

CALIFORNIA COASTAL COMMISSION

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RSM



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Staff: Jack Liebster
Staff Report: July 1, 1999
Hearing Date: July 15, 1999
Commission Action:

TO: Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
Steven F. Scholl, Deputy Director
Robert Merrill, North Coast District Director
Jack Liebster, Coastal Planner

SUBJECT: **San Mateo County LCP Amendment No. 1-99 Minor**, (Appeal of Variances and Home Improvement Exemptions; Replace Concept Plan) (Meeting of July 15, 1999, in San Rafael)

I. LCP Amendment and Discussion.

The County proposes to amend its certified Implementation Plan to (1) allow appeal of variance and Home Improvement Exception (HIE) decisions from the Planning Commission to the Board of Supervisors and (2) replace concept plan requirements with a new pre-application review procedure for major development projects, as detailed below:

1. Appeal of Variances and Home Improvement Exceptions:

This LCP implementation amendment request involves changes to San Mateo County Zoning Regulations, Chapter 25 (Variances), Section 6535 to allow appeal of Variances and Home Improvement Exception decisions from the Planning Commission to the Board of Supervisors. The amendment was requested by the San Mateo County Board of Supervisors to provide greater opportunity for citizen participation in the decision process. Before 1988, variances were appealable to the Board of Supervisors. The Board revised the variance appeal process to preclude appeal of Planning Commission decisions to the Board of Supervisors. In 1996, the Home Improvement Exception (HIE) was established and also precluded appeal to the Board of Supervisors. Home Improvement Exceptions also provide relief from zoning requirements, but differ from variances in that they are restricted to residential additions that are 250 square feet or less in size, and are subject to less restrictive findings. The proposed amendment would apply throughout the unincorporated area of the County, including the entire coastal zone.

2. Replace Concept Plan with Pre-Application Review Process:

This LCP implementation amendment request involves changes to San Mateo County Zoning Regulations, Chapter 22 (General Provisions and Exceptions), Chapters 36 and 36A.1, (RM/CZ District), and Chapters 37A and 37B (TPZ/CZ District). The proposed amendments would replace concept plan review with a new pre-application process for major development proposals that focuses on public involvement and information exchange. The existing concept plan review process involves public hearings and a Planning Commission decision on a proposal at its conceptual stage.

The County's experience has been that the existing concept plan review process has often resulted in a completely duplicated and protracted hearing process. Moreover, too often "concept approval" of a project by the Planning Commission has been mistakenly regarded by both proponents and opponents of a project as some measure of entitlement to a permit, producing confusion and conflict instead of clarity and consensus.

To develop an alternative to this inefficient and often unproductive process, the County convened an advisory committee consisting of members of the Pescadero Municipal Advisory Council (Tony Danzig), the Mid-Coast Community Council (Paul Perkovic), the Committee for Green Foothills (Lennie Roberts) and John Ward (a former County supervisor and currently a development consultant). The proposed amendment is the product of their work with County staff.

Both the proposed pre-application procedures and the existing concept plan process allow the public the opportunity to preview a proposal and make suggestions on its ultimate design. The primary change in the proposed amendment is that the Planning Commission would not render a project decision at the pre-application stage. The proposed process focuses on information exchange, with the intent of avoiding the existing inefficiencies of duplicated review.

The proposed application process would apply throughout the unincorporated area to specific major development requests that ultimately require a discretionary permit and public hearing review. These include major subdivision and lot line adjustment (with 5 or more parcels), residential development with 10 or more dwelling units, visitor serving development with 10 or more lodging units, and any development with 10,000 sq. ft. of new floor area.

The pre-application process would involve two phases: (1) an early assistance meeting consisting of a meeting between the applicant and County planning staff, followed by (2) a public workshop, which would allow individuals, organizations, and public agency representatives the opportunity to provide project input before the preparation of final development plans.

The amendment involves measures that will increase opportunities for public involvement in the coastal management and project review process, and will broaden public participation in the planning process within San Mateo County's Coastal Zone.

San Mateo County LCP Amendment No. 1-99 Minor

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As such the amendment is consistent with Coastal Act Sections 30006, which states "that the public has a right to fully participate in decisions affecting coastal planning, conservation and development", and 30012, which states that an educated and informed citizenry is "necessary to protect California's finite natural resources". The proposal is also consistent with Coastal Act Sections 30620 and 30621, which establish public notification procedures to maximize citizen participation in the development review process.

Neither part of the amendment will affect the density, intensity, or kind of use that can be made of any particular parcel. The amendments do not allow any activities not already allowed in the code that will adversely affect coastal streams and wetlands. In addition, the amendment would have no effect on coastal access. Therefore, the Executive Director finds that the proposed amendment is consistent with the Coastal Act and is minor in nature.

II. Public Participation and Commission Review.

The proposed LCP amendment was the subject of local public hearings before the County Planning Commission and the Board of Supervisors. All of these public hearings were properly noticed to provide adequate public participation. The LCP amendment is consistent with Section 30514 of the Coastal Act and Section 13553 of Title 14 of the California Code of Regulations. The County's Ordinances are attached as Exhibit No. 1 and 2.

The Executive Director has determined that the proposed LCP amendment is "minor" in nature under Sections 13554 and 13555 of Title 14 of the California Code of Regulations, since the development will not result in the change to the kind, density, or intensity of use of the subject property. The Executive Director informed all interested parties by mail of this determination on July 1, 1999. The Commission will consider the Executive Director's determination at the July 15 meeting in San Rafael. At that time, the Executive Director will report to the Commission any objection to this determination which is received at this office within ten (10) days of the posting of this notice. Anyone wishing to register an objection to the proposed "minor" LCP amendment determination should contact Jack Liebster at (415) 904-5260 at the Commission's North Coast District Office in San Francisco by July 13, 1999.

If one-third of the appointed members of the Commission so requests, the determination of a minor amendment shall not become effective and the amendment shall be processed as a "major" amendment under Section 13555(b) of Title 14 of the California Code of Regulations. If the Commission concurs with the Executive Director's determination that the LCP amendment request is minor in nature, then the amendment will take effect ten (10) working days after the Commission meeting and notice to the County of San Mateo under Section 30514(C) of the Coastal Act.

III. Staff Recommendation.

Staff recommends that the Commission concur with the Executive Director's determination that the LCP amendment is minor.

