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W – 13b**RECORD PACKET COPY**

Filed:	Sept. 15, 2000
49 th Day:	Waived
Staff:	JAS-SF
Staff Report:	Nov. 16, 2000
Hearing Date:	Dec. 13, 2000
Commission Action:	

**STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE DETERMINATION**

APPEAL NO.: A-2-SMC-00-034

APPLICANT: Christian Mickelsen

AGENT: Fred Herring

LOCAL GOVERNMENT: San Mateo County

LOCAL DECISION: Approval with Conditions

PROJECT LOCATION: 155 Broadway, Princeton-by-the-Sea, San Mateo County,
APN 047-023-400 and 047-023-041

PROJECT DESCRIPTION: Replacement of an existing two-story warehouse with a
3,949-square foot three-story warehouse and office
building for marine-related uses on a 7,500-square-foot lot.

APPELLANT: Paul Perkovic

**SUBSTANTIVE FILE
DOCUMENTS:** San Mateo County PLN 1999-00811 (Mickelsen); San
Mateo County Local Coastal Program

STAFF RECOMMENDATION: No Substantial Issue

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EXECUTIVE SUMMARY

The staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed because the appellant has not raised any substantial issue with the approved project and its consistency with the certified Local Coastal Plan (LCP).

The approved development is a replacement of an existing two-story 2,450-square-foot warehouse with a new three-story 3,949-square-foot warehouse and office building for marine-related uses on three contiguous 2,500-square-foot lots. The appellant contends that the County's action on the coastal development permit was improperly noticed, that the approved project is inconsistent with policies of the LCP concerning allocation and transfer of water service capacity, and that a coastal development permit is required for assigning two assessor's parcel numbers (APNs) to property previously assigned one APN.

The appellant's contentions address the:

- noticing of the project by the County;
- need for a coastal development permit (CDP) for the assignment of two APNs to the property;
- appropriateness of providing priority water capacity for the proposed building on the portion of the property where water was transferred to a non-priority use; and
- priority water capacity to serve the parcel.

Changes to assessor's parcel numbers do not constitute land divisions and do not therefore require a CDP. Thus, failure on the part of the County to require a permit for the APN assignment does not raise a question concerning conformance of the approved commercial building with the policies of the certified LCP or the Coastal Act public access policies. Therefore, the staff recommends that the Commission find that the appellant's contention regarding the assignment of APNs does not raise a substantial issue of conformity with the approved development with the certified LCP.

Although the County's notices for its action on the project did list the previously assigned APN for the project site, the notices also described the street location of the site. In addition, the appellant was not misled by the County's error concerning the APN because the appellant submitted a letter concerning the project to the County prior to its action on the project. Therefore, the staff recommends that this contention does not raise a substantial issue of conformity of the approved commercial building with the certified LCP or the public access policies of the Coastal Act.

The Coastside County Water District (CCWD) approved two water connections for the property. The applicant transferred one of the two water service connections allocated to the project site to be used to support a non-priority use at a different location. **The approved development will use the remaining water connection – the same connection as that is currently used for the existing building.** No new water connection are included in the County's approval. Therefore, the staff recommends that this contention does not raise a substantial issue of conformity of the

approved commercial building with the certified LCP or the public access policies of the Coastal Act.

The appellant's contention concerning the availability of water capacity to serve priority land uses misinterprets the LCP and is not supported by factual evidence. Contrary to the appellant's assertions, the volume of water allocated to serve a particular development is not determined on the basis of parcel size. In addition, there is no evidence that the current water supply and delivery system serving the Princeton area is unable to support the development of priority land uses under the LCP. In fact, the general manager of the CCWD indicates that based on past growth rates, the current system has sufficient capacity to serve new development for another 13 years.

For these reasons, as more fully discussed below, the staff recommends that the Commission find the appeal raises no substantial issue concerning the conformity of the approved development with the San Mateo County Local Coastal Program or the public access policies of the Coastal Act. A motion to adopt the Staff Recommendation of No Substantial Issue is in Section 1.0.

STAFF NOTES

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 will continue with a full public hearing on the merits of the project at the same or subsequent hearing. If the Commission were to conduct a de novo hearing on the appeal, the applicable test for the Commission to consider would be whether the development is in conformity with the certified LCP.

The only persons qualified to testify before the Commission on the substantial issue question are the applicant, 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.

