

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260

F 6b



Filed: October 1, 1998
49th Day: November 19, 1998
Staff: Bill Van Beckum
Staff Report: October 21, 1998
Hearing Date: November 6, 1998
Commission Action:

STAFF REPORT: APPEAL

SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Half Moon Bay

DECISION: Approval with Conditions

APPEAL NO.: A-1-HMB-98-81

APPLICANTS: Paul McGregor & Robert Michaelian

PROJECT LOCATION: 73 San Pablo Avenue, Miramar Subdivision, Half Moon Bay, San Mateo County, APN 048-085-350

PROJECT DESCRIPTION: Construction of a 2-story, 2,087-square-foot single-family residence.

APPELLANTS: Garland E. & Tony J. Taylor

SUBSTANTIVE FILE DOCUMENTS: Half Moon Bay Local Coastal Program; Half Moon Bay Coastal Development Permit No. PDP-16-98.

appealed, whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access and public recreation policies set forth in the Coastal Act.

The subject development is appealable to the Commission because the proposed house is located between the sea and the first public road paralleling the sea.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. Unless it is determined that there is no substantial issue, the Commission would continue with a full public hearing on the merits of the project, which may occur at a subsequent meeting. If the Commission were to conduct a de novo hearing on the appeal, because the proposed development is between the first road and the sea, the applicable test for the Commission to consider would be whether the development is in conformity with the certified Local Coastal Program and with the public access and public recreation policies of the Coastal Act.

The only persons qualified to testify before the Commission on the substantial issue question are the applicant, the appellant and persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing.

2. Filing of Appeal.

The appellant filed an appeal (Exhibit 10) to the Commission in a timely manner on October 1, 1998, subsequent to the City's issuance of the Notice of Final Action, which was received in the Commission's offices on September 18.

Pursuant to Section 30261 of the Coastal Act, an appeal hearing must be set within 49 days from the date an appeal of a locally issued coastal development permit is filed. In accordance with the California Code of Regulations, on October 2, 1998, staff requested all relevant documents and materials regarding the subject permit from the City, to enable staff to analyze the appeal and prepare a recommendation as to whether a substantial issue exists. These materials were received on October 15.

I. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

on a 5 - 0 vote, a Coastal Development Permit for the project. This denial was appealed to the Half Moon Bay City Council, by the applicant. On September 15, 1998, the City Council heard the appeal de novo and approved the project with conditions.

The City then issued a Notice of Final Action on the Coastal Development Permit, which was received by Commission staff on September 18, 1998 (see Exhibit 5). The project was then appealed to the Coastal Commission in a timely manner on October 1, 1998, within the 10-working day appeal period.

C. PROJECT SETTING AND DESCRIPTION, AND HISTORY.

The project site is located at 73 San Pablo Avenue, one lot west of Alameda Avenue, the first public road paralleling the sea in the Miramar subdivision. The site is a vacant residential parcel measuring approximately 40-feet by 105-feet. The site is not visible from Highway 1, approximately 1,000 feet to the east, because of intervening development. The parcel is approximately 500 feet from the ocean, and is separated from it by six residential lots, three of which are vacant (Exhibits 1-3), the Coastal Trail, and public beach area. The site is flat and contains only ruderal vegetation. No sensitive habitat exists on the site.

The project as approved by the City consists of the development of a 2-story, 2,087-square-foot home that would cover 1,085 square feet of the 4,200-square-foot parcel. Total proposed lot coverage, including driveway paving, is 1,302 square feet. The site plan is attached as Exhibit 6. Project elevations (Exhibit 7) show a moderately pitched roof with a maximum height of approximately 27.75 feet. The exterior finish includes horizontal wood siding and trim, and shingle facing below the roof peaks on the front (south) elevation. Nearby residences also are mostly 2-story, wood-sided structures. A photograph (looking west) of the site, with story poles in place indicating the structure's height, is attached as Exhibit 4.

D. SUBSTANTIAL ISSUE ANALYSIS.

1. Analysis Framework:

Section 30603(b)(1) of the Coastal Act states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

All the contentions raised in the appeal present potentially valid grounds for appeal in that they allege the project's inconsistency with policies and standards of the certified LCP. These contentions allege that:

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development as approved by the City presents no substantial issue.

2. Density Requirements:

The appellants contend that construction on the subject lot violates the density of the neighborhood as stated in the City's LCP land use and zoning provisions. The site's land use designation is Residential-Medium Density (2.1-8.0 units per acre, 5,000-square-foot lot minimum), and its zoning designation is R-1-B-1—Single Family Residential (6,000-square-foot lot minimum). The appellants state that the project is inconsistent with the LCP, because the density of project, as approved, on a 4,200-square-foot lot, represents a greater building density (10.37 units per acre) than the maximum density allowed by the site's zoning designation (7.26 units per acre) and the maximum density allowed by the site's land use designation (8.0 units per acre).

The appellants included in their appeal (Exhibit 10) a page from the LUP's section on existing neighborhoods, with the excerpt "*large number of substandard lots which must be consolidated to produce buildable sites*" highlighted, and contend that the City Planning Director failed to advise the City Council that two opportunities for consolidating the applicants' lot with an adjacent lot had been rejected by the applicants.

Discussion:

As indicated above, the 4,200-square-foot project site is smaller than the 5,000-square-foot minimum lot size required by the site's Residential-Medium Density LUP designation and the 6,000-square-foot minimum lot size required by the site's R-1-B-1 zoning designation. However, the City Council found that the site could nonetheless be developed with a single-family residence pursuant to Zoning Code Section 18.06.050.G.3, which states:

3. *Exceptions to Minimum Lot Area and Width Standards, Use Permit Required.*

Subject to the Findings set forth in this Section, the Planning Director may approve an Administrative Variance for construction of a single family residence ... on a building site that provides at least 85% of the minimum width or area required ... Planning Commission approval of a Use Permit is required for development on any lot or building site in any Residential District that ... provides less than 85% and more than 50% of the minimum lot area or width required by the underlying Zoning District and for development that conforms to all other provisions and Residential Development Standards of the zoning Code. Where development is proposed on a lot or building site that provides less than 85% and more than 50% of the minimum lot area or width and relief is requested from any; provisions of the Residential Development Standards of the Zoning Code, approval of a Variance is required.

variance approval when development standards other than lot size and width are not met are not applicable to the project since in all respects except for lot size and lot width the project meets the development standards of the R-1-B-1 district. Furthermore, the applicants are seeking approval of the development of only one residential unit on the legally created residential lot.

The appellants' contention that opportunities for consolidating the project site with an adjacent lot, to provide for a building site meeting the R-1-B-1 minimum lot size requirements, were not adequately addressed by the City or pursued by the applicants is not a relevant issue. The certified LCP contains no requirements for the consolidation of lots of substandard size. The section from the LUP that includes the statement "*large number of substandard lots which must be consolidated to produce buildable sites,*" cited by the appellants in their appeal is not policy language, but is a phrase included in the LUP chapter on Development as background information (the 6th page of Exhibit 10) discussing infix build-out of existing neighborhoods. The phrase is included to describe one factor, in a list of factors, why full build-out would not be achieved "*for a number of years, if ever.*" The list includes other factors such as, "*difficulty and delays in providing basic infrastructure*"; "*individual ownerships necessitating small-scale construction and custom building*"; and "*the choice of many owners of contiguous small lots to use one or more of the lots for side yards and gardens.*" The LUP does not include any policy requiring the consolidation of substandard lots to produce buildable sites. In fact, as discussed above, the LCP permits development on substandard lots in certain circumstances.