EXHIBITS

1. Board of Supervisors Res. 62711 and Ordinances; Appeal of Variances and HIEs
2. Board of Supervisors Res. 62526 and Ordinances; Replace Concept Plan Process

RESOLUTION NO. 62711

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

* * * * *

RESOLUTION DIRECTING STAFF TO SUBMIT TO THE CALIFORNIA COASTAL
COMMISSION AN AMENDMENT TO THE SAN MATEO COUNTY ZONING
ORDINANCE CODE (ZONING ANNEX) TO ALLOW APPEAL OF VARIANCES
AND HOME IMPROVEMENT EXCEPTIONS FROM THE PLANNING
COMMISSION TO THE BOARD OF SUPERVISORS

* * * * *

WHEREAS, on March 9, 1999, the San Mateo County Board of Supervisors held a hearing to amend the Zoning Regulations to allow appeal of variances and home improvement exceptions from the Planning Commission to the Board of Supervisors; and

WHEREAS, public notice of all hearings was made to ensure maximum public participation, and all interested parties were afforded the opportunity to be heard; and

WHEREAS, on March 9, 1999, the Board of Supervisors approved the amendment by adopting Ordinance 03888; and

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the San Mateo County Board of Supervisors directs staff to submit above-mentioned amendment to the California Coastal Commission for its review and certification as conforming with the Coastal Act; and

NOW, THEREFORE, IT IS FURTHER RESOLVED, that should the Coastal Commission certify the amendment without modifications, the amendment shall become effective thirty (30) days after such certification; and

NOW, THEREFORE, IT IS FURTHER RESOLVED, the above-mentioned amendment does not require a Countywide election pursuant to LCP Policy 1.31.

KC:fc - KHCJ0440.6FS
(4/7/99)

EXHIBIT NO. 1
APPLICATION NO. SMC LCP Amend 1-99 Bd of SUP RES 62711 & ORD, Appeal of Variances & HIEs (Page 1 of 4)

Regularly passed and adopted the 20th day of April, 1999.

AYES and in favor of said resolution:

Supervisors:

MARY GRIFFIN

JERRY HILL

RICHARD S. GORDON

ROSE JACOBS GIBSON

MICHAEL D. NEVIN

NOES and against said resolution:

Supervisors:

NONE

Absent Supervisors:

NONE

MARY GRIFFIN

*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.

Dale Ellen Young

*DALE ELLEN YOUNG, Deputy
Clerk of the Board of Supervisors*

ORDINANCE NO. 03888

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

* * * * *

AN ORDINANCE AMENDING THE SAN MATEO COUNTY ORDINANCE CODE (ZONING ANNEX), DIVISION VI, PART ONE, CHAPTER 25, SECTION 6535 TO ALLOW APPEAL OF VARIANCES AND HOME IMPROVEMENT EXCEPTIONS FROM THE PLANNING COMMISSION TO THE BOARD OF SUPERVISORS

* * * * *

The Board of Supervisors of the County of San Mateo, State of California, ORDAIN as follows:

Section 1. The San Mateo County Ordinance Code, Division VI, Chapter 25, Section 6535 be amended to read as follows:

SECTION 6535. Variances and home improvement exceptions acted on by the Zoning Administrator may be appealed to the Planning Commission within ten (10) working days only by aggrieved persons as defined in Section 6328.3 of the Zoning Regulations. Notice of the public hearing shall be provided as specified in Section 6532.D. The Planning Commission will review and consider only points of appeal for each variance or home improvement exception. The decision of the Planning Commission may be appealed to the Board of Supervisors in accordance with the same requirements as appeals to the Planning Commission.

Section 2. This ordinance shall be in full force and effect:

Coastal Zone: Thirty (30) days after the Coastal Commission has certified it, without modification, as conforming with the California Coastal Act.

Outside Coastal Zone: Thirty (30) days after its passage.

Regularly passed and adopted this 9th day of March, 1999.

AYES and in favor of said ordinance:

Supervisors:

MARY GRIFFIN

JERRY HILL

RICHARD S. GORDON

ROSE JACOBS GIBSON

MICHAEL D. NEVIN

NOES and against said ordinance:

Supervisors:

NONE

Absent Supervisors:

NONE

MARY GRIFFIN

President, Board of Supervisors
County of San Mateo
State of California

Certificate of Delivery

(Government Code section 25103)

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Dale Ellen Young

DALE ELLEN YOUNG, Deputy
Clerk of the Board of Supervisors

RESOLUTION NO. 62526

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

* * * * *

RESOLUTION DIRECTING STAFF TO SUBMIT TO THE CALIFORNIA COASTAL
COMMISSION FOR CERTIFICATION A SERIES OF AMENDMENTS TO THE SAN
MATEO COUNTY ZONING REGULATIONS THAT ELIMINATE CONCEPT
PLAN REQUIREMENTS AND REPLACE THEM WITH MAJOR
DEVELOPMENT PRE-APPLICATION PROCEDURES

* * * * *

WHEREAS, on December 10, 1997 and September 23, 1998, the San Mateo County Planning Commission held hearings to consider zoning text amendments to eliminate concept plan review requirements in the RM, RM/CZ, TPZ, AND TPZ/CZ zoning districts, and to establish Major Development Pre-application Procedures; and

WHEREAS, on January 5 and 19, 1999, the San Mateo County Board of Supervisors held hearings to consider zoning text amendments to eliminate concept plan review requirements in the RM, RM/CZ, TPZ, AND TPZ/CZ zoning districts, and to establish Major Development Pre-application Procedures; and

WHEREAS, public notice of all hearings was made to ensure maximum public participation, and all interested parties were afforded the opportunity to be heard; and

WHEREAS, on January 19, 1999, the Board of Supervisors approved the amendments, including those to be applied in the Coastal Zone for consideration by the Coastal Commission; and

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the San Mateo County Board of Supervisors directs staff to submit above-mentioned amendments that would be applied in the Coastal Zone to the California Coastal Commission for its review and certification as conforming with the Coastal Act; and

NOW, THEREFORE, IT IS FURTHER RESOLVED, that should the Coastal Commission certify the amendments without modifications, the amendments shall become effective thirty (30) days after such certification; and

NOW, THEREFORE, IT IS FURTHER RESOLVED, that none of the above-mentioned amendments require a Countywide election pursuant to LCP Policy 1.31.

GB:fc - GDBH10014.6FS

EXHIBIT NO. 2
APPLICATION NO. SMC LCP Amend 1-99
Bd of SUP RES 62526 & ORD, Replace
Concept Plan Process (1 of 35)

Regularly passed and adopted the 19th day of January, 1999.

AYES and in favor of said resolution:

Supervisors:

MARY GRIFFIN

JERRY HILL

RICHARD S. GORDON

ROSE JACOBS GIBSON

MICHAEL D. NEVIN

NOES and against said resolution:

Supervisors:

NONE

Absent Supervisors:

NONE

MARY GRIFFIN

*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.

Dale Ellen Young

*DALE ELLEN YOUNG, Deputy
Clerk of the Board of Supervisors*

ORDINANCE NO. **03871**

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 22 TO ADD
SECTIONS 6415.0 - 6415.4 TO ESTABLISH MAJOR DEVELOPMENT
PRE-APPLICATION PROCEDURES

* * * * *

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 22 be amended to add Sections 6415.0 - 6415.4 as follows:

**SECTION 6415.0. MAJOR DEVELOPMENT PRE-APPLICATION
PROCEDURES.**

SECTION 6415.1. PURPOSE. The purpose of the pre-application procedures process is to foster early public involvement and input on major development projects and, to the extent feasible, resolve potential issues before the formal County review process begins.

