel on which it is being built,

~~(b)~~
2) All opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven to be infeasible,

~~(c)~~
3) The proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible,

~~(d)~~
4) The establishment, maintenance, and/or conducting of the proposed use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in the said neighborhood, and

~~(e)~~
5) Use permit approval does not constitute a granting of special privileges.

b. For residentially zoned non-conforming parcels less than 5,000 sq. ft. within the urban Mid-Coast, the following shall apply:

(1) Require a use permit to build or enlarge a structure on any residential parcel less than 5,000 sq. ft. within the urban boundary of the Mid-Coast. This requirement does not apply to structures 30 inches or less above the ground, or fences and retaining walls. The use permit may be granted only if:

(a) All structures on the parcel, including garages and accessory buildings, will not cover more than 50% of the parcel area if all structures are less than 16 feet above the natural or finished grade, whichever is lower, or 35% of the parcel area if one or more of the structures is 16 feet or more above the natural grade;

(b) The aggregate square footage of all of the floors of a structure or structures, including garages and other accessory structures, will not exceed 60% of the number of square feet in the parcel; and

(c) The maximum height of any structure will not exceed 28 feet measured from the natural or finished grade, whichever is lower.

~~The proposed development is proportioned to the size of the parcel on which it is being built,~~

(d) All opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven to be infeasible,

~~The proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible,~~

(e) The establishment, maintenance, and/or conducting of the proposed use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in the said neighborhood, and

(f) Use permit approval does not constitute a granting of special privileges.

For purposes of subsections (a) and (b), walks, patios, in-ground swimming pools, pools that do not extend more than 30 inches above the ground, uncovered decks and porches 30 inches or less above the ground, and eaves projecting 30 inches or less from the exterior surface of a building wall shall not be included in calculation of the area covered by structures or the total square footage of floors.

(2) Proposed development on parcels less than 5,000 sq. ft. that does not conform with zoning development standards, including setbacks, use permit approval shall also be subject to the findings in Section 6133.3(2)(c).

Section 2. The provisions of this Ordinance shall not apply to development that has fulfilled at least one of the following requirements before the effective date of this ordinance:

1. A permit application for each development permit required by the County Zoning Regulations applicable to the proposed development, including a Coastal Development Permit application, has been submitted to the County and determined to be complete, or

2. A building permit application has been submitted to the County and determined to be complete, if no development permit is required by the County Zoning Regulations, or

3. A development agreement has been recorded between the County and the owner of the property where the development will occur, and the proposed development conforms with the terms of that development agreement.

Section 3. This ordinance shall be in full force and effect thirty (30) days after the Coastal Commission has certified it, without modification, as conforming with the California Coastal Act.

Section 6269, Subsection 3

From Submittal Ordinance No. 03717

Section 1. San Mateo County Ordinance Code, Division VI, Part One, Chapter 16.5, Section 6269, Subsection 3 is hereby amended to read as follows:

3. **Building Height Limit.** The maximum building height is thirty-sx (36) feet, except when a lower limit is imposed in accordance with this Chapter, and except in areas east of Denniston Creek, where the maximum building height shall be twenty-eight (28) feet from the natural or finished grade, whichever is lower. Height is measured from finished grade to the highest point on the roof.

Section 2. The provisions of this Ordinance shall not apply to development that has fulfilled at least one of the following requirements before the effective date of this ordinance:

1. A permit application for each development permit required by the County Zoning Regulations applicable to the proposed development, including a Coastal Development Permit application, has been submitted to the County and determined to be complete, or

2. A building permit application has been submitted to the County and determined to be complete, if no development permit is required by the County Zoning Regulations, or

3. A development agreement has been recorded between the County and the owner of the property where the development will occur, and the proposed development conforms with the terms of that development agreement.

Section 3. This ordinance shall be in full force and effect thirty (30) days after the Coastal Commission has certified it, without modification, as conforming with the California Coastal Act.

Section 6351, Subsection B

From Submittal Ordinance 03718

Section 1. San Mateo County Ordinance Code, Division VI, Part One, Chapter 21A, Section 6351, Subsection B be amended to read as follows:

B. Water Supply Criteria

1. ~~The existing availability of a potable and adequate on-site well water source for all non-agricultural uses is demonstrated.~~ The existing availability of an adequate and potable well water source shall be demonstrated for all non-agricultural uses according to the following criteria: (a) each existing parcel developed with non-agricultural uses, or parcel legalized in accordance with Local Coastal Program Policy 1.29, shall demonstrate a safe and adequate well water source located on that parcel, and (b) each new parcel created by a land division shall demonstrate a safe and adequate well water source located either (1) on that parcel, or (2) on the larger property that was subdivided to create the new parcel, provided that a single well water source may not serve more than four (4) new parcels.

2. Adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed are not diminished.

3. All new non-agricultural parcels are severed from land bordering a stream and their needs prohibit the transfer of riparian rights.

*** Sections 5 and 6 below apply**

Section 6351, Subsection J

From Submittal Ordinance No. 03718

Section 1. San Mateo County Ordinance Code, Division VI, Part One, Chapter 21A, Section 6351, Subsection J be amended to read as follows:

Section 6351. DEFINITIONS. For the purposes of this Chapter, certain terms used herein are defined as follows:...

J. Density Credits

The maximum number of land divisions permitted for a parcel computed in accordance with Section 6356. ~~For Public and Commercial Recreation uses, each density credit equals 630 gallons per day of water. For all other uses, each density credit equals 315 gallons per day of water.~~ Credits may be combined for uses on a single parcel if the number of land divisions is reduced accordingly; however, only one credit shall be assigned to an agricultural parcel.

Only one dwelling unit or non-agricultural use shall be permitted per parcel.

*** Sections 5 and 6 below apply**

Section 6356. Planned Agricultural District (PAD)

From Submittal Ordinance No. 03718

Section 3. San Mateo County Ordinance Code, Division VI, Part One, Chapter 21A, Section 6356, be amended to read as follows:

Section 6356. MAXIMUM DENSITY OF DEVELOPMENT. In the Planned Agricultural District, for purposes of determining the maximum number of dwelling units permissible on any parcel, the following system shall be used:

The total parcel shall be compared against the criteria of this section in the order listed. Once considered under a criterion, a segment of the parcel shall not be considered under subsequent criteria. When the applicable criteria have been determined for each of the areas, any portion of the parcel which has not yet been assigned a maximum density accumulation shall be assigned a density of one density credit per 40 acres.

The sum of densities accrued under all applicable categories shall constitute the maximum density of development permissible under this section. If the fractional portion of the number of dwelling credits allowed is equal to or greater than .5, the total number of dwelling credits allowed shall be rounded to the next whole density credit. If the fraction is less than .5, the fractional unit shall be deleted. All legal parcels shall accumulate at least one density credit.

~~In order to equate the density accrued for different uses permitted in the PAD, one density credit shall equal 630 gallons/day of water for Public and Commercial Recreation uses, and 315 gallons/day of water for all other uses. For the purposes of this ordinance, a single-family dwelling shall be deemed to use 315 gallons per day Any uses requiring more than 630 or 315 gallons/day of water shall consume the additional number of whole credits needed. Water use shall be calculated based upon the best available information and shall include all appurtenant uses, e.g. landscaping, swimming pools, etc. When a Master Land Divison is approved, more than one density credit may be assigned to a new non-agricultural parcel if the number of permitted divisons is reduced accordingly; only one credit may be assigned to a new agricultural parcel.~~

Expanded or additional non-agricultural uses shall only be permitted on a parcel when there are enough density credits available to that parcel to meet the density credit requirements of this Section for both (a) existing uses, and (b) any expanded or additional uses.

Amount of Development Allowed for Non-Agricultural Uses, Except Visitor-Serving Uses

For new or expanded non-agricultural uses, except visitor-serving uses, one density credit shall be required for each 315 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 non-agricultural use, including landscaping, swimming pools and all other appurtenant uses.

Residential Uses

For new or expanded residential uses, a single-family dwelling unit shall be deemed to use 315 gallons of water per day during the two months of highest water use in a year (including landscaping, swimming pools and all other appurtenant uses).

Non-Agricultural Uses Listed in the Kleinfelder Report, Except Visitor-Serving Uses

For those non-agricultural uses, except visitor-serving uses, listed in Table 7 of the Kleinfelder, Rural Area Water Use Study: Final Report, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be the amount stated in Table 7 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

Amount of Development Allowed for Visitor-Serving Uses Listed in the Kleinfelder Report

For new or expanded visitor-serving 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. One additional density credit shall be required for each 630 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 use, including landscaping, swimming pools and all other appurtenant uses. The 945-gallon water use allowance for one density credit may be applied one time only on a parcel.

For those visitor-serving uses listed in Table 7 of the Kleinfelder, Rural Area Water Use Study: Final Report, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be:

First Density Credit

For one density credit or the first density credit when multiple density credits are available, 1 1/2 times the amount stated in Table 7 in the column head "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

Additional Density Credits

For each additional density credit, the amount stated in Table 7 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

The provisions of this section will not apply to agriculture, farm labor housing, a residential dwelling unit associated with a visitor-serving facility that is occupied by the facility owner or operator, or affordable housing to the extent authorized in Policy 3.27 of the Local Coastal Program on March 25, 1986, or other structures considered to be accessory to agriculture under the same ownership.

A. Prime Agricultural Lands

One density credit per 160 acres for that portion of a parcel which is prime agricultural land as defined in Section 6351 (i.e., the number of acres of Prime Agricultural Land divided by 160).

B. Lands With Landslide Susceptibility

One density credit per 160 acres for that portion of a parcel which lies within any of the three least stable categories (categories V, VI and L) as shown on the U.S. Geological Survey Map MF 360, "Landslide Susceptibility in San Mateo County" or its current replacement (i.e., the number of acres of land susceptible to landslides divided by 160).

C. Land With Slope 50% or Greater

One density credit per 160 acres for that portion of a parcel which has a slope 50% or greater (i.e., the number of acres of land with a slope 50% or greater divided by 160).

D. Remote Lands

One density credit per 160 acres for that portion of a parcel over 1/2 mile from a public road that was an existing, all-weather through public road before the County Local Coastal program was initially certified in November 1980 (i.e., the number of acres of remote land divided by 160).

E. Land With Slope 30% But Less Than 50%

One density credit per 80 acres for that portion of a parcel which has a slope 30% but less than 50% (i.e., the number of acres of land with a slope 30%, but less than 50% divided by 80).

F. Lands Within Rift Zones or Active Faults

One density credit per 80 acres for that portion of a parcel which is located within the rift zone or zone of fractured rock of an active fault as defined by the U.S. Geological Survey and mapped on USGS Map MF 355, "Active faults, probably active faults, and associated fracture zones in San Mateo County," or its current replacement (i.e., the number of acres of land within rift zones or active faults divided by 80).

G. Lands Within Flood Hazard Areas

One density credit per 60 acres for that portion of a parcel falling within a 100-year floodplain as most recently defined by the Federal Emergency Management Agency, the U.S. Geological Survey, or the U.S. Army Corps of Engineers (i.e., the number of acres of land within the 100-year floodplain divided by 60).

H. Land With Slope 15% But Less Than 30%

One density credit per 60 acres for that portion of a parcel with a slope in excess of 15% but less than 30% (i.e., the number of acres of land with a slope 15%, but less than 30% divided by 60).

I. Land Within Agricultural Preserve or Exclusive Agricultural Districts

One density credit per 60 acres for that portion of a parcel within agricultural preserves or the exclusive Agricultural Districts as defined in the Resource Conservation Area Density Matrix policy on March 28, 1986 (i.e., the number of acres of land within Agricultural Preserves or Exclusive Agricultural Districts divided by 60).

J. All Other Lands

One density credit per 40 acres for that portion or portions of a parcel not within the above areas (i.e., the number of acres of all other land divided by 40).

If the same portion of a parcel is covered by two or more of the subsections A. and J., the density credit for that portion shall be calculated solely on the basis of the subsection which permits the least density credit.

*** Sections 5 and 6 below apply**

Section 6357, Subsection A

From Submittal Ordinance 03718

Section 4. San Mateo County Ordinance Code, Division VI, Part One, Chapter 21A, Section 6357, Subsection A be amended to read as follows:

A. Consolidating Parcels

In addition to the maximum density of development permitted, bonus densities ~~shall~~ may be granted when contiguous parcels are combined to form a larger parcel, provided that any subsequent land division of the merged property shall result in at least one agricultural parcel whose area is greater than the largest parcel before consolidation. The bonuses for a proposed combination shall be calculated by:

1. determining the total number of density credits on all parcels included in a master development plan, and

2. multiplying that total by 25% if the merger is entirely of parcels of 40 acres or less, or by 10% if some or all of the parcels combined are larger than 40 acres.

The merged parcel shall be entitled to the number of density credits allowed prior to merger, plus the bonus calculated under this subsection. Once a parcel or portion of a parcel has been granted bonus density credits as a result of a merger under this subsection, no additional bonus credit(s) may be granted for subsequent merger activities involving that parcel or a portion of that parcel.