The Commission therefore concludes that the appeal raises no substantial issue with respect to conformance of the approved project with respect to conformance of the approved project with LCP provisions regarding development density.

3. Visual Resources:

The appellants contend that the proposed house is out of proportion for the neighborhood, and that although the City Architectural Review Committee (ARC) found the project design appropriate for the lot and compatible with neighborhood character, the ARC failed to review the home for its mass and bulk. The appellants also contend that the "evidence" noted in the staff report as support for the ARC finding that the project is appropriate for this lot in this neighborhood contradicts the finding since the evidence cited states the ARC "*considered only the design features of the project. It did not make a specific finding regarding the use permit for development of this project on a substandard lot.*"

Discussion:

The only LUP policy that specifically addresses consistency in neighborhood proportions, or scale, is Visual Resource Policy 7-8. That policy, however, applies only to development in the older downtown area, and therefore is not applicable to the project site. Development on the project site is subject, however, to the requirements of LUP Visual Resource Policy 7-5, which

1998 meeting had not adequately addressed the main issue of appropriate scale for the lot. (emphasis added)

On June 17, 1998, at the second of two subsequent meetings and following additional changes by the applicants to the proposed home's design, the ARC approved the project.

Based on the record of the review process followed by the ARC and of the concerns the ARC expressed, there is no indication that the ARC failed to consider matters of scale and bulk as contended by the appellants. As approved by the ARC, the design of the home will be consistent with the height, materials, and lot coverage characteristics of existing residences in the neighborhood. The height of the proposed home, at 27.75 feet, is similar in height to that of most of the 2-story homes in the neighborhood, whether constructed on standard or substandard sized lots. The below table shows the proposed home's height compared to the heights of other recently permitted single-family residential construction on substandard sized lots in the immediate vicinity of the project. Exhibit 3 shows the locations of these projects.

<u>Permit No.</u>	<u>Lot Size</u>	<u>Proposed Height</u>
A-1-HMB-98-81*	4,200 sq.ft.	27.75'
PDP-17-98**	4,200 sq.ft.	28.0'
CDP 1-94-50W	4,200 sq.ft.	29.0'
CDP 1-93-67	4,370 sq.ft.	30.5'
CDP 3-92-29	4,400 sq.ft.	29.0'

* The proposed project, appeal of City-approved coastal permit.

** City-issued coastal permit; project under construction.

The applicants have designed the façade and roof of the home to be compatible with features of other nearby structures. The project's wood siding and pitched roof are similar to comparable features of nearby homes, as can be seen by comparing the project elevations (Exhibit 7) with the two homes that appear in the Exhibit 4 photograph.

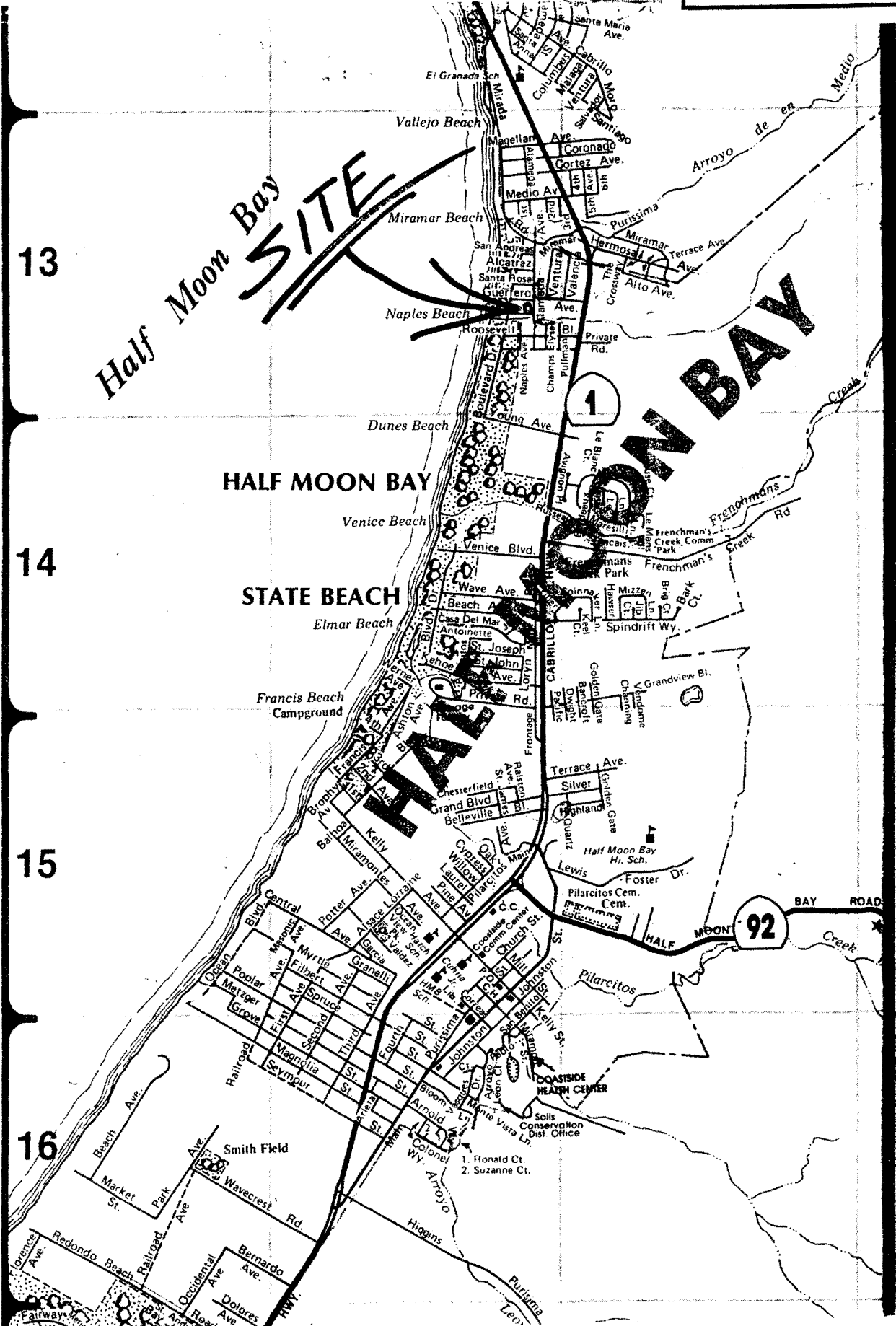
The proposed project would cover 31% of the site. This coverage is at the lowest end of the lot coverage percentages for the other homes shown in the above table, which have lot coverage percentages ranging from 39% to 53%. The Commission finds that while the appellant has raised a valid issue, that of protection of visual compatibility within a neighborhood, the project as approved does not raise a substantial issue with regard to compatibility with the character in terms of height, bulk, and design with other structures and environment in the immediate area, as required by Section 18.21.035 (G) of the Zoning Code.