SECTION 6415.2. GENERAL REQUIREMENT. A proposal shall comply with the pre-application procedures described in Sections 6415.0-6415.4, if the proposal requires consideration at a public hearing, and involves:

- (a) Major subdivision, i.e., a proposal to create five (5) or more new parcels,
- (b) Lot line adjustment that reconfigures at least five (5) or more existing parcels,

- (c) Residential development involving ten (10) or more new dwelling units,
- (d) Visitor-serving development (e.g., hotels, hostelries, restaurants) involving or requiring:
 - (1) Ten (10) or more new hotel or hostelry lodging units, or
 - (2) Sixty (60) or more new restaurant and/or bar area seats, or
 - (3) Two (2) or more density credits (rural Coastal Zone only),
- (e) Institutional development, including, but not limited to, educational, religious, cultural, health care or community care facilities that would typically result in forty (40) or more people congregating on the property at any one time,
- (f) Any development proposal involving more than ten thousand (10,000) sq. ft. of new structural floor area,
- (g) Any development proposal which, in the opinion of the Planning Director, is similar in type and size as those projects in (a) - (f), and warrants early neighborhood input due to potential environmental impacts, or
- (h) Any General Plan or Local Coastal Program land use map amendment that would increase the allowable land use density or intensity.

A development permit application for a proposal involving one of the development types identified in Section 6415.1 will not be deemed complete pursuant to the State Permit Streamlining Act (Government Code Section 65920 et seq.) if such proposal has not complied with the pre-application requirements of Sections 6415.0-6415.4.

SECTION 6415.3. EARLY ASSISTANCE MEETING. Prior to submitting a development permit application for a proposal involving one of the development types identified in Section 6415.1, the applicant shall request an early assistance meeting with County planning staff to allow staff to explain the land use planning issues, policies, and process applicable to the proposed development.

The early assistance meeting required by this section is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15061 (General Rule) and 15306 (Information Gathering), due to the fact that the required early assistance meeting is solely for information gathering purposes and has no potential for causing any effect on the environment.

The applicant shall provide staff with a preliminary plan and descriptive materials necessary to convey a general understanding of the tentative proposal.

The staff shall (a) acquaint the applicant with the significant land use planning issues, key general plan policies, and zoning and other development regulations applicable to the proposal, (b) suggest changes to the proposal that would result in better compliance with the County requirements, (c) describe any additional County expectations related to the proposal, (d) explain the permit review and decision process, and (e) describe applicable fees.

Within ten (10) days of the early assistance meeting, staff shall provide the applicant with a brief written summary of the key points discussed at the meeting.

SECTION 6415.4. PUBLIC WORKSHOP. After the early assistance meeting, but prior to submitting the required application forms and fees for the development permits for one of the development types identified in Section 6415.1, the applicant shall request, in writing, that staff sponsor a pre-application public workshop.

The public workshop is intended to allow community members and public agency representatives the opportunity to provide the applicant with project input before the preparation of final development plans. Similar to the "scoping" function (CEQA Guidelines Section 15083), the public workshop may result in pre-application project modifications, and solve problems that would otherwise arise in more serious forms later in the review process.

The public workshop is for informational purposes only and shall not confer or imply any approval or rejection of the proposed project by the County of San Mateo.

The public workshop required by this section is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15061 (General Rule) and 15306 (Information Gathering), due to the fact that the required public workshop is solely for information gathering purposes and has no potential for causing any effect on the environment.

When requesting a pre-application public workshop, the applicant shall provide staff with the following materials which would convey a preliminary description of the tentative proposal:

- (a) A Vicinity Map, to scale, showing the area surrounding the proposed development site, including all existing development located 500 feet beyond the site boundary.
- (b) A Natural Setting Map, to scale, showing the location of existing environmental conditions on the development site, including the following features as applicable:
 - (1) Topography (elevations, slope contours).
 - (2) Drainage (perennial/intermittent creeks or streams).

- (3) Vegetative cover (amount and type of predominant trees and plants).
 - (4) Sensitive habitats (wetlands, riparian corridors, and endangered species as defined in the General Plan).
 - (5) Geological hazards (earthquake faults, landslide susceptibility areas).
 - (6) Scenic features (scenic road view corridors, public view sheds).
- (c) A Site Plan, to scale, showing the location of the following existing and proposed features, as applicable:
- (1) Parcel boundaries.
 - (2) Land uses and other site activities (including approximate area covered).
 - (3) Buildings and structures (including approximate dimensions/square footage).
 - (4) Circulation areas (roads, streets, driveways, sidewalks, foot paths).
 - (5) Parking and loading areas.
 - (6) Utility easements.
 - (7) Landscape, open space and recreation areas (including major landscape features).
- (d) Elevations showing the front, rear and side view of proposed buildings and significant structures to illustrate approximate building scale and character.

- (e) An explanation of the intensity of all proposed land uses and activities on the site, e.g., number of people or vehicles on the site at full utilization.
- (f) An explanation of the sequence or phasing of the proposed development.
- (g) A completed Environmental Information Form (to be submitted for project description, rather than CEQA compliance purposes).
- (h) Fee for Major Development Pre-application Procedure, as set by resolution of the Board of Supervisors.

Staff shall schedule the public workshop to be held in the evening at a location in or near the community where the development is proposed. At least fifteen (15) calendar days before the event, staff shall send a written notice announcing the workshop to the following persons or groups:

- (a) All property owners within five hundred (500) feet of the project site boundary.
- (b) All recognized community advisory organizations, including established community councils, advisory committees, homeowner, property owner or business associations with jurisdiction or membership in the notification area in (a), above.
- (c) All persons who have requested to receive a notice of such workshops, a list of which shall be maintained by the Planning Commission Secretary.
- (d) All public agencies that may be affected by or have an interest in the proposed development, including utility and service providers.
- (e) The members of the Planning Commission and Board of Supervisors.

Written notice of the public workshop shall contain at least the following information:

- (a) The date, time and place of the public workshop.
- (b) The name and mailing address of the applicant and owner of the property where the development is proposed.
- (c) The location of the project.
- (d) A short, general description of the preliminary development proposal, with an emphasis on the types of land uses and structures that would result.
- (e) The name and phone number of the staff planner to contact in order to request a copy of the maps, plans, elevations and other descriptive materials submitted by the applicant for the pre-application workshop.

Staff shall conduct the public workshop which would observe the following format:

- (a) Staff presentation of: (1) the purpose of the public workshop, (2) a brief summary description of the preliminary development proposal, (3) the basic general plan, zoning and other development provisions applicable to the proposal, (4) the next steps in the development review process, and (5) introduce the applicant.
- (b) Applicant presentation of a more detailed description of the preliminary development proposal, with an emphasis on potential community impacts and how these will be mitigated.