Section 5. The provisions of this Ordinance shall not apply to development that has fulfilled at least one of the following requirements before the effective date of this ordinance:

1. A permit application for each development permit required by the County Zoning Regulations applicable to the proposed development, including a Coastal Development Permit application, has been submitted to the County and determined to be complete, or

2. With respect to Section 6351, Subsection B of the San Mateo County Ordinance, a tentative subdivision map or tentative parcel map application has been submitted to the County and determined to be complete, or

3. A building permit application has been submitted to the County and determined to be complete, if no development permit is required by the County Zoning Regulations, or

4. A development agreement has been recorded between the County and the

owner of the property where the development will occur, and the proposed development conforms with the terms of that development agreement.

Section 6. This ordinance shall be in full force and effect thirty (30) days after the Coastal Commission has certified it, without modification, as conforming with the California Coastal Act.

Section 6503

From Submittal Ordinance 03719

Section 2. San Mateo County Ordinance Code, Division VI, Part One, Chapter 24, Section 6503 be amended to read as follows:

SECTION 6503. PROCEDURE. Applications for any use permit permissible under the provisions of this Chapter, except as otherwise provided for quarry and topsoil sites, shall be made in writing to the Planning Commission on forms provided by said Commission. Applications shall be signed and verified by the owner of the land involved or by his authorized agent and shall be accompanied by a plan of the proposed development. If application is made by a person other than the owner, written authorization to act on behalf of the owner shall be submitted with such application. Applications may also be made on behalf of one who is or will be plaintiff in an action in eminent domain to acquire the premises involved.

Upon receipt of any such application, the Planning Commission may hold a public hearing or public hearings thereon, if it deems such hearings necessary. If a hearing or hearings are held, notice shall be given by:

(a) One (1) publication in a newspaper of general circulation in the county, within ten (10) days next preceding the date of said hearing; and

(b) Posting notices in the same manner as set forth in Chapter 27 for a proposed amendment; or

(c) Mailing a postal card notice not less than ten (10) days prior to the date of the hearing to the owners of property, as shown on the last equalized assessment roll, within three hundred (300) feet of the exterior limits of the property or properties which is the subject of the application for the use permit.

At such hearings the applicant may present testimony and other evidence in support of his application, and other interested persons may be heard and/or present evidence on the matter.

In order to grant the use permit as applied for or conditioned, the findings of the Planning Commission must include that the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

In order to grant a use permit for development of a non-conforming parcel (as defined in Section 6132.11), the following findings must also be made:

A. For non-conforming parcels, except residentially zoned parcels less than 5,000 sq. ft. within the urban Mid-Coast:

1. The proposed development is proportioned to the size of the parcel on which it is being built,

2. All opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven to be infeasible,

3. The proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible, and

4. Use permit approval does not constitute a granting of special privileges.

B. For residentially zoned non-conforming parcels less than 5,000 sq. ft. within the urban Mid-Coast:

1. All structures on the parcel, including garages and accessory buildings, will not cover more than 50% of the parcel area if all structures are less than 16 feet above the natural or finished grade, whichever is lower, or 35% of the parcel area if one or more of the structures is 16 feet or more above the natural grade;

2. The aggregate square footage of all of the floors of a structure or structures, including garages and other accessory structures, will not exceed 60% of the number of square feet in the parcel; and

3. The maximum height of any structure will not exceed 28 feet measured from the natural or finished grade, whichever is lower.

~~The proposed development is proportioned to the size of the parcel on which it is being built,~~

4. All opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven to be infeasible.

~~The proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible,~~

5. Use permit approval does not constitute a granting of special privileges.

6. Proposed development that does not conform with zoning development standards, including setbacks, shall also be subject to the findings in Section 6503.A.

In approving the granting of any use permit, the Planning Commission shall designate such conditions in connection therewith, as will, in its opinion, secure substantially the objectives of this Part as to light, air, and the public health, safety, morals, convenience and general welfare. Such Commission shall require such evidence and guarantees, including bonds, as it may deem to be necessary to obtain compliance with the conditions designated in connection therewith.

In any case where a bond to secure the faithful performance of conditions designated by the Planning Commission has been posted, and the Commission has reasonable grounds for

believing that the conditions of said bond have not been complied with, the Commission may hold a hearing to determine whether there has been a non-compliance with the conditions or any part of them. Notice of the time and place of such hearing shall be served upon the person posting said bond by registered mail or by personal service at least ten (10) days prior to the date set for said hearing. If at said hearing the Commission finds that the conditions of the bond or any part of them have not been complied with, it may declare all or part of said bond forfeited. In the event the determination is to declare all or part of said bond forfeited, the person posting said bond may appeal said decision to the Board of Supervisors in the same manner as provided for appeals taken on the application or revocation of use permits. When such forfeiture has been declared and the determination has become final by failure to file an appeal within the time prescribed or otherwise, the Planning Commission may request that the County Counsel take the steps necessary to make such forfeiture effective.

Section 3. The provisions of this Ordinance shall not apply to development that has fulfilled at least one of the following requirements before the effective date of this ordinance:

1. A permit application for each development permit required by the County Zoning Regulations applicable to the proposed development, including a Coastal Development Permit application, has been submitted to the County and determined to be complete, or

2. A building permit application has been submitted to the County and determined to be complete, if no development permit is required by the County Zoning Regulations, or

3. A development agreement has been recorded between the County and the owner of the property where the development will occur, and the proposed development conforms with the terms of that development agreement.

Section 4. This ordinance shall be in full force and effect thirty (30) days after the Coastal Commission has certified it, without modification, as conforming with the California Coastal Act.

Section 6906, RM/CZ District

From Submittal Ordinance No. 03716

Section 6906. MAXIMUM DENSITY OF DEVELOPMENT. In the RM/CZ District, for purposes of determining the maximum number of dwelling units permissible on any parcel, the following system shall be used:

The total parcel shall be compared against the criteria of this section in the order listed. Once considered under a criterion, a segment of the parcel shall not be considered under subsequent criteria. When the applicable criteria have been determined for each of the areas, any portion of the parcel which has not yet been assigned a maximum density accumulation shall be assigned a density of one density credit per 40 acres.

The sum of densities accrued under all applicable categories shall constitute the maximum density of development permissible under this section. If the fractional portion of the number of dwelling credits allowed is equal to or greater than .5, the total number of dwelling credits allowed shall be rounded to the next whole density credit. If the fraction is less than .5, the fractional unit shall be deleted. All legal parcels shall accumulate at least one density credit.

Expanded or additional non-agricultural uses shall only be permitted on a parcel when there are enough density credits available to that parcel to meet the density credit requirements of this Section for both (a) existing uses, and (b) any expanded or additional uses.

Amount of Development Allowed for Non-Agricultural Uses, Except Visitor-Serving Uses

For new or expanded non-agricultural uses, except visitor-serving uses, one density credit shall be required for each 315 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 non-agricultural use, including landscaping, swimming pools and all other appurtenant uses.

Residential Uses

For new or expanded residential uses, a single-family dwelling unit shall be deemed to use 315 gallons of water per day during the two months of highest water use in a year (including landscaping, swimming pools and all other appurtenant uses).

Non-Agricultural Uses Listed in the Kleinfelder Report, Except Visitor-Serving Uses

For those non-agricultural uses, except visitor-serving uses, listed in Table 7 of the Kleinfelder, Rural Area Water Use Study: Final Report, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be the amount stated in Table 7 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

Amount of Development Allowed for Visitor-Serving Uses Listed in the Kleinfelder Report

For new or expanded visitor-serving 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. One additional density credit shall be required for each 630 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 use, including landscaping, swimming pools and all other appurtenant uses. The 945-gallon water use allowance for one density credit may be applied one time only on a parcel.

For those visitor-serving uses listed in Table 7 of the Kleinfelder, Rural Area Water Use Study: Final Report, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be:

First Density Credit

For one density credit or the first density credit when multiple density credits are available, 1 1/2 times the amount stated in Table 7 in the column head "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

Additional Density Credits

For each additional density credit, the amount stated in Table 7 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

The provisions of this section will not apply to farm labor housing, other structures considered to be accessory to agriculture under the same ownership, a residential dwelling unit associated with a visitor-serving facility that is occupied by the facility owner or operator, or density credits transferred in accordance with the provisions established by the Planned Agricultural District Regulations.

A. Prime Agricultural Lands

One density credit per 160 acres for that portion of a parcel which is prime agricultural land as defined in Section 6351 (i.e., the number of acres of Prime Agricultural Land divided by 160).

B. Lands With Landslide Susceptibility

One density credit per 160 acres for that portion of a parcel which lies within any of the three least stable categories (categories V, VI and L) as shown on the U.S. Geological Survey Map MF 360, "Landslide Susceptibility in San Mateo County" or its current replacement (i.e., the number of acres of land susceptible to landslides divided by 160).

C. Land With Slope 50% or Greater

One density credit per 160 acres for that portion of a parcel which has a slope 50% or greater (i.e., the number of acres of land with a slope 50% or greater divided by 160).

D. Remote Lands

One density credit per 160 acres for that portion of a parcel over 1/2 mile from a public road that was an existing, all-weather through public road before the County Local Coastal program was initially certified in November 1980 (i.e., the number of acres of remote land divided by 160).

E. Land With Slope 30% But Less Than 50%

One density credit per 80 acres for that portion of a parcel which has a slope 30% but less than 50% (i.e., the number of acres of land with a slope 30%, but less than 50% divided by 80).

F. Lands Within Rift Zones or Active Faults

One density credit per 80 acres for that portion of a parcel which is located within the rift zone or zone of fractured rock of an active fault as defined by the U.S. Geological Survey and mapped on USGS Map MF 355, "Active faults, probably active faults, and associated fracture zones in San Mateo County," or its current replacement (i.e., the number of acres of land within rift zones or active faults divided by 80).

G. Lands Within Flood Hazard Areas

One density credit per 60 acres for that portion of a parcel falling within a 100-year floodplain as most recently defined by the Federal Emergency Management Agency, the U.S. Geological Survey, or the U.S. Army Corps of Engineers (i.e., the number of acres of land within the 100-year floodplain divided by 60).

H. Land With Slope 15% But Less Than 30%

One density credit per 60 acres for that portion of a parcel with a slope in excess of 15% but less than 30% (i.e., the number of acres of land with a slope 15%, but less than 30% divided by 60).

I. Land Within Agricultural Preserve or Exclusive Agricultural Districts

One density credit per 60 acres for that portion of a parcel within agricultural preserves or the exclusive Agricultural Districts as defined in the Resource Conservation Area Density Matrix policy on March 28, 1986 (i.e., the number of acres of land within Agricultural Preserves or Exclusive Agricultural Districts divided by 60).

J. All Other Lands

One density credit per 40 acres for that portion or portions of a parcel not within the above areas (i.e., the number of acres of all other land divided by 40).

If the same portion of a parcel is covered by two or more of the subsections A. and J., the density credit for that portion shall be calculated solely on the basis of the subsection which permits the least density credit.

Section 2. The provisions of this Ordinance shall not apply to development that has fulfilled at least one of the following requirements before the effective date of this ordinance:

1. A permit application for each development permit required by the County Zoning Regulations applicable to the proposed development, including a Coastal Development Permit application, has been submitted to the County and determined to be complete, or

2. A building permit application has been submitted to the County and determined to be complete, if no development permit is required by the County Zoning Regulations, or

3. A development agreement has been recorded between the County and the owner of the property where the development will occur, and the proposed development conforms with the terms of that development agreement.

Section 3. This ordinance shall be in full force and effect thirty (30) days after the Coastal Commission has certified it, without modification, as conforming with the California Coastal Act.

Section 6979 TPZ/CZ District

From Submittal Ordinance 03720

Section 6979. MAXIMUM DENSITY OF DEVELOPMENT. In the TPZ/CZ District, for purposes of determining the maximum number of dwelling units permissible on any parcel, the following system shall be used:

The total parcel shall be compared against the criteria of this section in the order listed. Once considered under a criterion, a segment of the parcel shall not be considered under subsequent criteria. When the applicable criteria have been determined for each of the areas, any portion of the parcel which has not yet been assigned a maximum density accumulation shall be assigned a density of one density credit per 40 acres.

The sum of densities accrued under all applicable categories shall constitute the maximum density of development permissible under this section. If the fractional portion of the number of dwelling credits allowed is equal to or greater than .5, the total number of dwelling credits allowed shall be rounded to the next whole density credit. If the fraction is less than .5, the fractional unit shall be deleted. All legal parcels shall accumulate at least one density credit.

Expanded or additional non-agricultural uses shall only be permitted on a parcel when there are enough density credits available to that parcel to meet the density credit requirements of this Section for both (a) existing uses, and (b) any expanded or additional uses.