The Commission finds that while the appellant has raised a valid issue, that of protection of visual compatibility within a neighborhood, the project as approved does not raise a substantial

EXHIBITS:

1. Regional Location Map
2. Site Location Map
3. Parcel Map
4. Site Photograph
5. Notice of Final Action
6. Site Plan
7. Elevations
8. City Council and Planning Commission Reports
9. Architectural Review Committee Letters
10. Appeal to Commission

EXHIBIT NO.	2
APPLICATION NO.	A-1-HMB-98-81
SITE LOCATION	



13

14

15

16

Half Moon Bay
SITE

HALF MOON BAY

STATE BEACH

HALF MOON BAY

HALF MOON BAY

92

- 1. Ronald Ct.
- 2. Suzanne Ct.

SITE



EXHIBIT NO. 4

APPLICATION NO.
A-1-HMB-98-81

View to West

(from Alameda Ave.)

CITY COUNCIL RESOLUTION # C-78-98

CITY COUNCIL REVERSAL ON APPEAL OF THE PLANNING COMMISSION
DENIAL WITHOUT PREJUDICE OF PDP-16-98, A USE PERMIT AND COASTAL
DEVELOPMENT PERMIT FOR CONSTRUCTION OF A SINGLE FAMILY HOME ON
A LEGAL NONCONFORMING LOT

WHEREAS, an application was submitted requesting approval of a use permit and a coastal development permit to allow construction of a single family home on a lot that is substandard in the zoning district; and

WHEREAS, this single family home construction project is categorically exempt under CEQA guidelines (California Administrative Code Section 15303(a)); and

WHEREAS, the procedures for processing the application have been followed as required by law; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on the matter on July 9, 1998, at which hearing the permit was denied without prejudice by a unanimous vote; and

WHEREAS, the applicant appealed the Planning Commission denial without prejudice to the City Council pursuant to the appeal procedures set forth in the Half Moon Bay Zoning Code; and

WHEREAS, the City Council heard the appeal de novo, as if no other hearing had been held, in a duly noticed public hearing held on September 1, 1998 and September 15, 1998; and

WHEREAS, the City Council considered all written and oral testimony presented for its consideration; and

WHEREAS, the City Council relied on the analysis contained in pages 2 through 5 of the staff report prepared for the Planning Commission meeting of July 9, 1998, and on that basis has found and determined that:

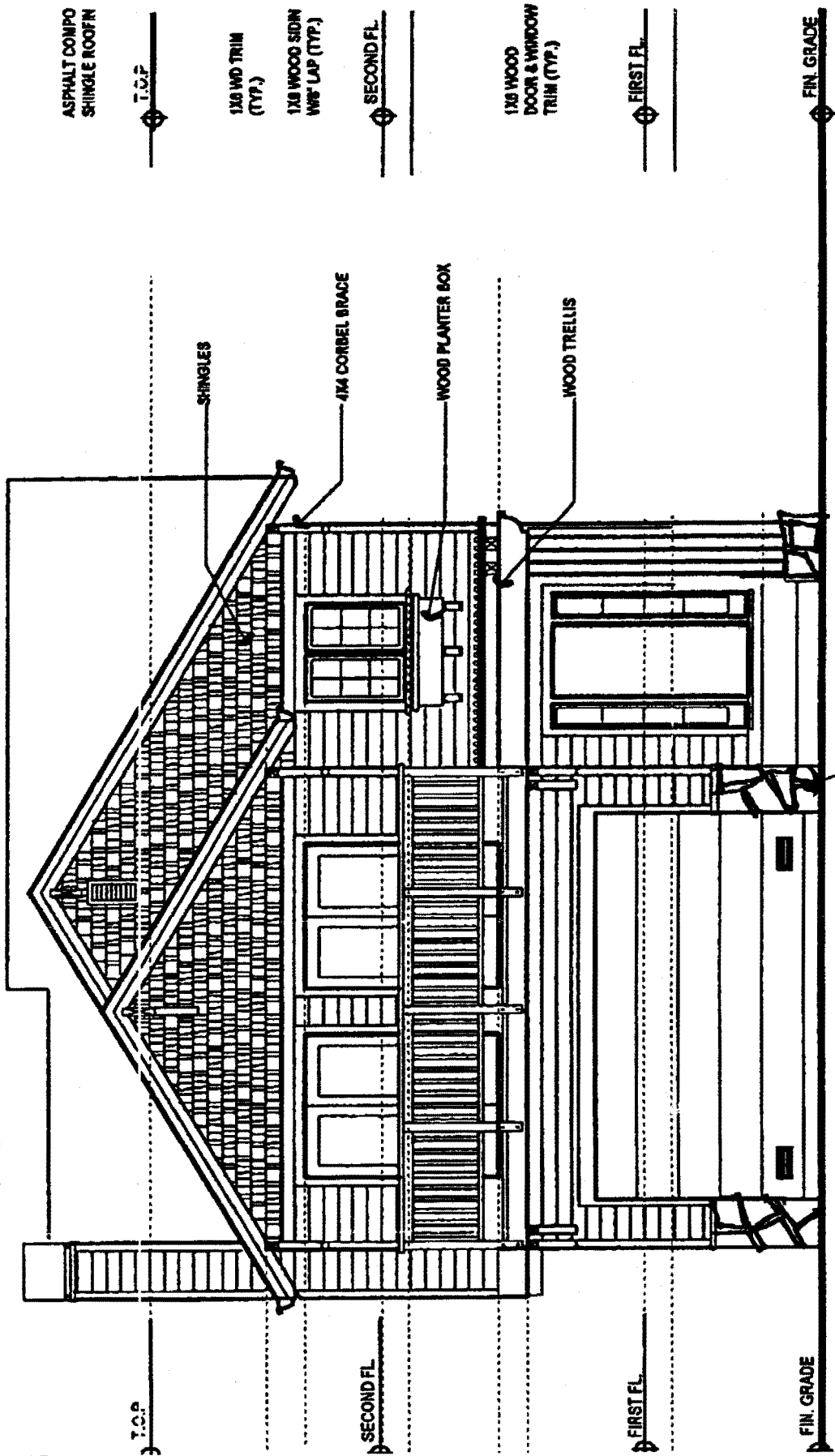
1. The project as conditioned will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood,
2. The project as conditioned will substantially secure the objectives of the Zoning Code as to light, air and the public health, safety, morals, convenience and general welfare,
3. The development as modified by conditions, conforms to the Local Coastal Program,

EXHIBIT A
CONDITIONS OF APPROVAL
PDP-16-98, Coastal Development Permit, Use Permit

1. Development shall be in substantial conformance with the approved site plan, floor plans, and elevations, except for any changes that may be required by these conditions of approval. The Planning Director shall review and approve any deviation from the approved plans. In the event that the planning Director determines that any proposed changes warrant further Planning Commission review and approval, the applicant shall submit the revised plans for consideration at a public hearing before the Planning Commission.
2. The plans submitted for building permits shall incorporate all conditions of approval.
3. The Coastal Development Permit CDP-16-98 shall expire one year from the day that the Coastal Commission appeal period ends, unless construction of the project has commenced.
4. All fire protection requirements of the Half Moon Bay Fire Protection District shall be met prior to the issuance of Occupancy Permits.
5. During Construction the applicant shall minimize the transport and discharge of stormwater from the project site by incorporation of the following measures into the construction site practices:
 - Use silt fence barrier, straw bale barrier, sand bags, brush or rock filter or other appropriate measures, as necessary to minimize the quantity of sediment laden runoff from the site.
 - Stabilize any areas that have been stripped of vegetation, and maintain erosion control measures between October 15 and April 15.
 - Ensure that erosion control by revegetation is performed just prior to the rainy season unless on site irrigation is provided. Select seed to minimize fertilizer and water use. Limit watering to the amount and frequency which can be absorbed on site.
 - Avoid stockpiling of soils or materials, when rain is forecast. Covered with a waterproof tarp during periods of rainy weather to control runoff.
 - Avoid cleaning, fueling, or maintaining vehicles on site, except in an area designated to contain and treat runoff.
6. If historic or archaeological resources are uncovered during grading activities, all work shall stop and the applicant shall retain a qualified archaeologist. At the