- (c) Public input to present any comments, questions and suggestions it may have regarding the proposal, including comments related to potential project impacts and suggestions for project revisions to address them.
- (d) The applicant may respond to the comments, questions or suggestions posed in the manner of his or her choosing, including: (1) by providing an oral response to a question at the workshop or subsequently in writing, (2) by incorporating a comment or suggestion into the project design, or (3) by providing no formal response, but recognizing that the comment, question or suggestion was offered in the spirit of advisement, and could resurface during subsequent review, public hearings and deliberations by County decision makers.
- (e) Staff will record all comments, questions or suggestions posed by the public, and may incorporate them in the final development permit staff report. The complete list of comments, questions or suggestions shall be available to any interested party.
- (f) When the public workshop is complete, staff shall provide the applicant with a written statement of each planning permit that is required, including the relevant application materials.

Should the Planning Director determine that the proposal has significantly changed and is substantially different from that presented at the public workshop (other than to meet the concerns expressed), the Planning Director may require an additional public workshop.

Should more than two years lapse between the date of the public workshop and the date of submitting an application for development permits, and the Planning Director has determined that neighborhood composition has changed significantly enough to warrant another workshop, the Planning Director may require an additional public workshop.

The applicant may, at his or her option, convene additional public workshops to address community concerns prior to submitting permit applications. Staff should be informed of any additional workshops convened by the applicant.

Section 2. This ordinance shall be in full force and effect:

Coastal Zone: Thirty (30) days after the Coastal Commission has certified it, without modification, as conforming with the California Coastal Act.

Outside Coastal Zone: Thirty (30) days after its passage.

GB:fc - GDBI1230.6FQ (10/13/98)

Regularly passed and adopted this 19th day of January, 1999.

AYES and in favor of said ordinance:

Supervisors:

MARY GRIFFIN

JERRY HILL

RICHARD S. GORDON

ROSE JACOBS GIBSON

MICHAEL D. NEVIN

NOES and against said ordinance:

Supervisors:

NONE

Absent Supervisors:

NONE

MARY GRIFFIN

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.

Dale Ellen Young

DALE ELLEN YOUNG, Deputy
Clerk of the Board of Supervisors

ORDINANCE NO. 03877

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
SECTIONS 6900, AND 6902-6903 TO ELIMINATE CONCEPT PLAN
REQUIREMENTS IN THE RESOURCE MANAGEMENT/COASTAL
ZONE (RM/CZ) ZONING 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 6900 be amended to read as follows:

SECTION 6900. PURPOSES OF RESOURCE MANAGEMENT/COASTAL ZONE DISTRICT. The purposes of this chapter are to carry out the objectives and policies of those San Mateo County General Plan Chapters that fulfill the requirements for State-mandated Open Space and Conservation Elements, as well as other elements adopted as part of the General Plan of San Mateo County, to meet the requirements of Section 65910 of the Government Code of the State of California requiring formulation of an open space zoning ordinance, and to ensure consistency between the General Plan and the zoning ordinance.

Section 2. San Mateo County Ordinance Code, Division VI, Part One, Chapter 36, Sections 6902-6903 be amended to read as follows:

SECTION 6902. ELEMENTS OF DISTRICT REGULATIONS. The regulations of this district are included in seven (7) major ordinance elements: (1) Maximum forms of development and type of use, as indicated in Section 6905; (2) Development Review Procedures and Criteria, as indicated in Section 6910; (3) General Review Criteria, as indicated in Section 6912; (4) Supplementary Review Criteria, for Primary Resource Areas, as indicated in Section 6913; (5) Supplementary Review Criteria for Special Hazards Areas as indicated in Section 6914; (6) Primary Resource Areas and Hazard Areas; and (7) the applicable portions of the Zoning District Map, as included in the San Mateo County Zoning Ordinance.

SECTION 6903. DEVELOPMENT REVIEW PERMIT REQUIREMENT. All development proposed for location within an RM/CZ District shall require the issuance of a permit, pursuant to the Development Review Procedure specified in Chapter 23,

and such proposed development shall comply with the California Environmental Quality Act (CEQA), Section 15020.

For purposes of Chapters 20A, 20A.2, 23 and 36, but excluding those uses defined below, "development" shall mean the construction of any significant structure on land, or in or under water; the discharge or disposal of any significant dredged material or any gaseous, liquid, solid or thermal waste; the division or subdivision of land into two or more parcels; reconstruction or substantial alteration of any significant structure, including any facility of a private, public or quasi-public utility; and any major removal of vegetation.

Excluded from this definition of development and from Development Review Permits and Procedures are uses defined in Section 6458 and commercial logging which is controlled under regulation of the Timber Harvesting Ordinance, Division 8, Part 1, Chapters 1 through 15 of the San Mateo County Ordinance Code; topsoil operations which are subject to regulations of the County Ordinance Code, Chapter 2, Topsoil Site Regulations, Sections 7701.0 through 7701.11; quarrying operations which are subject to regulation of the County Ordinance Code, Chapter 3, Quarries, Sections 7702.0 through 7702.10; oil and gas well regulations, Sections 7703.00 through 7703.20, and grading and excavating operations which are subject to regulations of the County Ordinance Code, Chapter 8, Regulation of Grading and Excavating Operations, Sections 8600-8614; agricultural utility poles; single pump houses of less than 800 cubic feet in size, fences under 4 feet in height constructed of single wire or open wood rail, necessary repairs or maintenance of existing structures, agricultural uses which did not require a permit prior to adoption of this ordinance, and crop harvesting and conversion of land for agricultural use, unless said use or land falls within a Primary Wildlife or Primary Natural Vegetative Area, except that vegetation forming a significant part of the viewshed as seen from urban areas or public roads and trails shall be deleted from the definition of Primary Natural Vegetative Areas in consideration of conversion of land for agricultural use.

For purposes of this ordinance, "Significant Structures" shall be defined as a structure for human occupancy or use such as a single-family residence, multiple-family residences, trailer park structures, structures for overnight accommodations, restaurants, churches, private and public club structures, and schools, roads, bridges, public facilities and utilities, non-agricultural utility poles and structures, dams, breakwaters, mineral extraction buildings and constructs, harbors, docking facilities, recreation buildings and facilities, campground structures, dude ranch structures and similar types of structures.

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.

GDB:BA:fc/kcd - BYAH1509.6FQ (10/26/98)

Regularly passed and adopted this 19th day of January, 1999.

AYES and in favor of said ordinance:

Supervisors:

MARY GRIFFIN

JERRY HILL

RICHARD S. GORDON

ROSE JACOBS GIBSON

MICHAEL D. NEVIN

NOES and against said ordinance:

Supervisors:

NONE

Absent Supervisors:

NONE

MARY GRIFFIN

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.