1.0 STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

Pursuant to Section 30603(b) of the Coastal Act and as discussed in the findings below, the staff recommends that the Commission determine that no substantial issue exists with respect to the grounds on which the appeals have been filed. The proper motion is:

Motion

I move that the Commission determine that Appeal No. A-2-SMC-00-034 raises NO substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

Staff Recommendation of No Substantial Issue

Staff recommends a YES vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will

become final and effective. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to Find No Substantial Issue

The Commission finds that Appeal No. A-2-SMC-00-034 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan (LCP) and/or the public access and recreation policies of the Coastal Act.

2.0 FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

2.1 Local Government Action

On August 3, 2000, the San Mateo County Zoning Hearing Officer approved with conditions the application for a use permit and a CDP, PLN 1999—00811 (Mickelsen), for replacement of an existing two-story 2,450-square-foot warehouse with a new three-story 3,949-square-foot building warehouse and office building for marine-related uses on a 7,500-square-foot lot (in the unincorporated area of Princeton in northern San Mateo County). The County appeal period ended on August 17, 2000, and there were no appeals filed with the Planning Commission. Mr. Paul Perkovic wrote a letter, which was received by the County on August 3, 2000, objecting to approval of the project with the use of priority water but did not appeal the Zoning Hearing Officer's decision to the County Planning Commission.

Mr. Perkovic spoke at the San Mateo Planning Commission meeting on January 26, 2000 in opposition to the transfer of priority water capacity from Assessor's Parcel Number (APN) 047-023-400 to APN 047-271-180. On February 8, 2000, the Board of Supervisors denied the appeal by Paul Perkovic to withdraw the water transfer.

2.2 Appeal Process

After certification of LCPs, the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on applications for a coastal development permit (CDP) (Coastal Act Section 30603.)

Section 30603 states that an action taken by a local government on a CDP application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea, or within 300 feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff, or those located in a sensitive coastal resource area. Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified zoning ordinance or zoning district map. Finally, developments that constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or County.

The project is appealable to the California Coastal Commission because the approved development is located between the sea and the first public road paralleling the sea.

2.3 Filing of Appeal

The Commission received a Notice of Final Local Decision for the County Zoning Hearing Officer's approval of the proposed development on August 31, 2000. No appeals of this action were filed with the County. In accordance with the Commission's regulations, the 10-working-day appeal period ran from September 1 through September 15, 2000 (14 CCR section 13110). The appellant (Paul Perkovic) submitted his appeal to the Commission office on September 15, 2000, within the Commission's 10 working day appeal period (see Exhibit 1, Commission Notification of Appeal and Exhibit 2, Appeal From Coastal Permit Decision of Local Government). Because San Mateo County charges a fee for appeals of CDPs, the appellant filed the appeal directly with the Coastal Commission, bypassing the County's local appeal process. The Commission's regulations allow appeals of local government action on CDPs to be filed directly with the Commission where the local government charges an appeal fee (14 CCR section 13573(a)(4)).

Pursuant to Section 30261 of the Coastal Act, the appeal hearing must be set within 49 days from the date that an appeal is filed. The 49th day from the appeal filing date was November 3, 2000. The only meeting within the 49-day period was October 10-13, 2000. In accordance with the Commission's regulations, on September 18, 2000, staff requested all relevant documents and materials regarding the subject permit from the County, to enable staff to analyze the appeal and prepare a recommendation as to whether a substantial issue exists. The regulations provide that a local government has five working days from receipt of such a request from the Commission to provide the relevant documents and materials. The County permit file information had not been received as of the day of the mailing of staff reports to the Commission and interested parties on items on the Commission's October 2000 meeting agenda. Therefore, the requested information was not received in time for the staff to review the information for completeness or prepare a recommendation on the substantial issue question. Consistent with Section 13112 of Title 14 of the California Code of Regulations, since the Commission did not receive the requested documents and materials, the Commission opened and continued the hearing on October 12, 2000. In addition, on November 3, 2000, the applicant provided a waiver of his right to an appeal hearing being set within 49 days from the date the appeal was filed.

2.4 Appellant's Contentions

The Commission received an appeal of the County of San Mateo's decision to approve the project from Paul Perkovic. The full text of the appellant's contentions as submitted to the Commission is presented in Exhibit 2. For purposes of the analysis, staff has summarized the contentions as listed below.