Amount of Development Allowed for Non-Agricultural Uses, Except Visitor-Serving Uses

For new or expanded non-agricultural uses, except visitor-serving uses, one density credit shall be required for each 315 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 non-agricultural use, including landscaping, swimming pools and all other appurtenant uses.

Residential Uses

For new or expanded residential uses, a single-family dwelling unit shall be deemed to use 315 gallons of water per day during the two months of highest water use in a year (including landscaping, swimming pools and all other appurtenant uses).

Non-Agricultural Uses Listed in the Kleinfelder Report, Except Visitor-Serving Uses

For those non-agricultural uses, except visitor-serving uses, listed in Table 7 of the Kleinfelder, Rural Area Water Use Study: Final Report, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be the amount stated in Table 7 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

Amount of Development Allowed for Visitor-Serving Uses Listed in the Kleinfelder Report

For new or expanded visitor-serving 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. One additional density credit shall be required for each 630 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 use, including landscaping, swimming pools and all other appurtenant uses. The 945-gallon water use allowance for one density credit may be applied one time only on a parcel.

For those visitor-serving uses listed in Table 7 of the Kleinfelder, Rural Area Water Use Study: Final Report, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be:

First Density Credit

For one density credit or the first density credit when multiple density credits are available, 1 1/2 times the amount stated in Table 7 in the column head "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

Additional Density Credits

For each additional density credit, the amount stated in Table 7 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

The provisions of this section will not apply to farm labor housing, other structures considered to be accessory to agriculture under the same ownership, a residential dwelling unit associated with a visitor-serving facility that is occupied by the facility owner or operator, or density credits transferred in accordance with the provisions established by the Planned Agricultural District Regulations.

A. Prime Agricultural Lands

One density credit per 160 acres for that portion of a parcel which is prime agricultural land as defined in Section 6351 (i.e., the number of acres of Prime Agricultural Land divided by 160).

B. Lands With Landslide Susceptibility

One density credit per 160 acres for that portion of a parcel which lies within any of the three least stable categories (categories V, VI and L) as shown on the U.S. Geological Survey Map MF 360, "Landslide Susceptibility in San Mateo County" or its current replacement (i.e., the number of acres of land susceptible to landslides divided by 160).

C. Land With Slope 50% or Greater

One density credit per 160 acres for that portion of a parcel which has a slope 50% or greater (i.e., the number of acres of land with a slope 50% or greater divided by 160).

D. Remote Lands

One density credit per 160 acres for that portion of a parcel over 1/2 mile from a public road that was an existing, all-weather through public road before the County Local Coastal program was initially certified in November 1980 (i.e., the number of acres of remote land divided by 160).

E. Land With Slope 30% But Less Than 50%

One density credit per 80 acres for that portion of a parcel which has a slope 30% but less than 50% (i.e., the number of acres of land with a slope 30%, but less than 50% divided by 80).

F. Lands Within Rift Zones or Active Faults

One density credit per 80 acres for that portion of a parcel which is located within the rift zone or zone of fractured rock of an active fault as defined by the U.S. Geological Survey and mapped on USGS Map MF 355, "Active faults, probably active faults, and associated fracture zones in San Mateo County," or its current replacement (i.e., the number of acres of land within rift zones or active faults divided by 80).

G. Lands Within Flood Hazard Areas

One density credit per 60 acres for that portion of a parcel falling within a 100-year floodplain as most recently defined by the Federal Emergency Management Agency, the U.S. Geological Survey, or the U.S. Army Corps of Engineers (i.e., the number of acres of land within the 100-year floodplain divided by 60).

H. Land With Slope 15% But Less Than 30%

One density credit per 60 acres for that portion of a parcel with a slope in excess of 15% but less than 30% (i.e., the number of acres of land with a slope 15%, but less than 30% divided by 60).

I. Land Within Agricultural Preserve or Exclusive Agricultural Districts

One density credit per 60 acres for that portion of a parcel within agricultural preserves or the exclusive Agricultural Districts as defined in the Resource Conservation Area Density Matrix policy on March 28, 1986 (i.e., the number of acres of land within Agricultural Preserves or Exclusive Agricultural Districts divided by 60).

J. All Other Lands

One density credit per 40 acres for that portion or portions of a parcel not within the above areas (i.e., the number of acres of all other land divided by 40).

If the same portion of a parcel is covered by two or more of the subsections A. and J., the density credit for that portion shall be calculated solely on the basis of the subsection which

permits the least density credit.

Section 2. The provisions of this Ordinance shall not apply to development that has fulfilled at least one of the following requirements before the effective date of this ordinance:

1. A permit application for each development permit required by the County Zoning Regulations applicable to the proposed development, including a Coastal Development Permit application, has been submitted to the County and determined to be complete, or

2. A building permit application has been submitted to the County and determined to be complete, if no development permit is required by the County Zoning Regulations, or

3. A development agreement has been recorded between the County and the owner of the property where the development will occur, and the proposed development conforms with the terms of that development agreement.

Section 3. This ordinance shall be in full force and effect thirty (30) days after the Coastal Commission has certified it, without modification, as conforming with the California Coastal Act.

EXHIBIT 4
San Mateo LCP Amendment 1-97-C

Constituents of Proposed San Mateo LCP Amendments approved by the San Mateo County Board of Supervisors on June 4, 1996

Documents as enumerated in Sept. 9, 1996 letter of transmittal from George Bergman to Tami Grove. Received Sept. 18, 1996.

Rural Area Water Use Study, Final Report, (submitted to) San Mateo County Dept. of Environmental Management, October 21, 1991, (by) Kleinfelder. Received October 3, 1996.

General Plan Policies, November 1986, San Mateo County Dept. of Environmental Management, Planning and Development Division. Received October 3, 1996

Visual Quality, Background: Issues, undated, San Mateo County Dept. of Environmental Management, Planning and Development Division. Received October 3, 1996.

Attachments 1-9 to Consideration of the Local Coastal Program (LCP) Amendments Derived from the Coastside Protection Initiative, April 23, 1996, County of San Mateo, Planning and Development Division. (includes underline and strikethrough additions and deletions to current LCP) Received October 3, 1996.

Change 1, San Mateo County Zoning Regulations, August 12, 1994, County of San Mateo, Planning and Development Division. Received October 23, 1996.

Zoning Regulations Updates for Change 2, 1997, October 11, 1996, County of San Mateo, Planning and Development Division. Received October 23, 1996.

Coastal Protection Initiative LCP Amendments Impact Assessment, County of San Mateo, Planning and Development Division. Received April 8, 1997

EXHIBIT NO. 4
San Mateo County LCP Amendment 1-97C
Additional Submittal Materials

Clarify Density Requirements for Rural Designated Land in the Urban Area

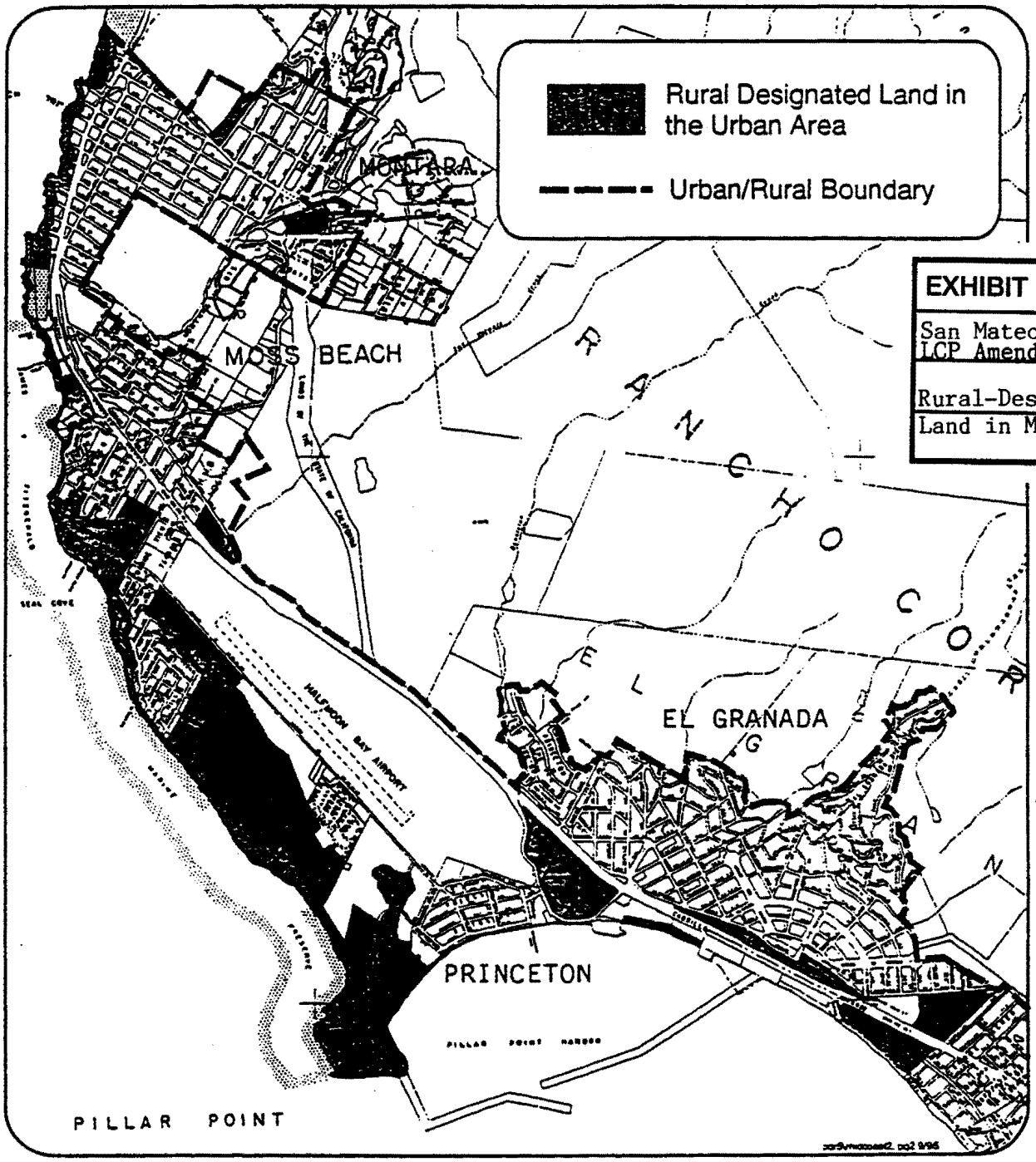

EXHIBIT NO. 5
San Mateo County LCP Amendment 1-97C.
Rural-Designated Land in Mid-Coast

Existing Policy and Proposed Amendment

Maximum development density for rural designated land in the urban area shall be the same as for other rural land in the Coastal Zone, i.e. one density credit per 40-160 acres, as determined by the density analysis.

TABLE 1.2

LAND USES AND DEVELOPMENT DENSITIES

LAND USE	DENSITY	URBAN AREA	RURAL SERVICE CENTER	RURAL RESI-DENTIAL AREA	FARM LABOR HOUSING AREA	RURAL AREA
Residential						
(1) Very Low	(0.0-0.2 d.u./ac.)		X	X	X	X
(2) Low	(0.3-2.0 d.u./ac.)	X	X		X	
(3) Medium Low	(2.1-6.0 d.u./ac.)	X	X		X	
(4) Medium	(6.1-8.0 d.u./ac.)	X	X		X	
(5) Medium High	(8.1-16.0 d.u./ac.)	X				
(6) High	(16.1-32.0 d.u./ac.)	X				
Commercial						
(7) General Commercial	-----	X	X			
(8) Neighborhood Commercial	-----	X	X			
(9) Coastside Commercial Recreation	-----	X	X			
(10) Offices	-----	X				
Industrial						
(11) General	-----	X				
(12) Heavy	-----	X				
Other						
(13) Institutional	-----	X	X			
(14) Transportation	-----	X				
Open Space						
(15) Public Recreation	(1 d.c./40 ac.- 1 d.c./160 ac.)[1]	X	X			X
(16) Private Recreation	(1 d.c./40 ac.- 1 d.c./160 ac.)[1]	X	X			X
(17) General Open Space	(1 d.c./40 ac.- 1 d.c./160 ac.)[1]	X	X		X[2]	X
(18) Agriculture	(1 d.c./40 ac.- 1 d.c./160 ac.)[1]	X	X		X[2]	X

[1] See Table 1.3 for explanation of computation of maximum density of development for compatible conditional uses.

[2] Maximum density permitted is 8 dwelling units per acre.

EXHIBIT NO. 6
San Mateo County LCP Amendment 1-97C
LCP Table 1.2

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(8/14/92)

EXHIBIT 7

LUP Table 1.3

MAXIMUM DENSITY CREDITS

In the rural areas of the Coastal Zone which are zoned Planned Agricultural District, Resource Management/Coastal Zone, or Timberland Preserve/Coastal Zone, determine the maximum number of density credits to which any legal parcel is entitled by using the method of calculation shown below, and further defined by the Planned Agriculture, Resource Management/Coastal Zone, and Timberland Preserve/Coastal Zone Zoning District regulations. All legal parcels shall accumulate at least one density credit.