Dale Ellen Young

DALE ELLEN YOUNG, Deputy
Clerk of the Board of Supervisors

ORDINANCE NO. 03878

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

AN ORDINANCE AMENDING SAN MATEO COUNTY ORDINANCE CODE
(ZONING ANNEX), DIVISION VI, PART ONE, TO REPEAL CHAPTER 36A.1
TO ELIMINATE CONCEPT PLAN REQUIREMENTS FOR LARGE PARCELS
IN THE RESOURCE MANAGEMENT/COASTAL ZONE (RM/CZ) ZONING DISTRICT

The Board of Supervisors of the County of San Mateo, State of California, ORDAIN as follows:

Section 1. Chapter 36A.1 of the San Mateo County Ordinance Code, Division VI, Part One, is hereby repealed.

Section 2. 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.

BA:fc/kcd - BYAH1504.6FQ
(8/24/98)

Regularly passed and adopted this 19th day of January, 1999.

AYES and in favor of said ordinance:

Supervisors:

MARY GRIFFIN

JERRY HILL

RICHARD S. GORDON

ROSE JACOBS GIBSON

MICHAEL D. NEVIN

NOES and against said ordinance:

Supervisors:

NONE

Absent Supervisors:

NONE

MARY GRIFFIN

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.

Dale Ellen Young

DALE ELLEN YOUNG, Deputy
Clerk of the Board of Supervisors

ORDINANCE NO. 03879

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

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AN ORDINANCE AMENDING SAN MATEO COUNTY ORDINANCE CODE
(ZONING ANNEX), DIVISION VI, PART ONE, CHAPTER 37A TO REVISE
SECTIONS 6954-6962 TO ELIMINATE CONCEPT PLAN REQUIREMENTS
IN THE TIMBERLAND PRESERVE/COASTAL ZONE (TPZ/CZ) ZONING 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 37A, Sections 6954-6962 be amended to read as follows:

**CHAPTER 37A. ZONING, REZONING, LAND DIVISION IN THE
TIMBERLAND PRESERVE/COASTAL ZONE (TPZ/CZ) ZONING
DISTRICT**

SECTION 6954. ENTRY TO TPZ/CZ. Landowners may enter the Timberland Preserve/Coastal Zone by petition or by adding to Timberland Preserve established by the initial zoning action.

SECTION 6955. ENTRY BY PETITION. After November 1, 1977, an owner may apply, on a form provided by the Planning and Building Division, to zone his/her land as Timberland Preserve. Following public hearing and recommendation of the Planning Commission, the Board of Supervisors shall hold a public hearing and shall zone as Timberland Preserve/Coastal Zone all parcels submitted to it which have met all the following requirements:

1. A map shall be prepared with scale not less than one inch (1") equals 1,000 feet (scale 1:12,000) showing the legal description or the Assessor's Parcel Number of the property desired to be zoned. The map shall show all permanent roads, improvements, and developments. The map shall show approximate location of vegetation type boundaries if vegetation other than timberland is present.
2. A timber management plan meeting the requirements of Section 6976 must be prepared or approved as to content for the property by a registered professional forester.

3. The timberland area shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practices Rules adopted by the State Board of Forestry for the southern area of the Coast Redwood District, or the owner must sign an agreement with the Board of Supervisors to meet such stocking standards and Forest Practices Rules by the fifth anniversary of the signing of such agreement. Failure to meet such stocking standards and Forest Practices Rules within this time period shall be grounds for rezoning of the parcel.
4. The land area concerned shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of single or contiguous parcels consisting of at least 30 acres. Rezoning action shall follow procedures in the Zoning Annex Sections 6550 through 6556 inclusive.

SECTION 6956. ADDITION TO EXISTING TPZ/CZ LANDS. After March 1, 1977, an owner with timberlands in a Timberland Preserve/Coastal Zone may apply to add adjacent or contiguous recently acquired or other lands that meet the definition of timberland. Section 6955 shall not apply to these lands. Such additions shall combine legal parcels when they are contiguous, thereby reducing the total number of parcels.

SECTION 6957. LAND DIVISION WITHIN THE TPZ/CZ. Legal parcels zoned as Timberland Preserve/Coastal Zone shall not be divided into parcels containing less than 160 acres unless all the owners of resulting legal parcels (a) submit a joint timber management plan as described in Section 6976 prepared or approved as to content by a registered professional forester; and (b) such owners enter into a binding contract with the Board of Supervisors to manage and harvest timber on all the timberland jointly, and are bound by the provisions of such management plan for a minimum period of 30 years. Such division shall be approved by 4/5 vote of the full Board.

SECTION 6958. REZONING. Rezoning from TPZ/CZ may be initiated by the landowner or the County.

SECTION 6959. In the event of land exchanges with or acquisitions from a public agency in which the size of an owner's parcel or parcels zoned as Timberland Preserve/Coastal Zone is reduced, such TPZ/CZ zoning shall not be removed from the parcel unless the majority of the full Board initiate rezoning pursuant to Section 6960, and except for cause other than the smaller parcel size.

SECTION 6960. COUNTY INITIATION OF REZONING.

1. If the Board of Supervisors after public hearing and by majority vote of the full body desires in any year not to extend the term of zoning, the County shall give written notice of its intent to rezone following the procedures established in Section 6550 et seq. TPZ/CZ land shall be rezoned into a zone consistent with the General

Plan. The State Forester shall be notified unless written notice is given at least 90 days prior to the anniversary date of the initial zoning.

2. Upon receipt by the owner of a notice of non-renewal from the County, the owner may make written protest of the zoning change. The Board, by a majority vote of the full body, may reaffirm its intent to change the zoning to a zoning district consistent with the General Plan, but only after finding that continued use of the land in Timberland Preserve is neither necessary nor desirable to accomplish the purposes of this ordinance and the Forest Taxation Reform Act.
3. A zoning district consistent with the General Plan shall become effective for the parcel ten years from the date of final Board vote to rezone. Upon rezoning, the parcel shall be valued pursuant to Section 426 of the Revenue and Taxation Code.
4. The owner may petition in writing to be reheard within six months of the date of the Board's decision.

SECTION 6961. INITIATION OF REZONING BY THE LANDOWNER.

1. If the owner desires in any year to rezone a parcel from its current Timberland Preserve/Coastal Zone, the owner shall give written notice and shall follow procedures established in Section 6550 et seq. The zoning term shall be deemed extended unless written notice is given at least 90 days prior to the anniversary date of initial zoning.
2. Within 120 days of receipt of notice of an owner's desire to rezone a parcel, the Board after a public hearing shall rule on the request for rezoning. The Board may rezone, but only after finding that continued use of the land in Timberland Preserve is neither necessary nor desirable to accomplish the purposes of this ordinance and of the Forest Taxation Reform Act of 1976. The State Forester shall be notified of the Board's action and findings.
3. The Board by a majority vote of the full body may remove the parcel from the Timberland Preserve/Coastal Zone and shall place it in a zone consistent with the General Plan.
4. A zone consistent with the General Plan shall become effective ten years from the date of its approval. Upon rezoning, the parcel shall be valued pursuant to Section 426 of the Revenue and Taxation Code, in the same manner as if a restriction were terminated as provided for in Section 51091 or 51245 of the Government Code.