- 1) Adequate public notice was not provided because the wrong APN was referenced in the County reports.
- 2) A coastal development permit should have been obtained for assignment of two APNs to the property.
- 3) The applicant has relinquished the right to use water allocated for priority uses on a portion of the property proposed for development.
- 4) There is insufficient water supply capacity to serve the proposed development.

2.4.1 Adequate Public Notice

The appellant contends that adequate public notice was not provided because the wrong APN was referenced in County's hearing notices. Public notices distributed by the County referenced APN 047-023-330 when they should have referenced the two APNs that the property had been assigned: APNs 047-023-400 and 047-023-410. The appellant states that "all of the County's public notices were inadequate, deceptive, and misleading, because they did not properly describe a legal parcel." He maintains that "The public has been deprived of the right to comment on the project by deceptive description of an invalid parcel number which conceals the existence of the priority water transfer from the subsequently-assigned parcel number."

2.4.2 Coastal Development Permit for Partition of APNs

The appellant contends that assignment of two separate APNs to the property required a CDP in accordance with San Mateo County Local Coastal Plan (LCP) policies 1.1 and 1.2. He contends that the County should have issued a CDP because "the County allowed a change in the density or intensity of use of the land by dividing a single holding into two parts, and it allowed a change in the intensity of use of water by that same division." He also notes that the original parcel was assigned two APNs while a CDP application for building on those lots was pending, thereby invalidating the application. He maintains that a CDP cannot be issued for this project without a previous CDP for the land division.

2.4.3 Priority Water Connection

The appellant contends that the applicant has given up the right to use priority water capacity on a portion of the property proposed for development, and therefore that the development proposed on this portion of the property is in conflict with LUP Policy 2.8. He asserts that the "portion of the former APN 047-023-330 described by the new APN 047-023-400, which released water capacity, is barred from development now." He urges the Commission to either deny the current development application, require that the applicant purchase and use non-priority water, or condition the proposed development so that all priority water usage by the proposed development is contained within APN 047-230-410.

2.4.4 Water Capacity

The appellant contends that the applicant has relinquished claims to more water than is allocated to the parcel. He bases this claim on parcel size, and references LUP Table 2.10. He states that the proposed development is a Marine Related Industrial use and LUP Table 2.10 allocates water to such uses at 2,500 gallon per acre per day. With a project site of 7,500 square feet, he estimates that the parcel is allocated only 0.59 standard water connection by the LCP (see computations on page 5 of the appellant's letter in Exhibit 2). Because the applicant has transferred one standard water connection (5/8-inch pipe) from the project site, the appellant contends that no priority capacity remains to serve development on the site.

2.5 Project Location and Site Description

The project approved by the County is in the unincorporated area of Princeton-by-the-Sea in San Mateo County, California (Figure 1 and Figure 2). The proposed building site is composed of three 2,500 square-foot lots. Lot 1 is assigned APN 047-023-400 and lots 2 and 3 are jointly

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assigned APN 047-023-410, as shown on Figure 3. The site is 100 feet along Harvard Avenue and 75 feet along Broadway (Figure 4).

The property is designated in the County's LUP as Commercial Recreation and is zoned Coastside Commercial Recreation/Design Review/Coastal Zone District (CCR/DR/CD). The proposed storage and office space for marine-related trades and services requires issuance of a use permit under Section 6267.F of the San Mateo County zoning regulations.

The existing land uses include a two-story corrugated metal warehouse, driveway and parking area surrounded by a barbed wire fence. Uses nearby are a mix of older warehouses, parcels with outdoor storage, and residences.

There are no trees on the site, only ornamental shrubs adjacent to the warehouse and ruderal (weedy) vegetation interspersed with bare ground. The project site is outside the limit of detailed soil survey conducted by the Soil Conservation Service. The closest soils are Dennison coarse sandy loam, nearly level (DeA) and Denison clay loam, nearly level (DcA). Both of these soil types have a very slow runoff rate and an erosion potential of none to slight (US Department of Agriculture 1961). The site is within an area of minimal flooding, flood zone C, according to the Flood Insurance Rate Map.

2.6 Project Description

2.6.1 Approved Project

The project approved by the County is the replacement of an existing two-story warehouse with a 3,949-square foot three-story warehouse and office building for marine-related uses. The warehouse portion would occupy 854 square feet and the office would occupy 2,607 square feet. The ground floor is 1,110 square feet; the main floor is 2,275 square feet, and the top floor is 564 square feet (Figures 4, 5, and 6). The approved building is 35 feet high with a copper roof and gray cement exterior walls (Figure 7). The approved building would straddle all three lots along Broadway with 15 parking spaces and some landscaping occupying the remainder of the property. Minimal grading was approved for foundation excavation only, and would be done during the "dry season" whenever possible. The County's CDP imposes extensive conditions addressing erosion and sediment control. The approved project includes landscaping at the corner of Harvard Avenue and Broadway and a few other areas.