14. Any public utilities requiring relocation as a result of the construction of the building(s) or improvements under this permit shall be relocated at the owner's expense.
15. All utilities for energy and communications shall be installed underground.
16. The applicant shall construct the domestic water line facilities and appurtenances for service from water utility. Water service from any interim well on the parcel shall not be permitted. Low flow plumbing fixtures shall be used throughout the proposed project.
17. Pursuant to Chapter 14.40 of the Half Moon Bay Municipal Code, the hours of operation shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. Saturday, and 10:00 to 6:00 p.m. Sundays and Holidays.
18. Landscape plans shall apply xeriscape principles for drought resistance and to reduce consumption of water, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices.
19. That all landscaped areas and/or fences shall be continuously maintained; and the applicant or any successor in interest shall continuously maintain all plant material in a litter-free, weed-free, healthy, growing condition.

EXHIBIT NO.	7
APPLICATION NO.	A-1-HMB-98-81
ELEVATIONS	



FRONT ELEVATION
(SOUTH)

ASPHALT COMPOSITE
SHINGLE ROOFING

T.O.P.

1X8 WD TRIM
(TYP.)

1X8 WOOD SIDING
W/8" LAP (TYP.)

SECOND FL.

1X8 WOOD
DOOR & WINDOW
TRIM (TYP.)

FIRST FL.

FIN. GRADE



(WEST)
LEFT SIDE ELEVATION

SCALE: 1/8"=1'-0"

**BUSINESS OF THE CITY COUNCIL
OF THE CITY OF HALF MOON BAY**

AGENDA REPORT

For the meeting of: September 15, 1998

TO: Mayor and City Council

FROM: Anthony J. "Bud" Carney, AICP
Planning Director

TITLE: PDP-16-98 - Appeal of the Planning Commission Denial Without Prejudice of the Requested Use Permit and Coastal Development Permit to Construct a Single Family Home on a Substandard Lot at 73 San Pablo Avenue in the Miramar Subdivision

RECOMMENDATION:

- Staff has previously recommended that the City Council conditionally approve the application. This continues to be the recommendation. To accomplish this action, the City Council should adopt the findings and evidence of the Planning Commission staff review as amended in the City Council Agenda Report for the September 1, 1998 meeting, and adopt the resolution next in order with the conditions of approval set forth in Exhibit A (Attachment #1).
- In the alternative, action by the City Council to deny this permit would require express findings of fact in a resolution that would be adopted at a future meeting. If the City Council proposes to deny the permit based on the specific findings of fact, then the City Council should direct the City Attorney to draft the resolution for denial.
- A third alternative is that the City Council could retain jurisdiction over the permit, and remand it back to the Architectural Review Committee with direction that the ARC provide the City Council with a recommendation on the project design.

FISCAL IMPACT

No direct fiscal impact will result from this action.

EXHIBIT NO.	8
APPLICATION NO.	A-1-HMB-98-81
COULCIL/PLANNING COMMISSION REPORTS	

Surrounding Zoning: North – R-1-B1 Single Family Residential
 South – R-1 Single Family Residential
 East – R-1-B1 Single Family Residential
 West – State Beach Open Space Passive

CEQA Status: Categorical exemption California Administrative Code 15303(a)
 new construction of single family residences

Dimensional Standards:	Required	Proposed
Front yard setback:	25 feet	25 feet
Side yard setback:	5 feet	5 feet
Rear yard setback:	20 feet	20 feet
Height from original grade:	28 feet	27.5 feet
Total square footage of house:	2,100 square feet	2,087 square feet
Total Coverage	1,470 square feet	1,302 square feet
Total Lot Area	6,000 square feet	4,200 square feet
Lot Coverage:	35 %	31 %
Floor Area Ratio:	50 %	49.6 %
Parking	2 - car garage	2 - car garage

D. KEY ISSUES

Substandard Lot Use Permit

The subject lot provides 67 percent of the required lot width and 70 percent of the required lot area. Section 18.06.050(G)3 requires approval of use permit for lots providing between 50 and 85 percent of the required lot area or width in the underlying zone. This project would comply with all of the dimensional standards of the R-1-B-1 zone except lot size and width. The applicant has investigated purchasing adjacent property in an attempt to meet these two dimensional requirements as well. A letter describing this attempt is attached.

Building Mass and Bulk/Neighborhood Compatibility - Architectural Review

The Architectural Review Committee (ARC) reviewed the project for general conformance to the Project Design Review Criteria found in Chapter 18.21.035 of the Zoning Code at four meetings. Final approval of the evolved design was completed on June 17, 1998. A copy of the ARC letter to the applicant is attached. The ARC found that this design was appropriate for the lot and compatible with the general character and feel of the surrounding homes.



CITY OF HALF MOON BAY, CA

City Hall, 501 Main Street
Half Moon Bay, CA 94019

June 17, 1998

Mr. Paul McGregor
P.O. Box 370490
Montara, CA 94037

Re: PDP-16-98 - Architectural Review Committee Review of the Proposed House at
73 San Pablo Avenue

Dear Mr. McGregor,

At their regularly scheduled meeting of June 17, 1998, the Architectural Review Committee (ARC) reviewed and approved your plans for a single family home at 73 San Pablo Avenue. The following conditions are conditions of approval:

1. The garage should be painted the body color, with trim accent as appropriate.
2. The trim color should be more toward a white color than the colored elevation shows.
3. The trellis should be painted the trim color.
4. Grey, green, brown cultured stucco stone is approved. Pavers for the driveway should be consistent with the roof color.

Thank you for your participation in the Architectural Review Process.

Sincerely,

Bill Smith
Planner

Cc: Anthony J. "Bud" Carney, AICP, Planning Director
ARC members

EXHIBIT NO. 9

APPLICATION NO.
A-I-HMB-98-81

ARCHITECTURAL
REVIEW COMM.

LETTERS

Mr. Paul McGregor
PDP-16-98 Miramar Single Family Home
05/22/98
Page 2

This item has tentatively been scheduled for Planning Commission review on June 25, 1998. The Commission has indicated an interest in large sized presentation of the site plan, elevations, color rendering, and proposed landscaping. These visual aids are useful to the Planning Commission for making the required findings.

As you recall, staking of the house on the site will be required at least fourteen days prior to the Planning Commission hearing on the Coastal Development Permit.

Feel free to contact me at any time. (650) 726-8251.