"A. Prime Agricultural Lands"

"One density credit per 160 acres for that portion of a parcel which is Prime Agricultural land as defined in Policy 5.1 (i.e., the number of acres of Prime Agricultural land divided by 160)."

"B. Lands With Landslide Susceptibility"

"One density credit per 160 acres for that portion of a parcel which lies within any one of the three least stable categories (categories V, VI, and L) as shown on the U.S. Geological Survey Map MF 360, "Landslide Susceptibility in San Mateo County", or its current replacement (i.e., the number of acres of land susceptible to landslides divided by 160)."

"C. Land With Slope 50% or Greater"

"One density credit per 160 acres for that portion of a parcel which has a slope 50% or greater (i.e., the number of acres of land with slope 50% or greater divided by 160)."

"D. Remote Lands"

"One density credit per 160 acres for that portion of a parcel over 1/2 mile from a public road that was an existing, all-weather, through public road before the County Local Coastal Program was initially certified in November, 1980 (i.e., the number of acres of remote land divided by 160)."

"E. Land With Slope 30% But less than 50% "

"One density credit per 80 acres for that portion of a parcel which has a slope in excess of 30% but less than 50% (i.e., the number of acres of land with slope 30% but less than 50% divided by 80)."

EXHIBIT NO.	7
APPLICATION NO.	
San Mateo County LCP Amendment 1-97C	
LUP Table 1.3	

"F. Lands Within Rift Zones or Active Faults"

"One density credit per 80 acres for that portion of a parcel which is located within the rift zone or zone of fractured rock of an active fault as defined by the U.S. Geological Survey and mapped on USGS Map MF 355, "Active faults, probably active faults, and associated fracture zones in San Mateo County," or its current replacement (i.e., the number of acres of land within rift zones or active faults divided by 80)."

"G. Lands Within 100-Year Flood Plain"

"One density credit per 60 acres for that portion of a parcel falling within a 100-year flood plain as most recently defined by the Federal Emergency Management Agency, the U.S. Geologic Survey, or the U.S. Army Corps of Engineers (i.e., the number of acres of land within the 100 year flood plain divided by 60)."

"H. Land With Slope 15% but less than 30%"

"One density credit per 60 acres for that portion of a parcel with a slope in excess of 15% but less than 30% (i.e., the number of acres of land with slope 15% but less than 30% divided by 60)."

"I. Land Within Agricultural Preserves or Exclusive Agricultural Districts"

"One density credit per 60 acres for that portion of a parcel within agricultural preserves or the exclusive Agricultural Districts as defined in the Adopted Resource Conservation Area Density Matrix policy on March 25, 1986 (i.e., the number of acres of land within Agricultural Preserves or Exclusive Agricultural Districts divided by 60)."

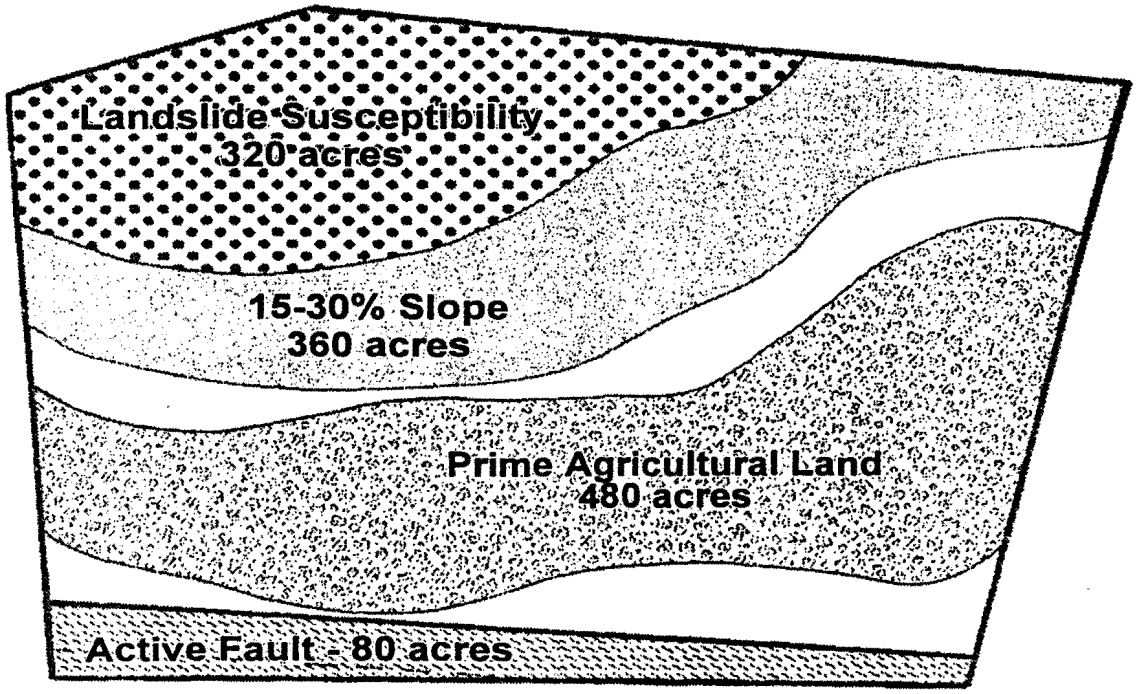
"J. All Other Lands"

"One density credit per 40 acres for that portion of a parcel not within the above areas (i.e., the number of acres of all other land divided by 40)."

"K. Bonus Density Credit for New Water Storage Capacity"

"One bonus density credit shall be allowed for each 24.5 acre feet of new water storage capacity demonstrated to be needed and developed for agricultural cultivation or livestock. These bonus credits may be used on-site or transferred to another parcel. However, none of these credits may be used on prime agricultural lands or in scenic corridors. Use of the credits shall be subject to Planning Commission approval in accordance with the provisions of this and other County Ordinances."

Hypothetical Density Analysis



Existing Density Analysis Calculation

Land Category	Rate	Area	Density
1. Lands Within Coastal Zone (PAD, RM-CZ, TPZ-CZ Districts)			
a. Prime Agricultural Land	1/160 (max)	480	1
b. Slope Instability/Landslide Susceptibility	1/160 (max)	320	1
c. Slope 50% or Greater	1/160 (max)		
d. Remote Lands (1/2 mi.)	1/160		
e. Slope 30% But Less Than 50%	1/80		
f. Rift Zones or Active Faults	1/80	80	1
g. 100 Year Flood Plain	1/60		
h. Slope 15% But Less Than 30%	1/60	360	6
i. Agric. Preserve or Exclusive Agric. District	1/60		
j. Other	1/40	200	5
SUBTOTALS, COASTAL ZONE		1440	14
2. Lands Outside Coastal Zone (RM, TPZ Districts)			
a. 100 Year Flood Plain	1/40		

Proposed Analysis Calculation

Rate	Area	Density
1/160 (~~max~~)	480	3
1/160 (~~max~~)	320	2
1/160 (~~max~~)		
1/160		
1/80		
1/80	80	1
1/60		
1/60	360	6
1/60		
1/40	200	5
ASTAL ZONE	1440	17
1/40		

EXHIBIT NO. 8

San Mateo County
LCP Amendment 1-97C

Hypothetical
Density Analysis

Exhibit 9

Selected LUP Policies Related to Proposed Amendment

AGRICULTURE COMPONENT

*5.5 Permitted Uses on Prime Agricultural Lands Designated as Agriculture

a. Permit agricultural and agriculturally related development on prime agricultural lands. Specifically, allow only the following uses: (1) agriculture including, but not limited to, the cultivation of food, fiber or flowers, and the grazing, growing, or pasturing of livestock; (2) non-residential development customarily considered accessory to agricultural uses including barns, storage/equipment sheds, stables for farm animals, fences, water wells, well covers, pump houses, and water storage tanks, water impoundments, water pollution control facilities for agricultural purposes, and temporary roadstands for seasonal sale of produce grown in San Mateo County; (3) soil dependent greenhouses and nurseries; and (4) repairs, alterations, and additions to existing single-family residences.

b. Conditionally permit the following uses: (1) single-family residences, (2) farm labor housing, (3) public recreation and shoreline access trails, (4) non-soil dependent greenhouses and nurseries, and (5) onshore oil and gas exploration, production, and minimum necessary related storage, (6) uses ancillary to agriculture, (7) permanent roadstands for the sale of produce, provided the amount of prime agricultural land converted does not exceed one-quarter (1/4) acre, (8) facilities for the processing, storing, packaging and shipping of agricultural products, and (9) commercial wood lots and temporary storage of logs.

*5.6 Permitted Uses on Lands Suitable for Agriculture Designated as Agriculture

a. Permit agricultural and agriculturally related development on land suitable for agriculture. Specifically, allow only the following uses: (1) agriculture including, but not limited to, the cultivation of food, fiber or flowers, and the grazing, growing, or pasturing of livestock; (2) non-residential development customarily considered accessory to agricultural uses including barns, storage/ equipment sheds, fences, water wells, well covers, pump houses, water storage tanks, water impoundments, water pollution control facilities for agricultural purpose, and temporary roadstands for seasonal sale of produce grown in San Mateo County; (3) dairies; (4) greenhouses and nurseries; and (5) repairs, alterations, and additions to existing single-family residences.

b. Conditionally permit the following uses: (1) single-family residences, (2) farm labor housing, (3) multi-family residences if

EXHIBIT NO. 9
APPLICATION NO.
San Mateo County LCP Amendment 1-97C
Selected Existing LUP Policies

affordable housing, (4) public recreation and shoreline access trails, (5) schools, (6) fire stations, (7) commercial recreation including country inns, stables, riding academies, campgrounds, rod and gun clubs, and private beaches, (8) aquacultural activities, (9) wineries, (10) timber harvesting, commercial wood lots, and storage of logs, (11) onshore oil and gas exploration, production, and storage, (12) facilities for the processing, storing, packaging and shipping of agricultural products, (13) uses ancillary to agriculture, (14) dog kennels and breeding facilities, (15) limited, low intensity scientific/technical research and test facilities, and (16) permanent roadstands for the sale of produce.

*5.7 Division of Prime Agricultural Land Designated as Agriculture

a. Prohibit the division of parcels consisting entirely of prime agricultural land.

b. Prohibit the division of prime agricultural land within a parcel, unless it can be demonstrated that existing or potential agricultural productivity would not be reduced.

c. Prohibit the creation of new parcels whose only building site would be on prime agricultural land.

*5.8 Conversion of Prime Agricultural Land Designated as Agriculture

a. Prohibit conversion of prime agricultural land within a parcel to a conditionally permitted use unless it can be demonstrated:

(1) That no alternative site exists for the use,

(2) Clearly defined buffer areas are provided between agricultural and non-agricultural uses,

(3) The productivity of any adjacent agricultural land will not be diminished, and

(4) Public service and facility expansions and permitted uses will not impair agricultural viability, including by increased assessment costs or degraded air and water quality.

b. In the case of a recreational facility on prime agricultural land owned by a public agency, require the agency:

(1) To execute a recordable agreement with the County that all prime agricultural land and other land suitable for agriculture which is not needed for recreational development or for the protection and vital functioning of a sensitive habitat will be permanently protected for agriculture and;

(2) Whenever legally feasible, to agree to lease the maximum amount of agricultural land to active farm-operators on terms compatible with the primary recreational and habitat use.

*5.9 Division of Land Suitable for Agriculture Designated as Agriculture

Prohibit the division of lands suitable for agriculture unless it can be demonstrated that existing or potential agricultural productivity of any resulting parcel determined to be feasible for agriculture would not be reduced.

*5.10 Conversion of Land Suitable for Agriculture Designated as Agriculture

a. Prohibit the conversion of lands suitable for agriculture within a parcel to conditionally permitted uses unless all of the following can be demonstrated:

(1) All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable;

(2) Continued or renewed agricultural use of the soils is not feasible as defined by Section 30108 of the Coastal Act;

(3) Clearly defined buffer areas are developed between agricultural and non-agricultural uses;

(4) The productivity of any adjacent agricultural lands is not diminished;

(5) Public service and facility expansions and permitted uses do not impair agricultural viability, including by increased assessment costs or degraded air and water quality.

b. For parcels adjacent to urban areas, permit conversion if the viability of agricultural uses is severely limited by conflicts with urban uses, the conversion of land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development, and conditions (3), (4) and (5) in subsection a. are satisfied.

*5.11 Maximum Density of Development Per Parcel

a. Limit non-agricultural development densities to those permitted in rural areas of the Coastal Zone under the Locating and Planning New Development Component.

b. Further, limit non-agricultural development densities to that amount which can be accommodated without adversely affecting the viability of agriculture.

c. In any event, allow the use of one density credit on each legal parcel.

d. A density credit bonus may be allowed for the merger of contiguous parcels. The maximum bonus shall be calculated by:

(1) Determining the total number of density credits on all parcels included in a master development plan; and

(2) Multiplying that total by 25% if the merger is entirely of parcels of 40 acres or less, or by 10% if some or all of the parcels combined are larger than 40 acres.