The approval includes 25 special conditions, as listed in Exhibit 3 (San Mateo County 2000). Conditions 2, 5, 6, and 7 are pertinent to this appeal because they ensure that uses comply with the site zoning and permitted uses. In particular, Condition 6 requires that the applicant execute and record a deed restriction that states "permitted uses of the building are 'marine storage' on the first floor and 'ancillary and marine-related office' on the second and third floor." The County imposed the condition to ensure that the approved development (and the water allocated to the development) will serve coastal-dependent priority uses.

2.6.2 History of the Parcel and Water Transfers

The project site is shown on "Map of Princeton By the Sea, Half Moon Bay, San Mateo County, California" (San Mateo County 1907) as lots 1, 2, and 3 along Broadway, with Lot 1 at the intersection of Broadway and Harvard Avenue.

The Coastside County Water District (CCWD) established procedures for conversion of water capacity reserved for priority water use to non-priority status on December 14, 1993, by Resolution No. 849 (Exhibit 4). These procedures were amended and restated by Resolution 1999-01 (Exhibit 5). The procedures provide that property owners entitled to priority water service during LCP Phase I (because their property is zoned for coastal-dependent priority land-uses) may transfer their priority water rights to other properties not designated for priority use. A person electing this option must forego priority water service from CCWD for 10 years or until the Planning Commission determines that the CCWD has developed sufficient additional water supply capacity for use during Phase II of the LCP, whichever occurs last. In addition, for each conversion of water capacity, the CCWD must determine that less than 50 percent of the capacity to be reserved for priority use in the County during Phase I of the LCP has been converted to non-priority use.

On October 20, 1999, the County of San Mateo reassigned APN 047-230-330, which was composed of lots 1, 2, and 3, into APN 047-023-400 and APN 047-023-410 (Exhibit 6). Lot 1 was assigned APN 047-023-400 and lots 2 and 3 are jointly assigned APN 047-023-410. This assignment of APNs allowed for the conversion and reallocation of one 5/8-inch connection of priority water from APN 047-023-400, which is zoned for priority land use, to APN 047-271-180 in El Granada, which is not zoned for priority land use. According to Resolution No. 1999-25 (Exhibit 7) the CCWD determined that there was unused and uncommitted priority water capacity sufficient to meet the projected demand for priority water during Phase I under the LCP as well as the capacity to be used at APN 047-271-180. The resolution requires Christian Mickelsen to relinquish any right to purchase priority water service connections for APN 047-023-400 from the CCWD for 10 years or until the San Mateo County Planning Commission determines that the CCWD has developed sufficient additional water supply capacity for use during Phase II of the LCP, whichever occurs later.

The property has an existing warehouse which has one 5/8-inch water connection. Under the approved project this building would be demolished and replaced with a new warehouse and office space for marine-related uses. The approved development would only use the one existing 5/8-inch water connection.

2.7 Substantial Issue Analysis

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.

2.7.1 Allegations that Do Not Raise Substantial Issue

The Commission finds that the appellant's contentions regarding LCP provisions related to public notice, priority water allocation, and water capacity do not raise a substantial issue of the conformity of the approved commercial building with the policies of the certified LCP or the access policies of the Coastal Act.

The contentions discussed below present potentially valid grounds for appeal in that they allege the project's inconsistency with policies of the certified LCP. These contentions allege that the approval of the project by the County raises issues related to LCP provisions regarding the requirements for public notice, priority water allocation, and water capacity.

Public Resources Code section 30625(b) states that the Commission shall hear an appeal unless it determines:

With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

The term substantial issue is not defined in the Coastal Act. The Commission's regulations simply indicate that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (Cal. Code Regs., tit. 14, section 13115(b).) In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretation of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even where the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development as approved by the County raises no substantial issue with regard to the appellants' contentions regarding assignment of APNs, adequacy of public noticing of the project by the County, the appropriateness of priority water allocation to the proposed building; and water capacity to serve the parcel.

Coastal Development Permit for Partition of APNs

The Commission finds that the appellant's contention regarding the need for a coastal development permit for the assignment of APNs does not raise a substantial issue of conformity of the approved development with the certified LCP or the access policies of the Coastal Act.