Sincerely,



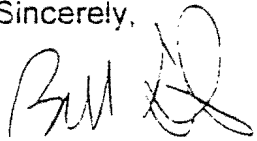
Bill Smith
Planner

Cc: Anthony J. "Bud" Carney, AICP, Planning Director
ARC members

In addition, you asked whether staking of the house would be required. The director has determined that this is an area of "visual sensitivity," where the building envelope needs to be identified. Staking will be required after Architectural Review Committee approval of the project. The staking must be up fourteen days before the Planning Commission hearing on the Coastal Development Permit. I have attached a copy of the staking policy for your use.

Feel free to contact me at any time. (650) 726-8251.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Smith".

Bill Smith
Planner

Cc: Anthony J. "Bud" Carney, AICP, Planning Director
ARC members

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA
FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260



APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

GARLAND E. & TONI J. TAYLOR
65 SAN PABLO AVE
HALE MOON BAY, CA 94019 (650) 712-8963
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: CITY OF HALE MOON BAY

2. Brief description of development being appealed: family residence on a substandard lot. a large, single

3. Development's location (street address, assessor's parcel no., cross street, etc.): 73 SAN PABLO AVE
APN 048-005-350

4. Description of decision being appealed:

- a. Approval; no special conditions:
- b. Approval with special conditions:
- c. Denial:

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-1-HMB-98-081

DATE FILED: 10/1/98

DISTRICT: North Coast

HS: 4/88

RECEIVED

OCT 01 1998

CALIFORNIA
COASTAL COMMISSION

EXHIBIT NO.	10
APPLICATION NO.	A-1-HMB-98-81
APPEAL TO COASTAL COMMISSION	

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.) *PLEASE SEE ATTACHMENTS FOR ADDITIONAL INFORMATION*

THE DEVELOPMENT IS NOT COMPATIBLE WITH THE ESTABLISHED PHYSICAL SCALE OF THE AREA. IT IS LOCATED BETWEEN THE SEA AND THE FIRST PUBLIC ROAD PARALLELING THE SEA.

WE APPEALED AT THE ARCHITECTURAL REVIEW COMMITTEE.

WE APPEALED AT THE PLANNING COMMISSION WHICH DENIED ISSUANCE OF A USE PERMIT BY A 6-0 VOTE.

WE APPEALED AT THE CITY COUNCIL WHICH REVERSED THE DECISION OF THE PLANNING COMMISSION BY A 3-2 VOTE.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Richard E. Taylor Louis Taylor
Signature of Appellant(s) or Authorized Agent

Date 9/29/98

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

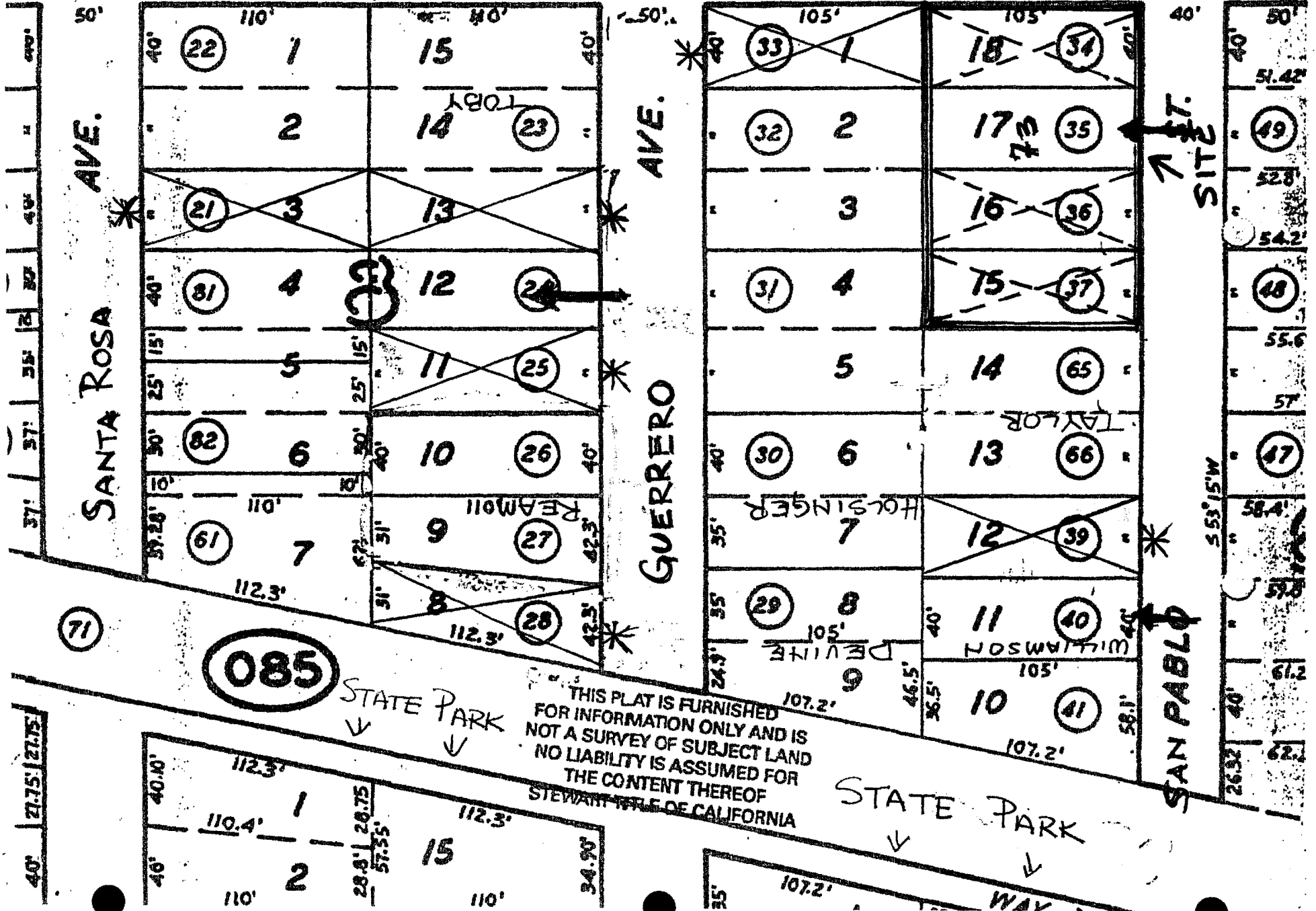
I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

ALAMEDA AVE

536°45'E



THIS PLAT IS FURNISHED
FOR INFORMATION ONLY AND IS
NOT A SURVEY OF SUBJECT LAND
NO LIABILITY IS ASSUMED FOR
THE CONTENT THEREOF
STEWART TITLE OF CALIFORNIA

STATE PARK
↓
STATE PARK
↓

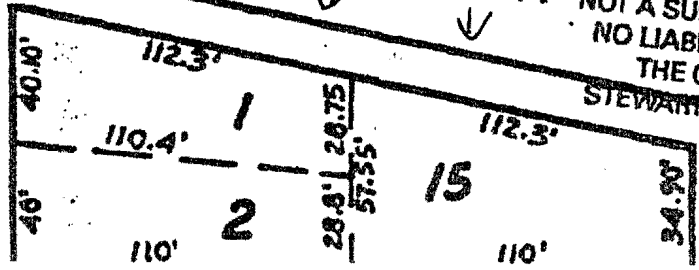
STATE PARK
↓
WAY

↑
SITZ

↑
SAN PABLO

085

71



40' 21.75' 27.75'

37' 37' 37' 35' 32' 29' 26' 23' 20' 17' 14' 11' 8' 5' 2' 0'

50'
51.42'
49'
52.8'
54.2'
48'
55.6'
57'
47'
58.4'
59.8'
61.2'
62.2'
40'
26.32'

SANTA ROSA AVE.