The merged parcel shall be entitled to the number of density credits on the separate parcels prior to merger plus the bonus calculated under this subsection. The total number of density credits may be used on the merged parcel. Once a parcel or portion of a parcel has been part of a merger for which bonus density credit has been given under this subsection, no bonus credit may be allowed for any subsequent merger involving that parcel or portion of a parcel.

e. Density credits on parcels consisting entirely of prime agricultural land, or of prime agricultural land and land which is not developable under the Local Coastal Program, may be transferred to other parcels in the Coastal Zone, provided that the entire parcel from which credits are transferred is restricted permanently to agricultural use by an easement granted to the County or other governmental agency. Credits transferred may not be used in scenic corridors or on prime agricultural lands; they may be used only in accordance with the policies and standards of the Local Coastal Program.

*5.12 Minimum Parcel Size for Agricultural Parcels

Determine minimum parcel sizes on a case by case basis to ensure maximum existing or potential agricultural productivity.

*5.13 Minimum Parcel Size for Non-Agricultural Parcels

a. Determine minimum parcel size on a case by case basis to ensure that domestic well water and on-site sewage disposal requirements are met.

b. Make all non-agricultural parcels as small as practicable (residential parcels may not exceed 5 acres) and cluster them in one or as few clusters as possible.

*5.14 Master Land Division Plan

a. In rural areas designated as Agriculture on the Local Coastal Program Land Use Plan Maps on March 25, 1986, require the filing of a Master Land Division Plan before the division of any parcel. The plan must demonstrate: (1) how the parcel will be ultimately divided, in accordance with permitted maximum density of development, and (2) which parcels will be used for agricultural and non-agricultural uses, if conversions to those uses are permitted. Division may occur in phases. All phased divisions must conform to the Master Land Division Plan.

b. Exempt land divisions which solely provide affordable housing, as defined in Policy 3.7 on March 25, 1986, from the requirements in a.

c. Limit the number of parcels created by a division to the number of density credits to which the parcel divided is entitled, prior to division, under Table 1.3 and Policy 5.11d. and e., except as authorized by Policy 3.27 on March 25, 1986.

*5.16 Easements on Agricultural Parcels

As a condition of approval of a Master Land Division Plan, require the applicant to grant to the County (and the County to accept) an easement containing a covenant, running with the land in perpetuity, which limits the use of the land covered by the easement to agricultural uses, non-residential development customarily considered accessory to agriculture, and farm labor housing. The easement shall specify that, anytime after 3 years from the date of recordation of the easement, land within the boundaries of the easement may be converted to other uses consistent with open space (as defined in the California Open Space Lands Act of 1972 on January 1, 1980) upon finding that changed circumstances beyond the control of the land owner or operator have rendered the land unusable for agriculture and upon approval by the State Coastal Commission of a Local Coastal Program amendment changing the land use designation to Open Space.

Uses consistent with the definition of open space shall mean those uses specified in the Resource Management Zone (as in effect on November 18, 1980). Any land use allowed on a parcel through modification of an agricultural use easement shall recognize the site's natural resources and limitations. Such uses shall not include the removal of significant vegetation (except for renewed timber harvesting activities consistent with the policies of the Local Coastal Program), or significant alterations to natural landforms.

RECREATION/VISITOR SERVING FACILITIES COMPONENT
Policies related to LCP Amendment 1-97-C

11.1 Definition of Visitor Serving Facilities

Define visitor serving facilities as public and private developments that provide necessary, basic visitor support services such as lodging, food, water, restroom and automobile services. Visitor serving facilities include, but are not limited to, hotels, motels, hostels, campground, group camps, grocery stores, food concessionaires, auto serving stations, public drinking water, restrooms, public parking for coastal recreation or access, restaurants, and country inns no more than two stories in height.

11.2 Definition of Commercial Recreation Facilities

Define commercial recreation facilities as developments serving primarily a recreation function which are operated by private business for profit. Commercial recreation facilities include, but are not limited to, private beaches, stables, golf courses, specialty stores and sporting equipment sales and rentals.

11.3 Definition of Public Recreation Facilities

Define public recreation facilities as lands and facilities serving primarily a recreation function which are operated by public agencies or other non-profit organizations. Public recreation facilities include, but are not limited to, public beaches, parks, recreation areas, natural preserves, wild areas and trails.

PERMITTED USES AND LOCATIONS

11.4 Recreation and Visitor Serving Facilities Permitted in the Coastal Zone

Permit the following facilities in the Coastal Zone: (1) necessary visitor serving facilities as defined in Policy 11.1, and (2) commercial recreation and public recreation facilities which (a) are designed to enhance public opportunities for coastal recreation, (b) do not substantially alter the natural environment, and (c) do not subvert the unique small town, rural character of the individual communities on the Coastside.

11.5 Priority to Visitor Serving and Commercial Recreation Facilities

Give priority to visitor serving and commercial recreation facilities on designated Mid-Coast lands and throughout the South Coast over private residential, general industrial or general commercial development but not over agriculture or coastal dependent industry.

11.6 Concentrated Development in the Mid-Coast

a. Giver priority to the Mid-Coast for the expenditure of County funds for the development of public recreation facilities.

b. Encourage the State Department of Parks and Recreation to give priority to the Mid-Coast (Gray Whale Cove, Montara, and Half Moon Bay State Beaches) for the expenditure of State funds for the development of public recreation facilities. Require new development of public recreation facilities. Require new development of recreation facilities in the South Coast to be phased in accordance with a long-range development program that gives priority to development of Mid-Coast facilities.

c. Designate areas in the Mid-Coast as Coastside Commercial Recreation for the development of commercial recreation and commercial visitor serving facilities.

11.8 Rural Areas

a. Permit visitor serving and commercial recreation facilities to locate within enclosed buildings in areas designated as Neighborhood Commercial in rural service centers, provided that this development fits the character and scale of the surrounding community.

b. Permit visitor serving commercial recreation and public recreation facilities to locate outside or rural service centers which: (1) require or benefit from a location surrounded by open land or provide needed visitor services in an isolated area of attraction and (2) do not require new structures which obstruct or detract from existing views. Such facilities include, but are not limited to, country inns, stables, campgrounds, riding academies, private beaches, picnic grounds, food/emergency gasoline/telephone services, hotels and hunting and fishing facilities or clubs.

11.15 Private Recreation and Visitor Serving Facilities

a. Require that private recreation and visitor serving facilities conform to: (1) the development and locational standards included throughout this component and as referred in other components, and (2) the design standards of the Visual Resources Component.

b. Require that private recreation and visitor serving facilities conform to the intensities of use appropriate to the rural or urban setting and to the requirements of the individual site. In rural areas, limit visitor-serving development to water supply requirements of 630 gallons per density credit.

ROLE OF THE PUBLIC AND PRIVATE SECTORS IN ACQUIRING, DEVELOPING AND MAINTAINING RECREATION AND VISITOR SERVING FACILITIES

11.22 Encourage Facility Development by the Private Sector

a. Encourage development by the private sector of visitor serving and commercial recreation facilities on private land which support and supplement public recreational use of public lands.

b. Consider commercial recreation facilities such as hotels, motels, restaurants, stables, specialty stores, sporting goods sales and rentals and RV campgrounds to be suitable for private development in the Coastal Zone.

c. Prohibit overnight RV parking along roads or in the parking lots of County Recreation facilities in order to lessen the negative impacts of existing, informal RV camping.

d. Encourage the State Department of Parks and Recreation to prohibit overnight RV parking in the parking lots of State recreation facilities.

11.23 Low Cost Facilities

a. Provide low cost or no cost visitor serving and public recreation facilities in public facilities.

b. Encourage low cost facilities in privately developed visitor serving facilities particularly hotels and motels.

c. Define low cost facilities as those which are open to the general public and are provided at rates attractive to and affordable to low-income people.

*5.6 Permitted Uses on Land Suitable for Agriculture Designated as Agriculture

a. Conditionally permit the following uses: (1) single-family residences, (2) farm labor housing, (3) multi-family residences if affordable housing, (4) public recreation and shoreline access trails, (5) schools, (6) fire stations, (7) commercial recreation including country inns, stables, riding academies, campgrounds, rod and gun clubs, and private beaches, (8) aquacultural activities, (9) wineries, (10) timber harvesting, commercial wood lots, and storage of logs, (11) onshore oil and gas exploration, production, and storage, (12) facilities for the processing, storing, packaging and shipping of agricultural products, (13) uses ancillary to agriculture, (14) dog kennels and breeding facilities, (15) limited, low intensity scientific/technical research and test facilities, and (16) permanent roadstands for the sale of produce.

PAD Ordinance

a. Commercial Recreation

Country inns, commercial stables, riding academies, campgrounds, rod and gun clubs, private beaches, food/gasoline/telephone services, hostels and other similar uses determined to be appropriate by the Planning Commission.

H. Public Recreation

Lands and facilities serving primarily a recreation function which are operated by public agencies or other non-profit organizations. Public recreation facilities include, but are not limited to, public beaches, parks, recreation areas, natural preserves, wild areas and trails.

April 8, 1997

Coastal Protection Initiative LCP Amendments
Impact Assessment

This report is submitted to augment San Mateo County's September 9, 1996, LCP amendment transmittal to the Coastal Commission related to Coastal Protection Initiative amendments. The report describes the methodology and conclusions reached when assessing the potential impacts, particularly traffic impacts associated with the amendment.

EXISTING DEVELOPMENT MAP

A map identifying existing development in rural Coastal Zone was prepared as follows:

1. Those Coastal Zone areas where rural development would not occur or is unlikely to occur were identified and color coded. These include:

   a. City of Half Moon Bay

   b. Land on the urban side of Urban Rural boundary (except PAD and RM/CZ zoned paecels)
      Montara
      Moss Beach
      El Granada
      Miramar
      Princeton
      San Gregorio
      Pescadero

   c. Rural Residential Subdivisions
      Portola Estates Subdivision
      Dearborn Park Subdivision
      Butano Falls Subdivision

   d. Public parkland or land protected by a Conservation Easement
      State parks
      County parks
      San Francisco watershed
      Select private parcels

      Map distinguishes between: (1) Pre-1980 holdings,
      (2) 1981-1996 acquisitions, and
      (3) expected 1997 acquisitions.

EXHIBIT NO. 10
San Mateo County LCP Amendment 1-97C
Impact Assessment

e. Public agency facilities

Fire station
Corporation yard
School
Lighthose
Water district land

f. Semi-public facilities
Solid waste landfill
Landfill buffer area

2. For the remaining parcels zoned PAD, RM/CZ, or TPZ/CZ, i.e. parcels which consume density credits, a base map showing 1980 parcel size, configuration and ownership was used. The parcels were reconfigured, where necessary, to reflect the current parcel count and design.

Current parcel configuration was determined by reviewing:
Subdivision approvals since 1980
Lot line adjustment approvals since 1980
Lot legaiztions since 1980

3. The level and location of existing non-agricultural development on these parcels were identified and plotted with color coding. This information was determined by:

Reviewing aerial photographs showing parcel lines (1981)
Reviewing Coastal Development Permit approvals since 1980
Consulting with John Wade (POST)
Consulting with Jack Olsen (Farm Bureau)

4. Based on the mapped data, the level of existing non-agricultural development is:

Residential	Visitor Serving*
414 houses	1 hotel (bed and breakfast)

These results were 10% upwardly adjusted to account for any development that may have been overlooked by the previous exercise. The adjusted values are as follows:

Residential	**Visitor Serving**
455 houses	**1 hotel (bed and breakfast)**

Footnote

* Presently, one visitor serving facility operates in the rural Coastal Zone (Raynor Bed and Breakfast). Two other visitor serving facilities (Cascade Ranch Lodge/ Campground and

McKenzie Bed and Breakfast) have been approved, but not constructed. The McKenzie and Cascade Ranch density credits were not considered as existing development.

PROJECTING FUTURE DEVELOPMENT

Buildout, or level of development allowed by the LCP as expressed in number of density credits (d.c.) was determined. A 1994 study (attached) revealed that in the rural Coastal Zone, the density analysis process yields one density credit per approximately 110 acres (this would equate to requiring 220 acres for a two parcel subdivision). However, an existing legal parcel of any size is assigned at least one density credit.

Calculating the number of density credits at buildout involved counting parcels, as follows:
One d.c. for each parcel up to 220 acres.
Multiple d.c. for each parcel greater than 220 according the following formula:

Parcel size/ 110 = Number of Density Credits

Based on the mapped data and methodology described above, the density analysis would generate **1062 density credits** at LCP buildout.

This result was also 10% upwardly adjusted to account for any parcels that may been overlooked by the previous exercise. The adjusted value is **1168 density credits** at LCP buildout.