Contention

The appellant contends that assignment of two separate APNs to the property required a CDP in accordance with San Mateo County Land Use Plan (LUP) policies 1.1 and 1.2. The appellant further contends that because the original parcel was assigned two APNs while a CDP application for building on those lots was pending, the application is invalid.

Applicable Policies

LUP policy 1.1 requires a CDP for all development in the Coastal Zone, except for exemptions. LUP policy 1.2 defines development, as stated in Section 30106 of the Coastal Act. Development includes "... change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act ... and any other division of land, including lot splits ..."

Discussion

Changes to assessor's parcel numbers do not comprise land divisions or changes in the intensity or use of land, and do not therefore require a CDP. The purpose of the Assessor's parcel numbering system is to index and track units of land for the sole official purpose of property tax assessment, although other entities use the system as a convenient way to identify property for other purposes. The systems for assigning Assessor's parcels and the system for subdividing property for purposes of development are separate and distinct, neither having any directive effect on the other.

In this case, the property consists of three subdivision lots (Lots 1, 2 and 3 of Block 6) which had previously been assigned one APN. The owner requested instead that the same three lots be assigned new APNs. He asked that Lot 1 be assigned its own APN and Lots 2 and 3 together a separate APN. This assignment of APNs had no effect on the subdivision lots themselves, which remain the basis for development decisions in the County. This property continues to consist of three separate and distinct legal subdivision lots, which could be developed independently or in common.

Therefore, failure on the part of the County to require a permit for the APN assignment does not raise a question concerning conformance of the approved development with the policies of the certified LCP or the Coastal Act public access policies. The Commission finds that the appellant's contentions regarding the assignment of APNs does not raise a substantial issue of the conformity of the approved commercial building with the policies of the certified LCP or the access policies of the Coastal Act.

Adequacy of Public Notice

The Commission finds that the appellant's contention regarding the adequacy of the public notice for the approved project does not raise a substantial issue of the conformity of the approved commercial building with the policies of the certified LCP or the access policies of the Coastal Act.

Contention

The appellant contends that adequate public notice was not provided because the wrong APN was referenced in County reports. He maintains that "The public has been deprived of the right to comment on the project by deceptive description of an invalid parcel number which conceals the existence of the priority water transfer from the subsequently-assigned parcel number."

Applicable Policies

Section 6328.11.1 of the San Mateo County zoning regulations (implementation plan of the LCP) addresses noticing requirements for development that is appealable to the Coastal Commission. Section 6328.11.1(b) states that the notice must include a "description of the development at its proposed location."

Discussion

In accordance with the LCP, the County's notices identified the location of the approved project at Harvard and Broadway in Princeton. Section 6328.11.1(b) does not require that the APN be included. When the applicant applied for a CDP, the APN for the entire site was 047-023-300. Subsequently, the parcel was reassigned two APNs (047-023-400 and 047-023-410). Although the County's notices continued to refer to the original APN, there was no attempt to hide where the parcel was located. In his letter of August 3, 2000 the appellant demonstrated that he understood the location of the project site (Exhibit 8). No other complaints about the noticing or confusion about location of the development were received by the County.

More importantly, the notice, which identified the street address, was in conformance with the LCP. In accordance with Section 6328.11.1(c), the County sent notices to all property owners within 100 feet of the perimeter of the parcel on which the development is proposed and all other interested parties. Section 6328.11.1(c) requires that notice be published once in a "newspaper of general circulation in the Coastal Zone." The County published the public notice of the Planning Commission agenda for August 3, 2000, which included the approved development, in two local newspapers, the San Mateo County Times, and the Half Moon Bay Review. All of these notices included a description of the street location of the development as well as the original APN.

Finally, the contention raises a procedural inconsistency and not a substantial or substantive inconsistency of the approved project with the certified LCP. The contention thus raises a local issue relevant only to this project and not an issue of regional significance since the County has LCP notification policies in place and the County's decision to approve the permit would not influence the existing LCP standards that include notification provisions.

Conclusion

The Commission finds that the appellant's contentions regarding adequacy of public notice do not raise a substantial issue.

Priority Water Connection

The Commission finds that the appeal does not raise a substantial issue with respect to conformance of the approved project with the policies of the San Mateo County certified LCP regarding reservation of public works service capacity for priority land uses.