GUERRERO AVE.

SAN PABLO

Appeal to the Coastal Commission

The scale of the house is out of proportion for the neighborhood. In July of 1997, the HMB planning commission denied a use permit to Frank and Evelyn Sally to build on the substandard lot at 73 San Pablo because the size and bulk of the house was not in keeping with the neighborhood. On July 9, 1998, the HMB planning commission denied a use permit to Paul McGregor to build on the substandard lot at 73 San Pablo because the size and bulk of the house was not in keeping with the neighborhood.

In the attached memo dated July 17, 1997, from Larissa M. Seto, City Attorney to the Planning Commission Members, Mr. Seto states that "each zoning district may also have conditionally permitted uses, which are discretionary and may be subject to additional requirements or conditions." He later states "The use permit provisions then allow the approving body to place conditions or restrictions on the use permit development which will mitigate against the impacts of building on a substandard lot." In the event that this permit is denied, Mr. McGregor can still submit a new design for a home which is scaled to the neighborhood.

The enclosed picture shows the effect on the neighbor of a house built on a substandard lot. Both of these houses are on substandard lots. The house on the left has built out to the max, which is similar to the McGregor plans. Imagine the effect if the house on the right was identical to the house on the left.

The setbacks, the floor area ratio and the height of buildings in R-1-B-1 zoning were developed for 60' wide, 6,000 sq. ft. lots. These codes need to be adjusted for lots smaller than 6,000 sq. ft. or with widths less than 60'. The following 3 pages present an argument as to why the setbacks, floor area ratio and height of buildings on substandard lots should be scaled down.

to size, shape, topography or location, so that a strict application of the zoning code would result in a unique hardship to the property owner. (Govt. Code section 65906.)

For example, a property owner seeking a variance may have the only parcel with a steep slope in the backyard, forcing the owner to seek a variance to allow the home to encroach in the front yard setback. Because of unusual topography, strictly applying a twenty (20) foot front yard set back may cause the house to be too small to be functional. Thus, a variance may be appropriate.

Criteria to be measured when considering the grant of a variance include:

- There must be circumstances surrounding the owner's situation, limited to the physical conditions of the property, which are unique to that property. *The unique circumstances must cause a hardship to the owner to justify a variance.*
- A variance may not be granted if it adversely affects the interests of other residents and owners in the vicinity.
- A variance must be consistent with the objectives of the general plan and zoning code.
- Just because a peculiar situation exists on a property which will cause a hardship does not automatically require a variance to be granted.
- A variance cannot grant a "special privilege" which is inconsistent with the limitations placed on other property.

In general, a variance allows a property owner to use his or her property in a manner which is basically consistent with the zoning code, with minor variations that allow parity with other owners.

In the City, Chapter 18.23 of our zoning code provides a process for variances which takes into account all of the criteria set forth above.

~~A~~ B. Conditional Use Permits.

The second method for seeking relief from the restrictions of a zoning ordinance is a conditional use permit. Conditional use permits also provide flexibility in the zoning code, and often avoid hardship.

"Takings" test is also defeated.

Conclusion:

The City's zoning code provides procedures and criteria for dealing with substandard lots through variances and conditional use permits. Both of these tools create some flexibility in the zoning code, while protecting community interests.

Please let me know if you have additional questions with regard to this matter.

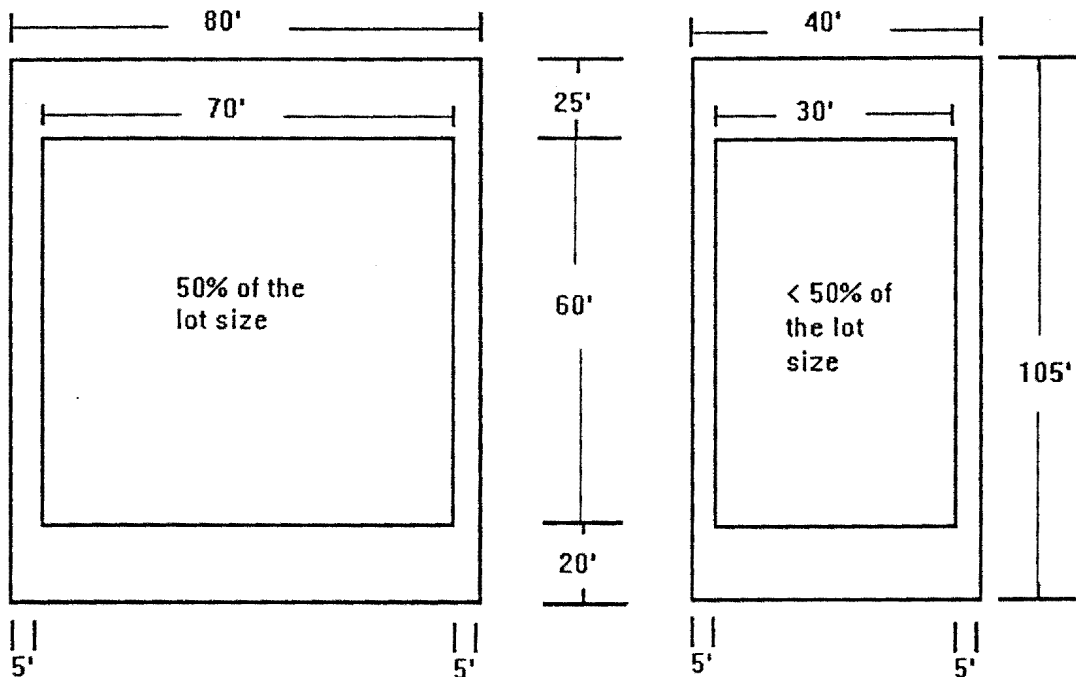
LMS

c: Dave Miller, Acting Planning Director
+Amy French, Associate Planner

Appeal to the Coastal Commission

Assume that the original lot is 80' front by 105' deep. The side setbacks are 5', the front setback is 25' and the rear setback is 20'. This leaves a buildable area of 70' by 60'. A one story house with those dimensions would be 4,200 sq. ft., 50% of the lot size ($80 \times 105 / 2 = 4,200$).

Assume that the original lot is 40' front by 105' deep. The side setbacks are 5', the front setback is 25' and the rear setback is 20'. This leaves a buildable area of 30' by 60'. A one story house with those dimensions would be 1,800 sq. ft., SMALLER than 50% of the lot size ($40 \times 105 / 2 = 2,100$).