The density credit and housing count data was further refined, as follows:

a. Number of parcels with 1 d.c:	807 parcels
Number of parcels with >1 d.c.:	+73 parcels
Total Number of Parcels:	**880 parcels**
b. Number of d.c. on parcels with 1 d.c.:	807 d.c.
Number of d.c. on parcels with >1 d.c.:	+361 d.c.
Total Number of Density Credits:	**1168 d.c.**
c. Number of houses on parcels w/ 1 d.c.:	416 houses
Number of houses on parcels w/ >1 d.c.:	+ 39 houses
Total Number of Houses:	**455 houses**
d. **Total Number of Developed Parcels:**	**455 parcels**

e. Total number of parcels: 880 parcels
Total number of developed parcels: -455 parcels
Total Number of Undeveloped Parcels: 425 parcels

f. Number of parcels w/ 1d.c.: 807 parcels
Number of developed parcels w/ 1 d.c.: -416 parcels (see c. above)
Total Number of Undveloped Parcels w/ 1 d.c.: 391 parcels

g. Number of parcels w/ >1 d.c.: 73 parcels
Number of developed parcels w/ >1 d.c.: -39 parcels (see c. above)
Total Number of Undeveloped Parcels w/ >1 d.c.: 34 parcels

DATA SUMMARY

Total Buildout:	**1168 d.c.**	**Total Number of Parcels:**	**880 parcels**
Existing Development:	**456 d.c.**	**Number of Undeveloped Parcels:**	**425 parcels**
Future Development:	**712 d.c.**	**Number of Undveloped Parcels w/ 1 d.c.:**	**391 parcels**
		Number of Undeveloped Parcels w/ >1 d.c.:	**34 parcels**

ALLOCATING DENSITY CREDITS

To allocate the **712 available density credits**, four land use scenarios were developed, as follows:

a. SCENARIO 1

All available density credits will be used for development (100%).
The density credits will be used entirely for residential development (100%)

b. SCENARIO 2

All available density credits will be used for development (100%).
The density credits will be used for a mix of residential development (90%), and visitor-serving development (10%).

c. SCENARIO 3*

Almost all available density credits will be used for development (90%).**
The density credits will be used for a mix of residential development (90%), and visitor-serving development (10%).

d. SCENARIO 4***

All available density credits will be used for development (100%).
The density credits will be used entirely for visitor-serving developement (100%)

Footnotes

* Of the four scenarios, Scenario 3 is believed to be the most probable outcome.

** Scenario 3 assumes that 10% of the density credits will not be consumed because:
(1) Additional park acquisition likely will occur,
(2) Some property owners will voluntarily choose not to fully develop their property.
(3) Some property owners will find development costs too exorbitant to justify building.
(4) Certain development may require scaling down to overcome community opposition.
(5) On-site well water may not be available.

*** Of the four scenarios, Scenario 4 is believed to be the least probable outcome.

The visitor serving component of Scenarios 2-4 was further divided into the following sub-scenarios to account for different size lodging developments:

(a) One density credit used for each hotel. (small hotel)

(b) Three density credits used for each hotel. (small-medium hotel)

(c) Five density credits used for each hotel. (medium hotel)

(d) Ten density credits used for each hotel. (medium-large hotel)

Each scenario was analysed under the following three three alternative regulatory schemes:

* Existing LCP
* Proposed LCP Amendments
* Modified Proposed LCP Amendment (without manager's unit provision)

The calculated development potential for each alternative under all scenarios is attached, and summarized below:

	Existing LCP	Proposed Amendment	Modified Amendment
Scenario One	**712 houses**	**712 houses**	**712 houses**
Scenario Two	**641 houses** **664 hotel rms.**	**641 houses** **473-675 hotel rms.** **7-71 mgr. units**	**641 houses** **473-675 hotel rms.**
Scenario Three	**577 houses** **597 hotel rms.**	**577 houses** **424-608 hotel rms.** **6-64 mgr. units**	**577 houses** **424-608 hotel rms.**
Scenario Four	**6643 hotel rms.**	**5970 hotel rms.** **463 mgr. units**	**5970 hotel rms.**

FUTURE TRAFFIC IMPACTS

To assess potential traffic impacts, the development data was converted to vehicle trips, as follows:

One house = One vehicle trip during peak commute hour.

Note: This is an substantial overstatement because it assumes that all residents commute to work, that they commute to work during the same hour, and that they all travel in the morning-north and evening-south direction.

One Manager s Unit = .5 vehicle trips during peak hour.

Note: This assumes that the resident manager does not commute to work, but other members of 50% of the resident manager households do commute during this hour in the typical morning-north and evening-south direction.

One hotel room = .738 vehicle trips during recreation peak hour.
Directional distribution: 56% enter, 44% exit

Note: See attached trip generation chart.

COMMUTER PEAK HOUR ADDED TRIPS

	Existing LCP	Proposed Amendment	
Scenario One	**712 trips**	**N/A**	
Scenario Two	**641 trips**	**645-677 trips**	**(accounts for 7-71 mgr. units)**
Scenario Three	**577 trips**	**580-609 trips**	**(accounts for 6-64 mgr. units)**
Scenario Four	**N/A**	**232 trips**	**(accounts for 463 mgr. units)**

RECREATION PEAK HOUR ADDED TRIPS

	Existing LCP	Proposed Amendment
Scenario One	**N/A**	**N/A**
Scenario Two	**490 trips** 274 enter 215 exit	**349-498 trips** 195-279 enter 154-219 exit
Scenario Three	**441 trips** 247 enter 194 exit	**313-449 trips** 175-251 enter 138-198 exit
Scenario Four	**4902 trips** 2745 enter 2157 exit	**4406 trips** 2467 enter 1939 exit

To convert the added trips into changes in Service Level, the follwing information was gathered and analysed:

1. The 1990 County Congestion Management Plan (CMP) indicates that Highway 1, south of Half Moon Bay is currently at Service Level C, and will not exceed Service Level C by 2000.

2. The 1995 CMP assigns Service Level D as the service level standard for Highway 1, south of Half Moon Bay.

3. LCP Policy 2.49 considers "Service Level D acceptable during commuter peak periods, and Service Level E acceptible during recreation peak periods".

4. LCP 1980 Background discussion indicates that Service Level C on Highway 1, south of Half

Moon Bay , equates to 1100 vehicles per hour in one direction, and Service Level E equates to 1400 vehicles per hour in one direction.

5. Based on the vehicle count associated with Service Levels C and E above, a generalized table in the 1995 Congestion Management Plan (attached) showing the difference in VC ratios for a rolling terrain two lane highway with 80% no passing, Service Level D on Highway 1, south of Half Moon Bay was extrapolated to equal 1180 vehicles per hour in one direction.

6. LCP 1980 Background discussion indicates that existing traffic volumes on Highway 1, south of Half Moon Bay are 150 vehicles @ commuter peak hour, and 600-800 @ recreation peak hour.

HIGHWAY 1 DATA SUMMARY

Existing Condition (1995)	**LOS C**
Commuter Peak Hour (1980)*	**150 vehicles**
Recreation Peak Hour (1980)*	**600-800 vehicles**
LCP Standard-Commuter Peak Hour	**LOS D**
LCP Standard- Recreation Peak Hour	**LOS E**

LOS C= 1100 vehicles/ hr (one direction)
LOS D= 1180 vehicles/ hr (one direction)
LOS E= 1400 vehicles/ hr (one direction)

Footnote

Although the existing commuter and recreation peak hour data reflects 1980 traffic counts, it remains a generally valid measure of existing flow primarily for the following reasons:

(1) Non-agricultural development in the rural Coastal Zone between 1980 and 1996 has been minimal (57 dwelling units/ 1 six unit bed and breakfast facility).

(2) Post-1980 residential development in Half Moon Bay and the urban Mid-Coast has generated traffic, but such traffic either is not directed toward Highway 1, south of Half Moon Bay, or flows in the opposite direction of peak commute hour traffic, i.e. flows morning-south and evening-north, while the typical commute pattern is morning-north and evening-south.

RECRATION PEAK HOUR/ EACH DIRECTION

	Level of Service		Unused Capacity	Added Trips	
	Standard	Proposed		Existing LCP	Proposal
SCENARIO 1	E	C	600-800 vehicles	N/A	N/A
SCENARIO 2	E	C	600-800 vehicles	274 veh.	279 veh.
SCENARIO 3	E	C	600-800 vehicles	247 veh.	251 veh.
SCENARIO 4	E	F	600-800 vehicles	2745 veh.	2467 veh.

Based on LCP 1980 existing traffic data, the level of unused capacity in one direction is:

UNUSED CAPACITY

	Commuter Peak Hour	Recreation Peak Hour
Service Level C	950 vehicles	300-500 vehicles
Service Level D	1030 vehicles	380-580 vehicles
Service Level E	1250 vehicles	600-800 vehicles

COMMUTER PEAK HOUR/ ONE DIRECTION
(Morning-north/ Evening-south)

	Level of Service		Unused Capacity	Added Trips		
	Standard	Proposed		Existing LCP	Proposal (w/mgr. units)	Modified (no mgr. units)
SCENARIO 1	D	C	1030 vehicles	712 veh.	N/A	N/A
SCENARIO 2	D	C	1030 vehicles	641 veh.	677 veh.	641 veh.
SCENARIO 3	D	C	1030 vehicles	577 veh.	609 veh.	577 veh.
SCENARIO 4	D	C	1030 vehicles	N/A	232 veh.	N/A

Development Density

Land Use

Under Alternative Water Use Allowance

		Residential			Hotel		
		Density Credits			Density Credits		
		1	2	17	1	2	17
Proposed Amendment							
	Res. units	1	2	17	1	1	1
Peak Water Use, Credit for Conservation, 50% Bonus for First Density Credit	Hotel rooms	-	-	-	9	15	111
	Water use (gpd)	315 gal.	630 gal.	5,355 gal	1,260 gal.	1,890 gal.	11,340 gal.
Existing Regulations							
	Res. units				-	-	-
Average Water Use, Credit for Conservation	Hotel rooms	"	"	"	9	19	159
	Water use (gpd)				630 gal.	1,260 gal.	10,710 gal.

Notes:

The row showing "Existing Regulations" (Policy 1.8) is based upon the findings of the Rural Water Use Study for "Average Daily Water Use, with Conservation Fixture". For many years the interpretation of existing Policy 1.8 was the subject of controversy and confusion, because the terms used to define density credits in Policy 1.8 are "315 gallons maximum daily water use," and, for Public and Commercial Recreation land uses, "630 gallons of maximum daily water use," (emphasis added) (i.e. the consumption on the highest usage day of the year) as opposed to average daily water use. The Court of Appeal for the Sixth Appellate District settled this issue in its December 23, 1992 decision Committee for Green Foothills, et al. when it found that the County was correct in interpreting Policy *1.8 to mean "a maximum of 630 gallons of daily water use calculated over the course of an entire year," [use correct legal citation to page 24], or the average daily water use, as shown in The Rural Water Use Study Table 7.

EXHIBIT NO. 11
San Mateo County
LCP Amendment 1-97C
Development Density
Alternative

TABLE 7
DENSITY TABLE

Type of Land Use and Water Using Features	Land Use Classification Number	Priority Category	Measuring Unit	Number of Measuring Units Per Density Credit Based On Average Daily Water Use: Without Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Average Daily Water Use: With Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Peak Daily Water Use: Without Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Peak Daily Water Use: With Conservation Fixtures
Irrigated Lawns							
		N	1000 sq. ft.	6.98	6.98	3.56	3.56
		P	1000 sq. ft.	14.0	14.0	7.13	7.13
Irrigated Landscaping							
		N	1000 sq. ft.	14.0	14.0	7.13	7.13
		P	1000 sq. ft.	28.0	28.0	14.3	14.3
Irrigated Drought-Tolerant Plantings							
		N	1000 sq. ft.	27.9	27.9	14.3	14.3
		P	1000 sq. ft.	55.8	55.8	28.5	28.5
Swimming Pools							
		N	100 sq. ft. of pool surface	13.6	13.6	10.6	10.6
		P	100 sq. ft. of pool surface	27.2	27.2	21.2	21.2
Small Hostelries	(1.07.10)						
Hotel/Motel Rooms		P	Rentable Room	5.04	9.33	3.42	6.33
Restaurant		P	Seat	26.0	39.4	17.7	26.8
Irrigated Lawn		P	1000 sq. ft.	14.0	14.0	7.13	7.13
Swimming Pool		P	100 sq. ft. of pool surface	27.2	27.2	21.2	21.2

EXHIBIT NO. 12
APPLICATION NO.
San Mateo County
LCP Amendment 1-97(
Table 7, Rural Water Use Stud