Contention

The appellant contends that a portion of the property proposed for development has given up the right to use priority water capacity, and in proposing this development is in conflict with LUP Policy 2.8. He recommends that the Commission either deny the permit, require that the applicant to purchase and use non-priority water, or condition the proposed development so that all priority water usage by the proposed development is contained within APN 047-230-410.

Applicable Policy

LUP Policy 2.8 requires that for each phase of public works development, adequate public works capacity is reserved to allow development of priority land uses to the buildout allowed by that phase. Tables 2.7 and 2.17 specify the priority land uses for which water service capacities are to be reserved during both LCP Development Phase I and at LCP buildout. These uses include Marine Related Industrial. Policy 2.8(c) allows reallocation of reserved capacity to non-priority land uses under certain circumstances, but specifies that "at least 50 percent of the priority land uses planned in each phase must be provided capacity for." The complete text of this LUP Policy is contained in Appendix B.

Discussion

The County coordinates water connections and transfers based on APNs. APN 047-230-330 was reassigned APNs 047-230-400 and 047-230-410. This reassignment facilitated the transfer of priority water from APN 047-230-400 to a non-priority use on APN 047-271-180 in El Granada. Mr. Perkovic appealed the County's approval of the water transfer to the Board of Supervisors. On February 8, 2000, the Board denied this appeal. This water transfer was part of a separate action and is not part of the CDP that is being appealed.

The approved development allows the replacement of an existing warehouse with a new warehouse. Like the existing warehouse, the new building will straddle both of the two APNs assigned to the project site. Through the water transfer described above, the applicant relinquished his right to use the priority water connection allocated to APN 047-230-400 to serve development at the site. The applicant did not transfer the 5/8-inch water connection allocated to APN 047-230-410 that is currently used for the existing warehouse. This same 5/8-inch water connection will be used for the new warehouse. No new water connections are included in the approved development. Therefore, the approved development will be served by the water connection allocated to APN 047-230-410 and not by the connection transferred to a non-priority use on APN 047-271-180. **The County's approval of CDP 1999-00811 has no effect on the quantity of water allocated to serve development at the project site.** Therefore, the proposed development is not in conflict with LCP Policy 2.8.

Conclusion

The Commission finds that the appellant's contentions regarding priority water connections do not raise a substantial issue.

Water Capacity

The Commission finds that the appeal does not raise a substantial issue with respect to conformance of the approved project with the policies of the San Mateo County certified LUP regarding water capacity.

Contention

The appellant contends that the applicant has relinquished claims to more water than is allocated to the parcel. He bases this claim on parcel size, and references LUP Table 2.10. He states that the proposed development is a Marine Related Industrial use and LUP Table 2.10 allocates water to such uses at 2,500 gallon per acre per day. With a parcel size of 7,500 square feet, he estimates that the parcel is allocated only 0.59 water connections by the LCP (see computations on page 5 of the appellant's letter in Exhibit 2). Because the applicant has transferred one 5/8-inch connection from the project site, the appellant contends that no priority capacity remains to serve development on the site.

Applicable Policies

LUP Table 2.10 is shown in Exhibit 9. This table lists estimated water generation factors for various land uses in the El Granada Princeton area. These estimates were derived during 1978 through 1980, and amended as noted in the table (George Bergman, personal communication).

Discussion

The appellant is misapplying the data in LUP Table 2.10. The CCWD does not determine priority water allocation based on parcel size (see Exhibit 10). The water generation factor is an estimate rather than a mandate for how water is allocated. The estimates in the table were derived over 20 years ago, and are proposed to be updated as part of the County's LCP update. In addition, there is no policy in the LUP that references Table 2.10. According to CCWD, if the historical rate at which priority connections have been purchased since 1987 were to continue, the system would have approximately 13 years worth of priority capacity remaining.

In determining if the appeal raises a substantial issue of conformity with the LCP, the Commission is guided by an evaluation of the extent and scope of the approved development, the significance of the coastal resources affected by approved development, and whether the appeal raises only local issues, or those of statewide significance. The scope of the approved development is minor. It is an in-fill development at a lot that is already developed with a similar use. It is consistent with the zoning designation, is compatible with adjacent land uses, and is located in an industrial area. The approved development will use the same standard 5/8-inch priority domestic water connection as does the existing building. The approved development is likely to consume less water than other uses allowed in this zoning district such as aquacultural processing facilities and boat building, repair, sales and support establishments. Thus, committing these services to the approved development will not affect significant coastal resources. For these reasons, the Commission finds that the appellant's contention that the approved development does not qualify for priority sewer and water services does not raise a substantial issue of conformity with the policies of the certified LCP or the public access policies of the Coastal Act.