5. If the Board denies the owner's request for a change of zone, the owner may petition in writing for a rehearing within six months of the date of the Board's decision.

SECTION 6962. Immediate rezoning is permitted only to provide relief when continued use of land in a Timberland Preserve is neither necessary nor desirable to accomplish the purposes of this ordinance. Immediate rezoning shall be governed by the following:

1. Immediate rezoning of all or part of a parcel can be initiated only by the landowner.
2. The owner shall apply for immediate rezoning on a form provided by the Planning and Building Division. Application for immediate rezoning shall be made for the proposed use modified to exclude timber management use.
3. If rezoning is desired for only a portion of a parcel, the remaining portion shall meet the requirements of timberland in a Timberland Preserve/Coastal Zone, including the requirement that a timber management plan be prepared according to Section 6970.
4. If lands being rezoned are growing commercial species according to the State Forest Practices Act and Rules, the application for rezoning must be accompanied by a tentatively approved application for conversion pursuant to Section 4621.2 of the Public Resources Code (Application for Conversion may be made through the State Forester's Office). If tentative approval for conversion has not been obtained from the State Board of Forestry, the Board of Supervisors may tentatively approve immediate rezoning after public hearing and four-fifths vote of the full body. The Board shall forward its tentative approval to the State Board of Forestry, together with the application for immediate rezoning, a summary of the public hearing and any other information required by the Board of Forestry. The Board of Forestry shall consider the tentative approval pursuant to Section 4621.2 of the Public Resources Code. Final approval to an immediate rezoning is given only if the Board of Forestry has approved conversion pursuant to Section 4621.2 of the Public Resources Code. Upon such final approval of immediate rezoning, the Board of Forestry shall notify the Board of Supervisors of such approval, and the Board shall remove the parcel from the Timberland Preserve/Coastal Zone and shall specify a new zone for such parcel which is consistent with the General Plan.
5. If an application for conversion is not required pursuant to Section 4621 of the Public Resources Code, the Board of Supervisors may approve the immediate rezoning request only if by a four-fifths vote of the full Board it makes written findings that:

- a. The immediate rezoning would be in the public interest.
 - b. The immediate rezoning would not have a substantial and unmitigated adverse effect upon the continued timber growing use or open space use of other land zoned as TPZ/CZ and situated within one mile of the exterior boundary of the land upon which immediate rezoning is proposed.
 - c. The soils, slopes, and watershed conditions would be suitable for the uses proposed if the conversion were improved.
6. The existence of an opportunity for an alternative use of the land shall not alone be sufficient reason for granting a request for immediate rezoning. Immediate rezoning shall be considered only if there is no proximate and suitable land which is not zoned TPZ/CZ for the alternate use not permitted within the Timberland Preserve/Coastal Zone.
 7. The uneconomic character of the existing use shall not be sufficient reason for the approval of immediate rezoning. The uneconomic character of the existing use may be considered only if there is not other reasonable or comparable timber growing use to which the land may be put.

Section 2. 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.

GDB:BA:fc/kcd - BYAH1511.6FQ
(10/26/98)

Regularly passed and adopted this 19th day of January, 1999.

AYES and in favor of said ordinance:

Supervisors:

MARY GRIFFIN

JERRY HILL

RICHARD S. GORDON

ROSE JACOBS GIBSON

MICHAEL D. NEVIN

NOES and against said ordinance:

Supervisors:

NONE

Absent Supervisors:

NONE

MARY GRIFFIN

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.

Dale Ellen Young

DALE ELLEN YOUNG, Deputy
Clerk of the Board of Supervisors

ORDINANCE NO. 03880

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 37B TO REVISE
SECTIONS 6963-6966, 6968-6972 AND 6974-6977 TO ELIMINATE
CONCEPT PLAN REQUIREMENTS IN THE
TIMBERLAND PRESERVE/COASTAL ZONE (TZ/CZ) ZONING 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 37B, Sections 6963-6966 be amended to read as follows:

**CHAPTER 37B. LAND MANAGEMENT PLANNING REQUIREMENTS
FOR USES AND PERMITS IN THE TIMBERLAND PRESERVE/
COASTAL ZONE (TPZ/CZ) ZONING DISTRICT**

SECTION 6963. USES AND PERMITS. Timber growing and harvesting and compatible uses only are permitted in the TPZ/CZ. A proposed use which the Planning Director determines to be a compatible use and which does not constitute development as defined in Section 6953.3 shall not require a permit. Permits shall be required for all developments.

SECTION 6964. COMMERCIAL TIMBER HARVESTING is permitted in the TPZ/CZ under the Timber Harvesting Ordinance, Division VIII, Part I, Regulation of Timber Harvesting, Section 10,000 through 10,807 inclusive.

SECTION 6965. COMPATIBLE USE DEVELOPMENT REQUIREMENTS. All developments proposed for location within the Timberland Preserve/Coastal Zone shall meet the definition of compatible use set forth in Section 6953.1. Such developments, except commercial timber harvesting, shall require issuance of either a Minor Development Permit or a Major Development Permit. All developments require a Timber Management Plan (Section 6976) with sufficient details to achieve the purposes of this ordinance.

SECTION 6966. APPLICATION PROCEDURES AND CRITERIA for deciding between alternative development permit procedures.

1. The applicant shall submit a completed TPZ/CZ application, and a Project Description and Environmental Certification form briefly describing the proposed development.
2. The applicant shall submit a Timber Management Plan with sufficient detail to guide and coordinate the development.
3. If, after review of material submitted in 1. and 2. above, the proposed use is a compatible use allowed in the TPZ/CZ, is either listed or determined by the Planning Director to be a minor development, and is adequately coordinated by the Timber Management Plan, the Planning Director may approve a Minor Development Permit without the requirement of a public hearing.
4. If, after a review of the material submitted in 1. and 2. above, the proposed use is a compatible use permitted in the TPZ/CZ, but cannot qualify as a minor development, the application is declared to be major development and shall be reviewed according to the Major Development Permit procedures as required under Section 6969 below.
5. If, after review of the material submitted in 1. and 2. above, the Planning Director determines that the proposed use is not a compatible use as defined in Section 6953.1, he shall notify the applicant in writing and state the reasons.