TABLE 7
DENSITY TABLE

Type of Land Use and Water Using Features	Land Use Classification Number	Priority Category	Measuring Unit	Number of Measuring Units Per Density Credit Based On Average Daily Water Use: Without Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Average Daily Water Use: With Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Peak Daily Water Use: Without Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Peak Daily Water Use: With Conservation Fixtures
Large Hostelries	(1.07.20)						
Hotel/Motel Rooms		P	Rentable Room	5.04	9.33	3.42	6.33
Restaurant		P	Seat	26.0	39.4	17.7	26.8
Irrigated Lawn		P	1000 sq. ft.	14.0	14.0	7.13	7.13
Swimming Pool		P	100 sq. ft. of pool surface	27.2	27.2	21.2	21.2
Resort Facilities	(1.07.30)						
Hotel/Motel Rooms		P	Rentable Room	5.04	9.33	3.42	6.33
Restaurant/Banquet Rooms		P	Seat	26.0	39.4	17.7	26.8
Spa/Gym (with showers)		P	1000 sq. ft.	1.05	2.14	0.714	1.46
Spa/Gym (without showers)		P	1000 sq. ft.	2.10	3.18	1.43	2.16
Laundry		P	Rentable Unit	15.1	15.1	10.3	10.3
Convention Facilities/Meeting Rooms		P	1000 sq. ft.	28.2	42.8	14.0	21.2
Live-In Staff		P	Person	9.69	17.9	6.59	12.2
Irrigated Lawn		P	1000 sq. ft.	14.0	14.0	7.13	7.13
Irrigated Landscaping		P	1000 sq. ft.	28.0	28.0	14.3	14.3
Irrigated Drought-Tolerant Plantings		P	1000 sq. ft.	55.8	55.8	28.5	28.5
Swimming Pool		P	100 sq. ft. of pool surface	27.2	27.2	21.2	21.2
Residential Day Care Facilities for Children	(1.08.11)						
Residents		N	Bed	2.62	3.86	1.51	2.22
Day-Users		N	Person	15.8	25.4	9.05	14.6

TABL
DENSITY TABLE

Type of Land Use and Water Using Features	Land Use Classification Number	Priority Category	Measuring Unit	Number of Measuring Units Per Density Credit Based On Average Daily Water Use: Without Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Average Daily Water Use: With Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Peak Daily Water Use: Without Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Peak Daily Water Use: With Conservation Fixtures
Residential Full-Time Care Facilities for Children	(1.08.12)						
Residents		N	Bed	2.62	3.50	1.75	2.33
Foster Family Homes	(1.08.13)						
Residents		N	Bed	2.62	3.50	1.75	2.33
Residential Day Care Facilities for Adults	(1.08.21)						
Residents		N	Bed	2.62	3.86	1.51	2.22
Day-Users		N	Person	15.8	25.4	9.05	14.6
Residential Full-Time Care Facilities for Adults	(1.08.22)						
Residents		N	Bed	2.62	3.50	1.75	2.33
Residential Day Care Facilities for the Elderly	(1.08.31)						
Residents		N	Bed	2.62	3.86	1.51	2.22
Day-Users		N	Person	15.8	25.4	9.05	14.6
Shared Housing Facilities for the Elderly	(1.08.32)						
Residents		N	Bed	2.62	3.50	1.75	2.33

TABLE
DENSITY TABLE

Type of Land Use and Water Using Features	Land Use Classification Number	Priority Category	Measuring Unit	Number of Measuring Units Per Density Credit Based On Average Daily Water Use: Without Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Average Daily Water Use: With Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Peak Daily Water Use: Without Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Peak Daily Water Use: With Conservation Fixtures
Restaurants	(2.02.10)						
Eating Area		P	Seat	26.0	39.4	18.9	28.6
Bar or Cocktail Lounge (additional)		P	Patron	315*	315*	315**	315**
Food Establishments Specializing in Carry-Out or Delivery Service	(2.02.20)						
Building Area		P	1000 sq. ft.	2.35	2.35	1.62	1.62
Bars	(2.02.30)	P	Seat	27.6	37.3	19.1	25.8
Motor Vehicle Fuel Sales	(2.03.10)						
Service Area		N	Fuel Pump	1.75	2.74	1.14	1.78
Car Wash (tunnel type)		N	1000 sq. ft.	0.085	0.085	0.055	0.048
Motor Vehicle Service Stations	(2.03.20)						
Service Area		N	Fuel Pump	1.75	2.74	1.14	1.78
Car Was (tunnel type)		N	1000 sq. ft.	0.085	0.085	0.055	0.048
Religious Facilities	(5.02.10)						
Meeting Facilities		N	1000 sq. ft.	2.10	3.28	1.04	1.24
Rectory		N	Unit	1.00	1.00	1.00	1.00
Club and Organization Meeting Facilities	(5.03.60)						
Building Area		N	1000 sq. ft.	10.5	16.4	5.61	8.77

TABL
DENSITY TABLE

Type of Land Use and Water Using Features	Land Use Classification Number	Priority Category	Measuring Unit	Number of Measuring Units Per Density Credit Based On Average Daily Water Use: Without Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Average Daily Water Use: With Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Peak Daily Water Use: Without Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Peak Daily Water Use: With Conservation Fixtures
Interpretive Centers	(5.03.70)	P	Visitors	63.0*	63.0*	63.0**	63.0**
Botanical and Zoological Gardens	(5.03.80)						
Domestic Use		P	Visitors	63.0*	63.0*	63.0**	63.0**
Animal Use		P	1000 sq. ft.	6.30	6.30	4.32	4.32
Irrigated Lawns		P	1000 sq. ft.	14.0	14.0	7.13	7.13
Irrigated Landscaping		P	1000 sq. ft.	28.0	28.0	14.3	14.3
Irrigated Drought-Tolerant Plantings		P	1000 sq. ft.	55.8	55.8	28.5	28.5
Institutional Day Care Facilities for Children	(5.04.11)						
Building Area		N	1000 sq. ft.	1.18	1.96	0.676	1.13
Institutional Day Care Facilities for Adults	(5.04.21)						
Building Area		N	1000 sq. ft.	1.18	1.96	0.676	1.13
Institutional Day Care Facilities for the Elderly	(5.04.31)						
Building Area		N	1000 sq. ft.	2.62	3.50	0.676	1.13
Skilled Nursing Facilities	(5.05.21)						
Residents		N	Bed	2.62	3.50	1.75	2.33

TABLE
DENSITY TABLE

Type of Land Use and Water Using Features	Land Use Classification Number	Priority Category	Measuring Unit	Number of Measuring Units Per Density Credit Based On Average Daily Water Use: Without Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Average Daily Water Use: With Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Peak Daily Water Use: Without Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Peak Daily Water Use: With Conservation Fixtures
Intermediate Care Facilities	(5.05.22)						
Residents		N	Bed	2.62	3.50	1.75	2.33
Honor Camps	(5.06.30)						
Dust Control		N	100 sq. ft.	31.5	31.5	21.3	21.3
Cafeteria, Dining Room		N	Persons Served	210*	210*	210**	210**
Drinking Water, Sinks, Central Flush Toilets, Showers		N	Users	6.30*	12.9*	6.30**	12.9**
Wineries	(6.04.20)						
Winery		N	1000 sq. ft.	3.15	3.15	1.98	1.98
Tasting Room		N	Visitors	31.5*	46.3*	31.5**	46.3**
Outdoor Sports Facilities	(7.02.10)						
Drinking water only		P	Users	126*	126*	126**	126**
Drinking water and flush toilets		P	Users	31.5*	49.2*	31.5**	49.2**
Drinking water, flush toilets and showers		P	Users	21.0*	35.0*	21.0**	35.0**
Irrigated Lawn		P	1000 sq. ft.	14.0	14.0	7.13	7.13
Irrigated Landscaping		P	1000 sq. ft.	28.0	28.0	14.3	14.3
Irrigated Drought-Tolerant Plantings		P	1000 sq. ft.	55.8	55.8	28.5	28.5
Swimming Pools		P	100 sq. ft. of pool surface	27.2	27.2	21.2	21.2

TABL
DENSITY TABLE

Type of Land Use and Water Using Features	Land Use Classification Number	Priority Category	Measuring Unit	Number of Measuring Units Per Density Credit Based On Average Daily Water Use: Without Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Average Daily Water Use: With Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Peak Daily Water Use: Without Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Peak Daily Water Use: With Conservation Fixtures
Golf Courses and Clubs	(7.02.31)						
Clubhouse, Caddyshack, etc.		P	Golfers	25.2*	38.6*	25.2**	38.6**
Lawn Irrigation		P	1000 sq. ft.	14.0	14.0	7.13	7.13
Swimming Pool		P	100 sq. ft. of pool surface	27.2	27.2	21.2	21.2
Hunting and Fishing Club Facilities	(7.02.40)						
Clubhouse		P	Users	6.30*	203*	63.0**	203**
Commercial Stables and Riding Academies	(7.02.50)						
		P	Horses Boarded	48.5*	48.5*	26.8**	26.8**
Parks	(7.02.70)						
Drinking water only		P	Users	126*	126*	126**	126**
Drinking water and flush toilets		P	Users	31.5*	49.2*	31.5**	49.2**
Drinking water, flush toilets and showers		P	Users	2.10*	35.0*	2.10**	35.0**
Recreation Areas	(7.02.80)						
Drinking water only		P	Users	126*	126*	126**	126**
Drinking water and flush toilets		P	Users	31.5*	49.2*	31.5**	49.2**
Drinking water, flush toilets and showers		P	Users	2.10*	35.0*	2.10**	35.0**

Table 7-7

TABLE 7
DENSITY TABLE

Type of Land Use and Water Using Features	Land Use Classification Number	Priority Category	Measuring Unit	Number of Measuring Units Per Density Credit Based On Average Daily Water Use: Without Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Average Daily Water Use: With Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Peak Daily Water Use: Without Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Peak Daily Water Use: With Conservation Fixtures
Camps	(7.03.40)						
Camp, dust control		P	100 sq. ft.	63.0	63.0	42.6	42.6
Camp, cafeteria.dining room		P	Camper	420*	420*	420**	420**
Camp, drinking water only		P	Camper	126*	126*	126**	126**
Camp, drinking water and sinks		P	Camper	25.2*	51.2*	25.2**	51.2**
Camp, drinking water, sinks, central flush toilets		P	Camper	18.0*	25.7*	18.0**	25.7**
Camp, drinking water, sinks, central flush toilets and showers		P	Camper	12.6*	25.7*	12.6**	25.7**
Camp, drinking water, sinks, private baths baths		P	Camper	8.4*	17.1*	8.4**	17.1**
Swimming Pool		P	100 sq. ft. pool surface	27.2	27.2	21.2	21.2
Irrigated Lawns		P	1000 sq. ft.	14.0	14.0	7.13	7.13
Irrigated Landscaping		P	1000 sq. ft.	28.0	28.0	14.3	14.3
Irrigated Drought-Tolerant Plants		P	1000 sq. ft.	55.8	55.8	28.5	28.5
Campgrounds	(7.03.50)						
Camp, dust control		P	100 sq. ft.	63.0	63.0	42.6	42.6
Camp, cafeteria.dining room		P	Camper	420*	420*	420**	420**
Camp, drinking water only		P	Camper	126*	126*	126**	126**
Camp, drinking water and sinks		P	Camper	25.2*	51.2*	25.2**	51.2**
Camp, drinking water, sinks, central flush toilets		P	Camper	18.0*	25.7*	18.0**	25.7**

TABL
DENSITY TABLE

Type of Land Use and Water Using Features	Land Use Classification Number	Priority Category	Measuring Unit	Number of Measuring Units Per Density Credit Based On Average Daily Water Use: Without Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Average Daily Water Use: With Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Peak Daily Water Use: Without Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Peak Daily Water Use: With Conservation Fixtures
Campgrounds (cont.)							
Camp, drinking water, sinks, central flush toilets and showers		P	Camper	12.6*	25.7*	12.6**	25.7**
Camp, drinking water, sinks, private baths		P	Camper	8.4*	25.7*	8.4**	25.7**
R.V. Park, dust control		P	100 sq. ft.	63.0	63.0	42.6	42.6
R.V. Park, no water or sewer hook-ups		P	Space	12.6	25.7	8.51	10.0
R.V. Park, with water or sewer hook-ups		P	Space	8.4	17.1	5.68	7.29
Swimming Pool		P	100 sq. ft. pool surface	27.2	27.2	21.2	21.2
Irrigated Lawns		P	1000 sq. ft.	14.0	14.0	7.13	7.13
Irrigated Landscaping		P	1000 sq. ft.	28.0	28.0	14.3	14.3
Irrigated Drought-Tolerant Plants		P	1000 sq. ft.	55.8	55.8	28.5	28.5
Off-Road Vehicle Recreation Facilities	(7.04.30)						
Drinking water only		P	Users	126*	126*	126**	126**
Drinking water and flush toilets		P	Users	31.5*	49.2*	31.5**	49.2**
Boat Launching and Docking Facilities	(7.05.10)						
Drinking water only		P	Users	126*	126*	126**	126**
Drinking water and flush toilets		P	Users	31.5*	49.2*	31.5**	49.2**
Boat washing		P	Users	6.30*	6.30*	6.30**	6.30**