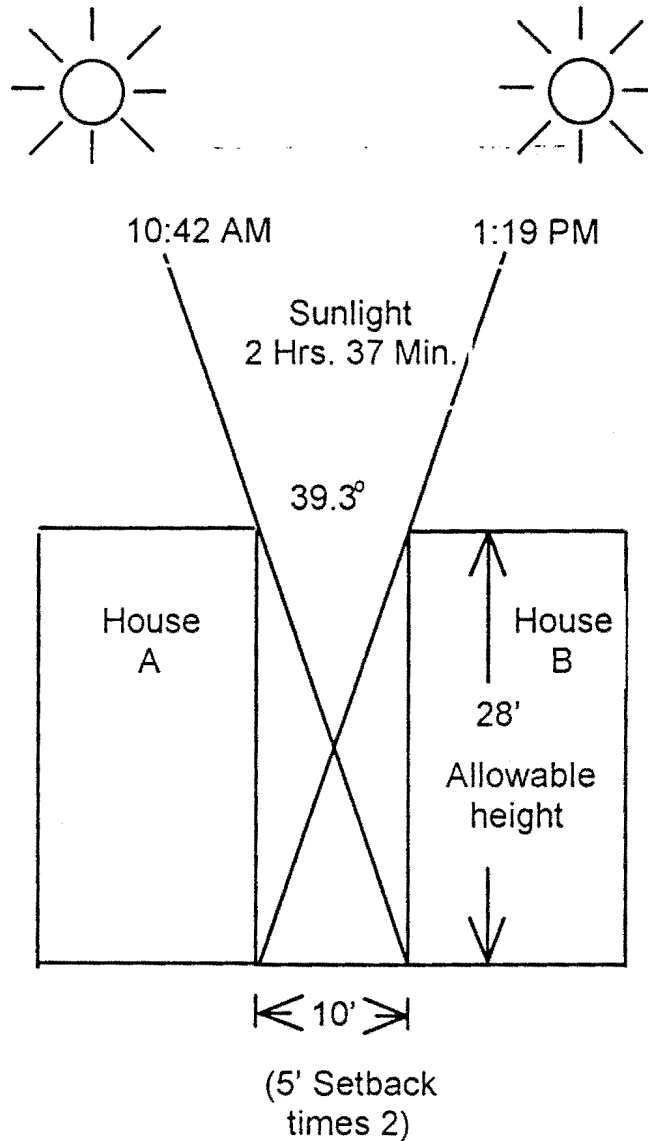


In order for the physical scale of the house on the substandard lot to be the same as the scale of the house on the standard lot, the maximum floor area to lot size ratio would need to be less than 43%. (For a 80' x 105' lot, maximum lot coverage / lot area = $4200 / 8400 = 50\%$. For a 40' x 105' lot, maximum lot coverage / lot area = $1,800 / 4,200 = 42.9\%$). The next example shows that the floor area to lot size ratio should be even less, 36%.

Appeal to the Coastal Commission

A 10' corridor between two 28' tall houses will allow only 2 hours and 37 minutes of sunlight on the ground in between the houses each day. This time starts when the first ray touches the ground until the last ray touches the ground. The length of time when all of the ground in between the houses is covered by sunlight is considerably less.

This limits the possibility of growing anything green. If a fence is put up between the houses, the sunlight that reaches the ground will be further diminished.



**BUSINESS OF THE PLANNING COMMISSION
OF THE CITY OF HALF MOON BAY**

AGENDA REPORT

For the meeting of: July 9, 1998

TO: Planning Commission

FROM: Anthony J. "Bud" Carney, AICP
Planning Director

TITLE: PDP-16-98, Use Permit, Coastal Development Permit

PREPARED BY: Bill Smith, Planner

A. RECOMMENDATION

Staff recommends that the Planning Commission approve the application based upon the Findings for Approval contained in the Resolution for Approval, and subject to the Conditions of Approval in Exhibit A.

B. PROJECT DATA:

Applicants/owners: Paul McGregor
P.O. Box 370490
Montara, CA 94044

Request: Use permit and coastal development permit for construction of a single family home at 73 San Pablo Avenue, in the Miramar Subdivision. The lot is 40 foot by 105 foot lot (4,200 s.f.), where a standard lot would be 60 feet wide with a lot area of 6,000 s.f.

Location: 73 San Pablo Avenue, APN 048-085-350

Application Date: March 10, 1998

L.C.P Designation: Residential Medium Density

Existing Zoning: R-1-B-1 (6,000 s.f. lots)

Coastal Zone: The project is located west of the first parallel public road to the beach. As such, the Planning Commission action is appealable to the City Council and to the Coastal Commission

Flood Zone

The project is located within a coastal hazard area in which the flood elevation of 27 feet has been determined. The applicant proposes construction so that the finished elevation on the first habitable level is at approximately 28 feet, thereby exceeding 27 feet for the lowest structural member of the lowest habitable floor. This is consistent with the requirements of the coastal hazard area.

E. FINDINGS AND EVIDENCE:

Findings and Evidence - Use Permit for construction of a Single Family Home on a Substandard Lot

Finding 1: The project as conditioned will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

Evidence: The design and character of the building is similar to other designs in the neighborhood, which contains a mix of lots. Because the underlying lots are 40 feet wide, most lots are either a third smaller or a third bigger than the standard lot in the zone. The mass and scale of the proposed house is proportional to the lot on which it is located. The design has been developed in three levels, with about 4-foot rises at each level. This technique has allowed the house to stay entirely within the setback area, while obtaining a house of similar size and amenities to those in the neighborhood. The only encroachment into the setbacks is for the chimney, which is allowed by the zoning code.

Finding 2: The project as conditioned will substantially secure the objectives of the Zoning Code as to light, air and the public health, safety, morals, convenience and general welfare.

Evidence: The fact that all of the setback, height, lot coverage and floor area standards of the R-1-B-1 zone have been met demonstrates that the project secures the objectives of the zoning code as closely as possible within the constraints of the lot. The applicant would prefer to construct the project on a standard lot. However, the adjacent lot is not available. A letter in the packet indicates that an agent has contacted the adjacent owner regarding purchase of the adjacent lot, without success.

Findings and Evidence - Coastal Development Permit

Finding 3: The development as modified by conditions, conforms to the local coastal program.

Evidence: The evidence for this finding is discussed in the Use Permit findings, numbers 1 and 2.

neighborhood. To make this finding, the Committee considered only the design features of the project. It did not make a specific finding regarding the use permit for development of this project on a substandard lot. Findings number 1 and 2 directly address that issue.

F. ATTACHMENTS:

- ✓ 1. Resolution of Approval and Exhibit A, Conditions of Approval
2. Location Map
3. Plan set
- ✓ 4. Architectural Review Committee approval
5. Letter regarding attempts to purchase the adjacent lot
6. Letters from the public on the project (including letters submitted to the ARC during its deliberations)

G. ITEMS FOR PRESENTATION AT THE HEARING:

1. Colored elevations

7. This project is located between the sea and the first public road; it conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act.
8. The Architectural Review Committee has found that the project, as conditionally approved by that body, will not hinder the orderly and harmonious development of the city, nor will it impair the desirability or opportunity to attain the optimum use and value of the land and the improvements, nor will it impair the desirability of living or working conditions in the same or adjacent areas, nor will it otherwise adversely affect the general prosperity and welfare.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission approves the application (PDP-16-98) based upon the above Findings and subject to the Conditions presented in Exhibit "A" - Conditions of Approval.