Section 2. San Mateo County Ordinance Code, Division VI, Part One, Chapter 37B, Sections 6968-6972 be amended to read as follows:

SECTION 6968. MINOR DEVELOPMENT PERMIT. In order for the Planning Director to issue a Minor Development Permit, the Director must declare the following requirements have been met:

1. A complete TPZ/CZ application and Project Description and Environmental Certification form have been submitted.
2. Any additional information has been submitted that the Director believes is necessary in order to evaluate adequately the impact of a development.
3. A negative declaration or a categorical exemption has been issued.
4. The proposed minor development meets all applicable design criteria contained in Section 6973 below.
5. The proposed minor development has an adequate Timber Management Plan that assures the project is consistent with the purposes of the TPZ/CZ and will not impair the present or potential uses of adjacent properties.

Appeal of the issuance or non-issuance of a minor development permit, or any condition thereof, may be made by the applicant or any other person pursuant to Section 6980.

SECTION 6969. MAJOR DEVELOPMENT PERMIT. A major development in this chapter is any development that is permitted in the TPZ/CZ other than commercial timber harvesting or a minor development.

1. A proposed major development shall require a Development and Timber Management Plan pursuant to Section 6970.
2. The Planning Commission shall determine whether a major development is compatible with the TPZ/CZ, or whether rezoning is required in order to allow the proposed use.

SECTION 6970. DEVELOPMENT AND TIMBER MANAGEMENT ("DTM") PLAN PROCESS AND REQUIREMENTS. A Development and Timber Management Plan shall be prepared within one year and shall include the following elements:

1. An environmental document as required under CEQA regulations. Any environmental analysis shall include:
 - a. A brief description of the timber stand age and structure.
 - b. Site topography.
 - c. Geology.
 - d. Soil characteristics.
 - e. Hydrology.
 - f. Climate.
 - g. Vegetation.
 - h. Wildlife.
 - i. Road access.
 - j. Cultural and other special features pertinent to the proposed site.
2. A Timber Management Plan (Section 6976).
3. A tabulation of proposed land uses, building types, floor areas, number of dwelling units, usable open space, land coverage, total number of acres in the proposed development, and the percent of area designated for various uses.
4. A description of the proposed development's design theme as it applies to all buildings and landscapes.

5. Elevations, site and schematic floor plans for building types at an appropriate scale as determined by the Planning Director.
6. The precise location of water, sewerage, and drainage facilities, including any utility easements.
7. A landscaping plan showing proposed land forms including walls, walks, fences, screening, and the irrigation system, in addition to the location, size, number and variety of proposed tree or plant materials to be saved or installed, or existing plant materials to be removed or relocated.
8. A development schedule that at least includes anticipated timing, duration and costs, and the anticipated priorities of each development stage, if any.
9. The proposed circulation system, including the location of, and the specifications and improvements for streets, pedestrian pathways, and other circulation facilities.
10. A plan for all proposed parking, loading and unloading, as well as service areas.
11. A grading or earth moving plan, indicating haul routes and disposal sites if necessary.
12. A planned sign program indicating quantity, location, size, and design of all proposed signs.
13. A precise lighting plan.
14. A copy of proposed private agreements, covenants or restrictions, which govern the use, maintenance, and continuing operation of the development and any of its common areas, facilities, and services that proposed private agreements, covenants or restrictions, shall provide that payment of assessments to support the continued maintenance and operation of the development; any of its common areas, facilities and services shall be secured by a deed of trust on the property for the benefit of the County as well as for the benefit of any homeowners' association.
15. A Master Land Division Plan ("MLDP") which delineates how the parcel will be ultimately divided according to the maximum density of development permitted and consistent with the findings and conclusions of the environmental document (Section 6970.1). The MLDP shall indicate:
 - a. All existing and new property lines.
 - b. Proposed uses for each parcel.
 - c. Location of roads providing access to each parcel and road improvements required.

Parcels shall:

- a. Be of sufficient size to meet minimum domestic well water and on-site sewage disposal area requirements, except for the latter where it is legally possible to connect to water district lines.
- b. Be clustered in order to have the minimum amount of stream frontage.
- c. To the extent feasible, minimize the number of roads and driveways directly accessing major roads.

An MLDP shall permit division in phases, and all future divisions occurring on the original parcel for which an MLDP has been filed shall conform to that MLDP, or an approved amendment thereto.

An MLDP shall not be required if a deed restriction, or other legally enforceable instrument, limits development rights to a total potential buildout of four (4) or fewer dwelling units on the whole parcel.

The Development and Timber Management Plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development. Should the proposed development involve a subdivision, appropriate application will be made concurrently according to existing regulations.

Within 50 days of receipt of a DTM Plan, the Planning Director shall review it, refer it for analysis and recommendation to all interested persons and agencies, prepare a final report for the Planning Commission's consideration, and schedule a legal public hearing, following established policies.

SECTION 6971. PLANNING COMMISSION ACTION AND FINDINGS on the Development and Timber Management Plan.

Upon public hearing of the Plan, the Planning Commission shall take one of the following actions on the application: (1) approve, as submitted, (2) approve, subject to conditions of approval, or (3) deny.

1. Approval - If the Planning Commission finds that the DTM Plan conforms with all applicable criteria, standards and policies, and makes the specific findings listed below, it may approve the plan. The specific plan findings are that:
 - a. The DTM Plan is in harmony with the County General Plan and the purposes of the TPZ/CZ, and can be coordinated with existing and proposed development of surrounding areas.
 - b. Any proposed residential development will constitute a residential environment of sustained desirability and stability; it will be in harmony with the character of the

surrounding area; and the public facilities, such as schools, playgrounds and open space, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction.

- c. Any proposed compatible commercial, institutional, recreational, and other non-residential uses will be appropriate in size, location and overall planning to the purpose intended; such development will be in harmony with the character of the surrounding areas.
2. Approve with Conditions - In approving the DTM Plan, the Planning Commission may attach reasonable conditions of approval: (1) to ensure public safety, health, and welfare; (2) to support the required findings; or (3) to ensure compliance with the content and purpose of this ordinance. Conditions of approval may include, but not be limited to, design modifications, site improvements, exactions, and supplemental information.
3. Denial - If the Planning Commission finds that the DTM Plan does not meet all applicable criteria, standards and policies, it may deny the plan, giving its reasons. The Planning Commission may grant the applicant the opportunity to amend the DTM Plan and reschedule another legal public hearing within six months.

The Planning Commission decision shall become effective ten (10) days after the decision is rendered, providing an appeal is not filed in accordance with the provisions of Section 6780.

Section 3. Section 6973 is to become Section 6972.

Section 4. San Mateo County Ordinance Code, Division VI, Part One, Chapter 37B, Sections 6974-6977 be amended to read as follows:

SECTION 6973. GENERAL DESIGN CRITERIA.

1. Environmental Design Criteria. All developments shall be designed to conserve energy; to minimize air pollutants to meet County, State and Federal standards; to exclude significant levels of noxious odors; to use only biocides having no significant adverse environmental effects and to avoid discharging other chemicals which unbalance the major ecosystems; to exclude long-term noise levels; to avoid extensive change of vegetation; and to avoid adverse impacts on wildlife habitat, to minimize impacts on perennial streams and riparian habitat.
2. Site and Building Design Criteria. All developments shall:
 - a. Be property sited to be subordinate to and compatible with their surroundings.
 - b. Fit structures with the topography without undue grading or change to existing land forms.