In addition, as described in the similar Iacopi appeal (A-2-SMC-00-022), which the Commission found raised no substantial issue in September 2000, the Commission acknowledged that the

CCWD is taking appropriate measures to ensure that adequate water service capacity be reserved to serve priority land uses.

On October 19, 1999, the San Mateo County Board of Supervisors approved a CDP application from the CCWD to upgrade the El Granada Transmission Pipeline from the existing 10-inch line to a 16-inch line. The County approval of this project was appealed to the Coastal Commission. On February 18, 2000, the Commission found that the appeal raised a substantial issue, in part, because the approved 16-inch pipeline may exceed the capacity necessary to serve the level of buildout of all uses – priority and non-priority – provided for during LCP Phase I, and could therefore be growth inducing (CCC 2000). The CCWD has requested that the Commission postpone action on the de novo portion of this appeal to allow the District to re-evaluate the appropriate level of transmission system upgrades necessary to serve Phase I buildout. The District has indicated in a letter to the Commission its intention to seek final approval of the system design and implementation plan that satisfy the LCP requirements and meet the community's needs for water quality and availability (Exhibit 11). The Commission will thus be able to review the adequacy of the CCWD actions for the future development when the Commission acts on the de novo portion of the CCWD upgrade.

Conclusion

Adequate water service is currently available to serve development of priority land uses, and the CCWD is currently undertaking measures to provide an appropriate level of public works expansion to serve future development allowable under the LCP. Therefore, the Commission finds that the appeal raises no substantial issue with regard to the LCP requirement that adequate water service is reserved to provide for the development of priority land uses.

2.7.2 Allegations that Raise Substantial Issue

None of the appellant's contentions raise substantial issue.

2.7.3 Conclusion

The Commission finds that, for the reasons stated above, the appeal raises no substantial issue with respect to conformance of the approved project with the certified LCP.

APPENDIX A

Substantive File Documents

References

- California Coastal Commission (CCC) 2000. Substantial Issue Determination for Coastside County Water District (CCWD) for the El Granada Pipeline Replacement Project (A-2-SMC-99-63).
- San Mateo County 1907. Map of Princeton by the Sea, Half Moon Bay, San Mateo County, California. Scale: 100 feet to 1 inch. August 1907.
- San Mateo County 2000. CDP PLN 1999-00811 (Mickelsen) to Fred Herring. August 3, 2000.
- US Department of Agriculture. 1961. Soil Survey, San Mateo Area, California. Soil Conservation Service, Series 1954, No. 13, Issued May 1961.

APPENDIX B

Referenced Policies of the San Mateo Local Coastal Plan

Land Use Policies

1.1 Coastal Development Permits

After certification of the LCP, require a Coastal Development Permit for all development in the Coastal Zone subject to certain exemptions.

1.2 Definition of Development

As stated in Section 30106 of the Coastal Act, define development to mean: On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). As used in this section, "structure" includes, but is not limited to, any buildings, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

2.8 Reservation of Capacity for Priority Land Uses

- a. Reserve public works capacity for land uses given priority by the Local Coastal Program as shown on Table 2.7 and Table 2.17. All priority land uses shall exclusively rely on public sewer and water services.
- b. For each public works development phase, reserve capacity adequate to allow priority land uses to develop to the buildout allowed by that phase.
- c. Under the following circumstances, allow public agencies and utilities to reallocate capacity to non-priority land uses: (1) when landowners refuse to pay the assessment fees for public services to serve priority land uses because they desire to keep their land vacant or develop a non-priority land use allowed on the site by the Local Coastal Program, and (2) when a landowner, in response to a written inquiry by a public agency or utility, indicates in writing that he/she does not plan to develop his/her land as a priority land use and will not be using any reserved capacity during a certain phase. The public agency or utility shall calculate the capacity needed to serve the remaining priority land uses. Reserved capacity that is not required for the remaining priority land uses may be reallocated to non-priority land uses after the public agency has gained the approval of the Planning Commission. Before

approving the reallocation, the Planning Commission shall make the finding, in writing, that the remaining reserved capacity will be adequate to serve the remaining priority land uses. The reservation of capacity for priority land uses shall be increased during the next phase to compensate priority land uses for this reallocation. At least 50% of the priority land uses planned in each phase must be provided capacity for; that capacity may not be allocated to the next phase.