PASSED AND ADOPTED by the Half Moon Bay Planning Commission at a meeting held on _____, by the following vote:

AYES, _____

NOES, _____

ABSENT _____

ABSTAIN, _____

APPROVED:

John Sullivan, Planning Commission Chairman

6. If historic or archaeological resources are uncovered during grading activities, all work shall stop and the applicant shall retain a qualified archaeologist. At the applicant's expense the qualified archaeologist will perform an archaeological reconnaissance and develop mitigation measures to protect archaeological resources.
7. All surface and subsurface storm drainage facilities necessary for the development of this parcel shall be constructed. Runoff from and to adjacent properties must be considered in the proposed plans. All roof drainage shall be collected and conveyed directly to the storm drainage system.
8. All plans, specifications, engineering calculations, diagrams, reports, and other data for construction of the building and required improvements shall be submitted with the appropriate permit application to the Building Department for review and approval. Computations and back-up data will be considered a part of the required plans. Structural calculations, engineering calculations, or both shall be prepared, wet stamped, and signed by an engineer or architect licensed by the State of California. A geotechnical report, when required, shall be prepared, wet stamped, and signed by an engineer licensed by the State of California.
9. All structures shall be constructed in compliance with the standards of the Uniform Building Code Regulations for building and structure earthquake safety as required by Title 24 of the California Administrative Code.
10. All buildings, structures, and improvements shall be designed and constructed in accordance with Chapter 14.04 of the Half Moon Bay Municipal Code (Building Code, Administrative Code, Mechanical Code, Building Code Standards, Code for the Abatement of Dangerous Buildings, Plumbing Code, Electrical Code) and with the Half Moon Bay Standard Details. The minimum basic wind speed for determining design wind pressure shall be 80 miles per hour. The exposure assigned for the subject site, for which a building or structure is to be designed in accordance with Section 2311c of the Uniform Building Code (1988 edition or latest version adopted by the City of Half Moon Bay), shall be Exposure B.
11. The residential dwelling shall be designed in such a manner that the ambient noise level within the structures shall meet a Sound Transmission Class (STC) of 50 (45 if field tested).
12. The residential dwelling shall display lighted street address number in a prominent location on the street side of the residence in such a position that the number is easily visible to approaching emergency vehicles. The numerals shall be no less than four inches in height and shall be a contrasting color to the background.

Linda Poncini AIA
2902 Alameda Avenue
Half Moon Bay, CA 94019

March 25, 1998

RECEIVED
MAR 26 1998
CITY OF HALFMOON BAY
PLANNING DEPT

City of Half Moon Bay
Planning Department
City Hall
501 Main Street
Half Moon Bay, CA 94019

Attn: Bud Carney, Planning Director &
Architectural Review Committee

Re: 73 San Pablo, PDP-16-98

Dear Bud and Members of the ARC:

I have reviewed the drawings on file at City Hall for the McGregor residence at 73 San Pablo, and have several concerns about its design and compatibility with the neighborhood's existing homes. In general, I feel that any design for a sub-standard lot should be carefully crafted, with extra attention to good design and detail. This extra attention to aesthetics is necessary because the zoning allows for smaller side yard setbacks than on regulation-size lots, and the potential for a "dense pack" appearance exists when applicants "max out" their small sites.

The design for 73 San Pablo is quite uninspired and mundane. It does not appear that an Architect was involved, and that this design came out of a computer with no attention paid to the site, topography, or surrounding neighborhood character. While zoning appears to allow for the cantilevered portions of the second floor, this will result in windows of this house being very close to the next lot. If the adjacent lot "max's out" like this one, with bay windows, the proximity of windows will be a serious problem. I feel it is important that the ARC take into account the potential of development on the adjacent lots, and how the overall appearance will impact the neighborhood. The livability of these properties will be adversely affected by the "max out" approach.

If this applicant cannot be convinced to do less than "max out" this property, at the very least the design should be sensitive and compatible with its setting. The porthole-type openings on the first floor are quite unsightly and draw attention to themselves by their shape. Simplification of these, and a design which makes the first floor appear more like a "base" for the rest of the house could improve the appearance. The roof shape and configuration are unpleasant, and certainly do not reflect the steeper pitch of hip and gable roofs in the neighborhood. As a comparison, another proposed house on a sub-standard lot at 76 Guerrero has attempted to complement the neighborhood, with its form and attention to detail. Perhaps this applicant could look at that design approach and see some possibilities for an attractive design.

I would appeal to the ARC members to require a complete re-design of this house, suggesting that they obtain professional design assistance, take a detailed look at the attractive homes in the neighborhood, and consider the ultimate build-out of San Pablo and how this property could contribute positively rather than impact negatively. This project at 73 San Pablo certainly seems to require 'story poles' or balloons, so that neighbors can see the actual impact this house will have on this small lot. Hopefully, the Planning Director will require some form of 'story poles'.

Thank you for your consideration of my comments.


Linda Poncini AIA

July 9, 1998
Julianne & Richard Ream
59 Guerrero Ave
HMB, CA 94019

To the Planning Commission of Half Moon Bay
Planning Department of Half Moon Bay
Bud Carney-Planning Director

To all of the above,

Rich and I are writing this letter, for the record, to be entered as an opinion and a concern for the future of our neighborhood, Miramar, within the City limits of Half Moon Bay.

As everyone on the Commission is aware, the project at 73 San Pablo has long been a concern for the Miramar neighborhood. One year ago, almost to the day, a project was proposed for this same sub-standard lot and our objections at that time, as they are now, were the break down of the remainder of San Pablo into sub-standard home development, with five foot set backs and heights at 28feet. In other words four houses on property which met the zoning for two and a veritable wall of house with so little light between, as well as visual space, that nothing would grow. We also felt and feel that allowing development to proceed in this way sent a clear message to developers to make very little attempt to combine lots were possible because profit and process could be achieved without merger, so where was the incentive to try.

I have appeared before you now three times in as many months, each time involving a different sub-standard lot situation. The first was as the purchaser of a sub-standard lot of 3600 sq feet whose seller was seeking a lot line adjustment. I would like to return to this proposal later. The second was to give a nod of approval to a sub-standard lot on the corner of Guerrero and Alameda Ave. While this project request was at the maximum allowable it did not create any further isolation of any more sub-standard lots, sincere effort to purchase had been confirmed by the adjacent lot owner and the remainder of the street had large 80'by 105 foot lots thereby insuring more light and greater side set backs. This project is the third and my history with this project has been to attend three of the five or so Architectural Reviews. Thanks to the Planning Department, Bill Smith, and the members of the Commission the design has improved since then and the Floor Area Ratio, which originally contained 700sq feet of 7 1/2 foot "Storage Space" which had sliding doors to the exterior putting the actual FAR at closer to 65%, to a valid 50%. However, from the first ARC the applicant asserted that he and his Realtor, Judy Taylor, had made every effort to seek to purchase additional property. After a discussion with the corner lot owner on the day of the second ARC review of this project I was informed that effort had consisted of one phone call of inquiry and when informed that the corner lot was for sale the Realtor had said she would get back to him but had heard nothing. I mention this only as narrative which demonstrates intent. The present status of the possibility, as far as I know, is that the corner lot is still for sale.

Finally, when I appeared before you as the purchaser of a sub-standard lot resulting from a lot line adjustment, who was willing and had agreed to deed restrict said property from ever being the site of a single family residence, Mr. Meyer requested that we, as the purchasers, have no development rights whatever, unless we merged the lot with our own adjacent holdings. While this had always been our intention, I felt this restriction was a clear demonstration of the latitude within which the Planning Commission can act without the