TABLE 7
DENSITY TABLE

Type of Land Use and Water Using Features	Land Use Classification Number	Priority Category	Measuring Unit	Number of Measuring Units Per Density Credit Based On Average Daily Water Use: Without Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Average Daily Water Use: With Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Peak Daily Water Use: Without Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Peak Daily Water Use: With Conservation Fixtures
Marine Related Clubs, Schools and Administrative Offices	(7.05.20)						
Boat Charter Offices, Tour Operator Offices		P	1000 sq. ft.	3.15	5.33	2.02	3.52
Boat Clubs		P	User	63.0*	203*	63.0**	203**
Sailing and Marine Skill Schools		P	1000 sq. ft.	2.35	3.35	1.35	1.92
Small Craft Marina Administrative Offices		P	1000 sq. ft.	3.15	5.25	2.02	3.37
Permanent Showgrounds and Exhibition Facilities	(7.06.10)						
Irrigated Lawn		P	1000 sq. ft.	14.0	14.0	7.13	7.13
Irrigated Landscaping		P	1000 sq. ft.	28.0	28.0	14.3	14.3
Irrigated drought-tolerant plantings		P	1000 sq. ft.	55.8	55.8	28.5	28.5
Drinking water only		P	Users	126*	126*	126**	126**
Drinking water and flush toilets		P	Users	31.5*	49.2*	31.5**	49.2**
Temporary Showgrounds and Exhibition Facilities	(7.06.20)						
Drinking water only		P	Attendees	630*	630*	630**	630**
Commercial Dog Kennels	(9.02.10)	N	1000 sq. ft.	3.15	3.15	2.16	2.16
Medical Treatment Facilities for Small Animals	(9.02.30)	N	1000 sq. ft.	3.15	3.15	2.37	2.37

TABL.
DENSITY TABLE

Type of Land Use and Water Using Features	Land Use Classification Number	Priority Category	Measuring Unit	Number of Measuring Units Per Density Credit Based On Average Daily Water Use: Without Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Average Daily Water Use: With Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Peak Daily Water Use: Without Conservation Fixtures	Number of Measuring Units Per Density Credit Based On Peak Daily Water Use: With Conservation Fixtures
Medical Treatment Facilities for Large Animals	(9.02.40)	N	1000 sq. ft.	3.15	3.15	2.37	2.37
Animal Shelters	(9.02.50)	N	1000 sq. ft.	3.15	3.15	2.16	2.16
Animal Experimental Research Institutes	(9.02.60)	N	1000 sq. ft.	3.15	3.15	2.37	2.37

Notes:

* Applies to Average Day Users
** Applies to Maximum Day Users

Illustrative Coastline Parcel Map

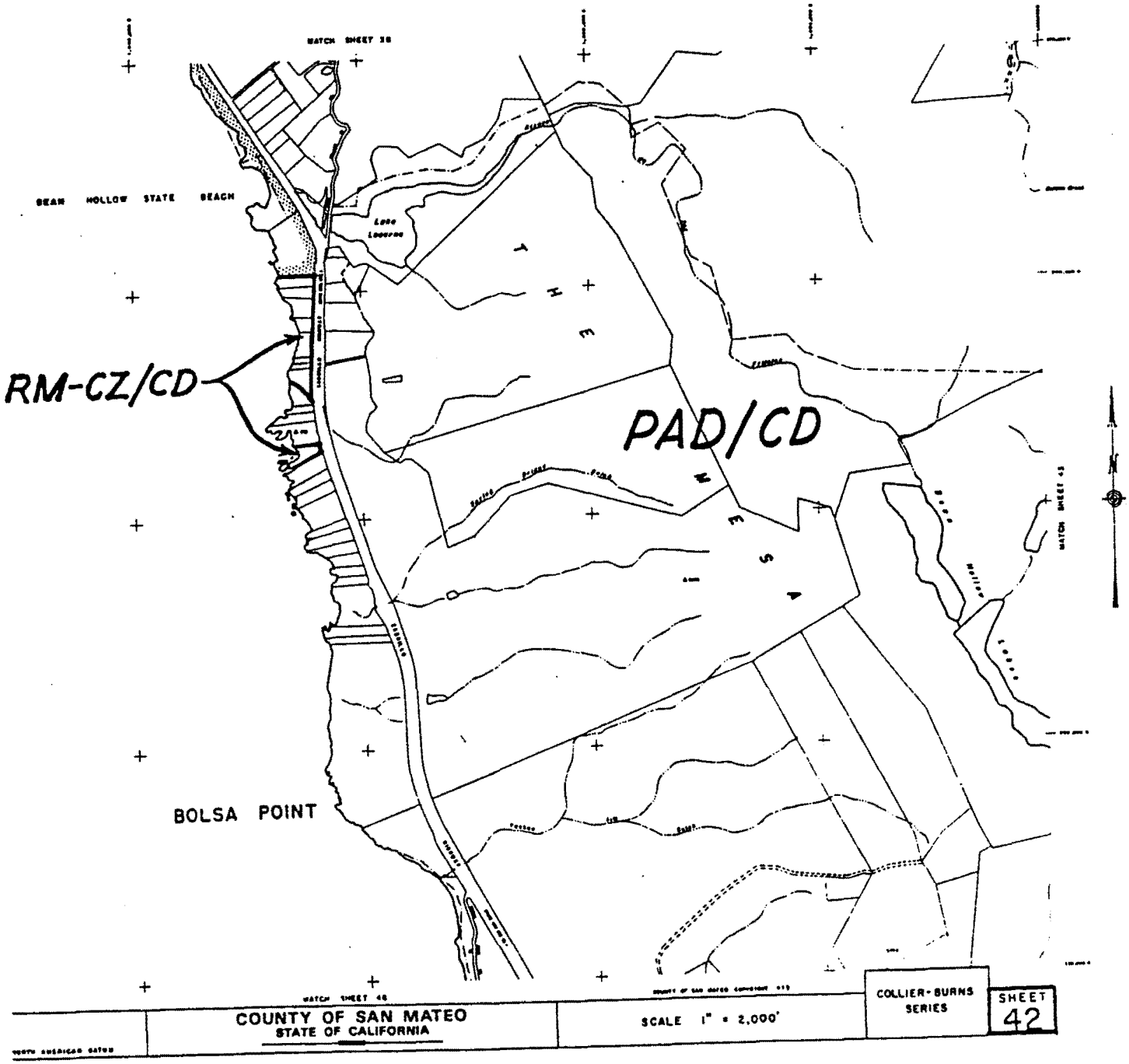
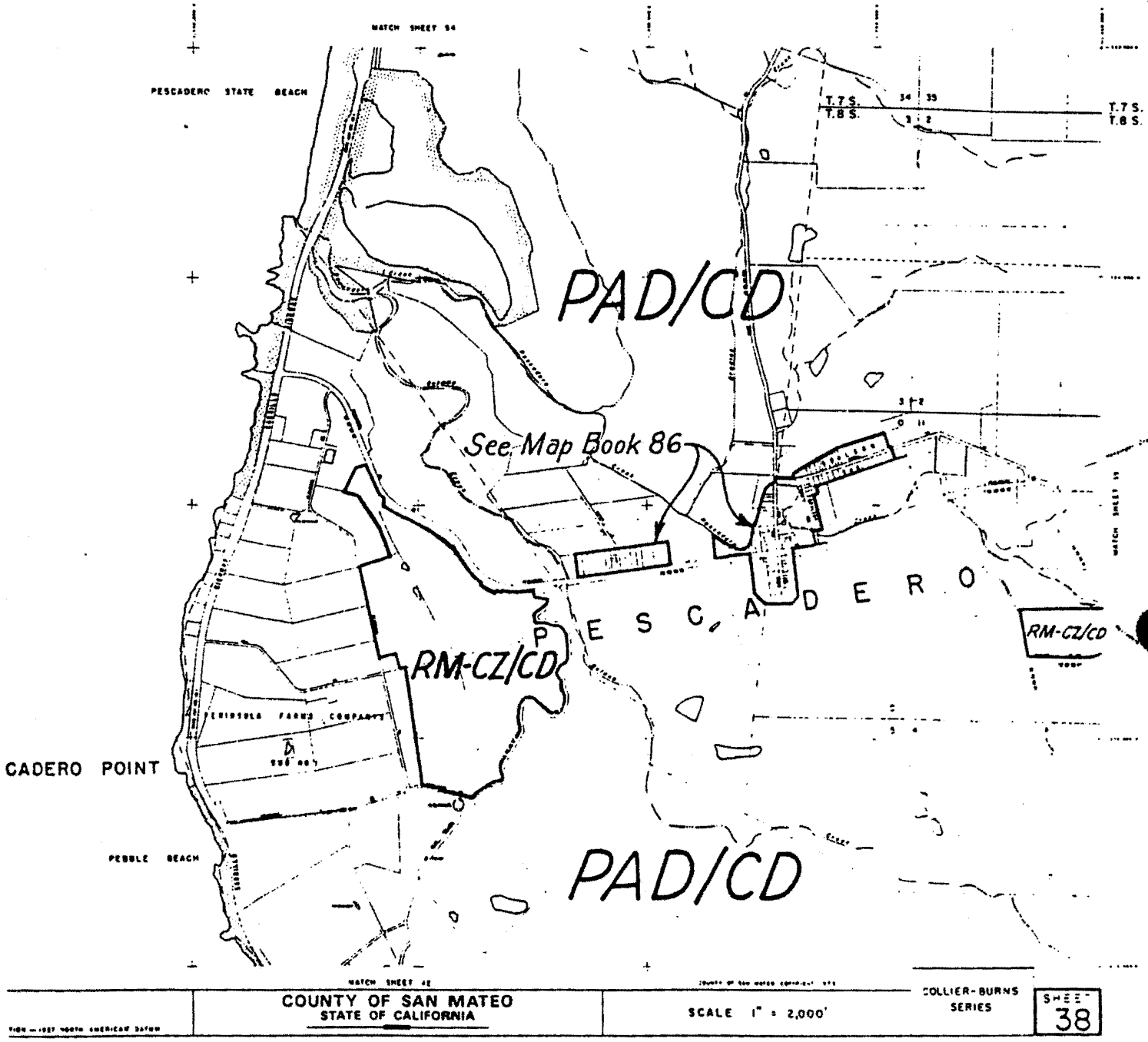


EXHIBIT NO. 13
San Mateo County LCP Amendment 1-97C
Coastline Parcel Illustration

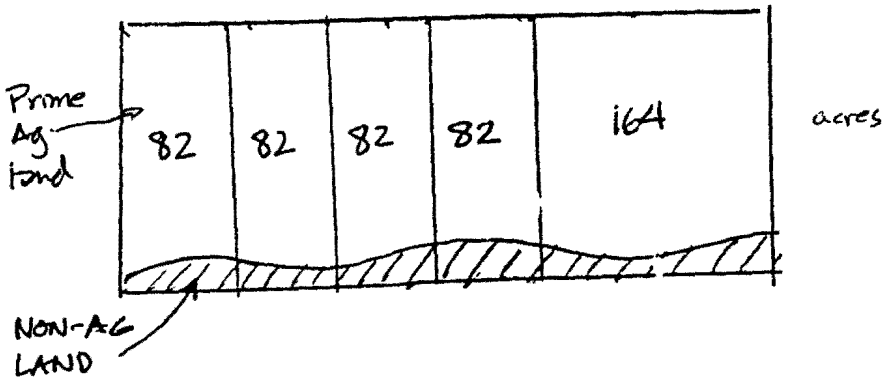
Illustrative RM-CZ/PAD Interface Parcel Map



Rev.chg.3, 1/90

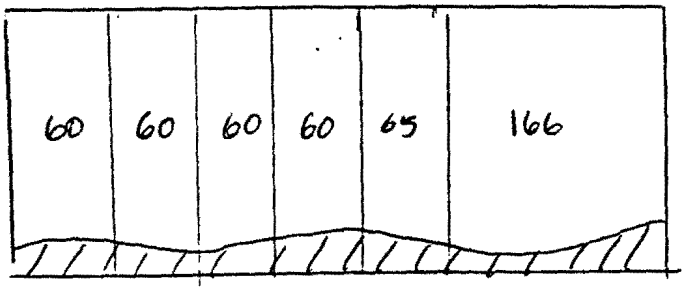
EXHIBIT NO. 14
San Mateo County
LCP Amendment 1-97C
RM-CZ/PAD Interface Parcel Map

Hypothetical Example of Policy *5.11



total: 5 density credits
(4 based on 1 per parcel min)
(1 based on Table 1.5)

Merger: 5 density credits
× 10% bonus
0.5 density credit
5.5 rounds up to 6.0 dc.



Subsequent subdivision assumes Master Land Division zp.
60 ac. parcel is agriculturally viable (a dubious conclusion)

Result: 6 parcels, 5 of which are ag. parcels of reduced size (and over long term potentially less viable) and 1 parcel larger than largest previously.

EXHIBIT NO. 15
San Mateo County
LCP Amendment 1-97C
Policy *5.11 Illustration