- c. Develop parking in small, screened lots.
 - d. Minimize design and construction impacts on adjacent property owners due to blocked views, noises, lights, glare and odors.
 - e. Maintain soil stability on and off site.
 - f. Keep the profile of all structures less than the forest canopy height.
 - g. Use materials and colors that blend with surroundings.
 - h. Minimize increase in fire risk and hazard.
 - i. Minimize vegetation and tree removal.
3. Utility Design Criteria. All developments shall:
- a. Be designed to minimize the bulk and appearance of utility structures, poles, overhead wires, and signs.
 - b. Locate all utility lines underground where practicable; and use existing or locally available public water supply sources.
 - c. Have access to a satisfactory public sewer system nearby or to be suitable for septic tank installation, or other approved facility.
4. Cultural Resources Design Criteria. All developments shall be designed to avoid and maintain known archeological sites. Any unknown sites found during construction of a development shall be cause to suspend all work until approval to continue is obtained from the Planning Director.
5. Public Safety Design Criteria. All developments shall:
- a. Be designed to provide setbacks from hazardous areas.
 - b. Avoid off-site damage to life and property.
 - c. Avoid construction of any structures on hazardous areas as defined in the County's General Plan.
 - d. Avoid use of any portion of any land which is unsuitable for use for reasons of exposure to fire, flooding, inadequate drainage, soil and rock formations with severe limitations for development, or steep slopes.

- e. Avoid use of land with inadequate water supply or sewage disposal capabilities, or any other features harmful to the health, safety or welfare of the future residents or property owners of the proposed development or the community-at-large.

SECTION 6974. PRIMARY RESOURCE AREA DESIGN CRITERIA. These supplementary review criteria shall apply to developments that fall within Primary Resource Areas. These criteria are in addition to all other development criteria.

1. **Scenic Corridors and Other Scenic Resource Areas Design Criteria.** All developments shall:
 - a. Be designed to protect and enhance public views within a scenic corridor defined in the Visual Quality Chapter of the County's General Plan.
 - b. Visually screen access roads and parking areas from scenic corridors.
 - c. Minimize the number of access roads to scenic corridors.
 - d. Minimize the visual impact on scenic corridors.
 - e. Prohibit any use of a designated primary landscape feature.
 - f. Use native vegetation and earth berms as fencing material when screening is required.
2. **Fish and Wildlife Habitat Areas Design Criteria.** All developments shall:
 - a. Be designed to prevent reduction or removal of habitat areas.
 - b. Insure that any spawning and nesting areas or wetlands are not developed, altered, filled or dredged.
3. **Forest Resources Design Criteria.** All developments shall be designed to minimize the use of Site I, II or III soils for any use other than growing and harvesting of timber.
4. **Water Resources Design Criteria.** All developments shall:
 - a. Be designed to maintain groundwater basins.
 - b. Not disrupt groundwater recharge.
 - c. Manage flows to maintain fish habitats.
 - d. maintain the quality of water in any water body or source.

- e. Avoid construction of structures and roads directly adjacent to lakes or reservoirs over five acres in size.
5. Mineral Resource Areas Design Criteria. All developments shall:
- a. Be designed to enhance, reuse, and rehabilitate mineral resource land areas.
 - b. Minimize impacts to surrounding scenic and open space amenities.
 - c. Minimize impacts on water and wildlife resources.

SECTION 6975. SPECIAL HAZARD AREAS DESIGN CRITERIA. These supplemental design criteria shall apply to developments that fall within the Special Hazard Areas as defined in the County's General Plan.

1. Flood Plan Hazard Area Design Criteria. All developments within a 100-year floodplain shall:
- a. Be designed to maintain water quality.
 - b. Avoid construction of flood control works.
 - c. Reduce flood damage potential.
 - d. Be above the 100-year flood elevation for any given area, including the location of service facilities and utilities.
 - e. Provide storm drain facilities to store and convey water without damage to persons or property.
 - f. Avoid installations of sewage disposal facilities requiring soil absorption systems.
 - g. Avoid location of all water systems not flood proofed at or above the flood protection elevation.
2. Seismic Hazard Area Design Criteria. In all areas defined as hazard areas in the Natural Hazards Chapter of the San Mateo County General Plan, all developments shall be designed to standards which achieve the following:
- a. Maintenance of the health, safety and welfare of County residents.
 - b. Compliance with the requirements of the County General Plan.
 - c. Consistency with the uses proposed.

- d. Minimal likelihood of direct damage to the uses, and minimal indirect threat to public health and safety in the event of a major seismic event.
3. Slope Instability Hazard Area Design Criteria. Within all areas proven as highly unstable by a geotechnical report, development shall be designed to standards that have been demonstrated and will not contribute to the instability of the land. All structural proposals shall adequately compensate for soils and other subsurface conditions.

SECTION 6976. TIMBER MANAGEMENT ("TM") PLAN. A Timber Management ("TM") Plan is required for all developments. Failure to follow the TM Plan shall be cause for rezoning of the land.

The TM Plan shall include the following and any additional information the Planning Director may require to achieve the purposes of this ordinance:

1. The Plan shall be sufficiently detailed and specific to achieve the intent and purpose of this ordinance and to coordinate and integrate the uses, and shall be prepared and/or approved by a licensed forester.
2. The Plan shall indicate volume, rotation and cutting cycle, vegetation types, other resources, and resource development and utilization.
3. The Plan shall show existing and planned road and major skid road locations, and permanent stream crossings; sequence of harvesting, timing of harvesting (if relevant) and method of avoiding conflicts with timber uses. The Planning Director must be notified, and may for reasons, approve minor changes in the Plan. Substantial changes in the rotation, cutting cycle, or uses shall require approval of the Planning Commission.
4. The Plan shall include a topographic map with scale of at least one inch equals 1,000 feet (1:12,000) which includes the significant information from the Plan.
5. The Plan shall define a reasonable harvest time. This may require growth and cost estimates and financial maturity calculations or estimates, as well as other estimates or other calculations showing that the timing and amount of cutting would be feasible.

Section 5. Section 6978 is to become 6977.

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.

GDB/BYA:kcd - BYAH1508.6KQ
(10/26/98)

Regularly passed and adopted this 19th day of January, 1999.

AYES and in favor of said ordinance:

Supervisors:

MARY GRIFFIN

JERRY HILL

RICHARD S. GORDON

ROSE JACOBS GIBSON

MICHAEL D. NEVIN

NOES and against said ordinance:

Supervisors:

NONE

Absent Supervisors:

NONE

MARY GRIFFIN

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.

Dale Ellen Young

DALE ELLEN YOUNG, Deputy
Clerk of the Board of Supervisors