- d. Allow Coastside County Water District to allocate priority capacity equivalent to ten standard-size (5/8 inch diameter) service connections (approximately 2,710 gallons per day total) in order to provide municipal water service to residential dwellings which are connected to the public sanitary sewer system, when such a connection is necessary to avert a substantial hardship caused by the failure of a private well serving the dwelling in production quantity or quality as certified by the Director of the Department of Environmental Health. For purposes of this policy, "substantial hardship" shall not include any failure which can be remedied by repair or replacement of well equipment or facilities, or relocation of a well on a parcel. Whether substantial hardship exists shall be determined by the Planning Director, following consultation with the Director of Environmental Health and the General Manager of the Coastside County Water District.

In order to minimize the reduction in water reserved for Coastal Act priority land uses, applications for reallocated water shall include a Water Fixture Retrofit Plan to replace existing water fixtures of the residence applying for the connection with water conserving fixtures. This plan must be reviewed and approved by the Coastside Community Water District General Manager prior to the establishment of the connection, and contain the following:

- (1) A list of all existing fixtures to be retrofitted and their present associated water flow (e.g., gallons/second);
- (2) A list of all proposed fixtures to be installed and their associated water flow;
- (3) The estimated annual water savings resulting from the proposed retrofit, showing all calculations and assumptions; and
- (4) A leak detection test; all leaks shall be repaired, but such repairs shall not be calculated in the estimates of savings.

Coastside Community Water District inspection personnel shall inspect the water fixtures prior to and following the retrofit to confirm compliance with the approved plan and proper installation.

LCP Implementation Ordinance Standards (Zoning Code Sections)

Section 6328.11.1 Notice of Developments Appealable to Coastal Commission.

- (a) Definition of development appealable to the Coastal Commission is that provided in Sections 6328.3(r) and (s).
- (b) Contents of Notice:
 1. A statement that the development is within the Coastal Zone.
 2. The date of filing of the application and the name of the applicant.
 3. The number assigned to the application.
 4. A description of the development at its proposed location.

Mickelsen

5. The date, time and place at which the application will be heard by the local governing body or hearing officer.
 6. A brief description of the general procedure of local governing body concerning the conduct of hearing and local actions.
 7. The system for local governing body and Coastal Commission appeals, including any local fees required.
- (c) Provision of Notice Prior to Public Hearing: Mail notice at least ten (10) calendar days before the first public hearing on the project to the following people and agencies:
1. Applicant.
 2. Owner of the property.
 3. All property owners and residents within 100 feet of the perimeter of the subject parcel.
 4. All persons who have, within the past calendar year submitted a written request for notice of all Coastal Permit applications.
 5. All persons who have requested, in writing, notices relating to the Coastal Permit in question.
 6. The Coastal Commission.
 7. Public agencies which, in the judgment of the Planning Director, have an interest in the project.
 8. Newspaper of general circulation in the Coastal Zone. Notice to be published once.
- (d) Notice of Continued Public Hearings: If a decision of an appealable Coastal Development Permit is continued to a time which has not been stated in the initial notice or at the public hearing, notice of the continued hearing shall be provided in the same manner and within the same time limits as outlined in Section 6328.11.1 (a), (b), (c).
- (e) Notice of Decision: On or before the fifth working day following action by the Zoning Hearing Officer or the Planning Commission, notice of the decision, including findings for approval and conditions (if any) on the project proposal shall be mailed to the following people:
1. The applicant.
 2. The owner of the subject parcel.
 3. All persons who have submitted a written request for notification of action on this specific permit.
- (f) Notice of Final Local Decisions: On or before the fifth (5th) working day following action by the Board of Supervisors, notice of the decision, including findings for approval and conditions (if any) shall be mailed to the following people and agencies:
1. The applicant.
 2. The owner of the subject parcel.
 3. All persons who have submitted a written request for notification of action on this specific permit.
 4. The Coastal Commission.

FIGURES

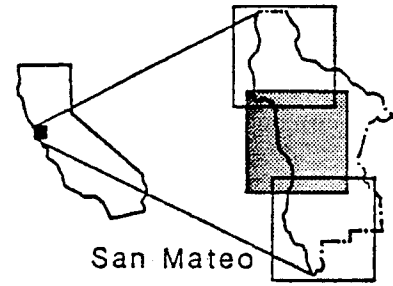
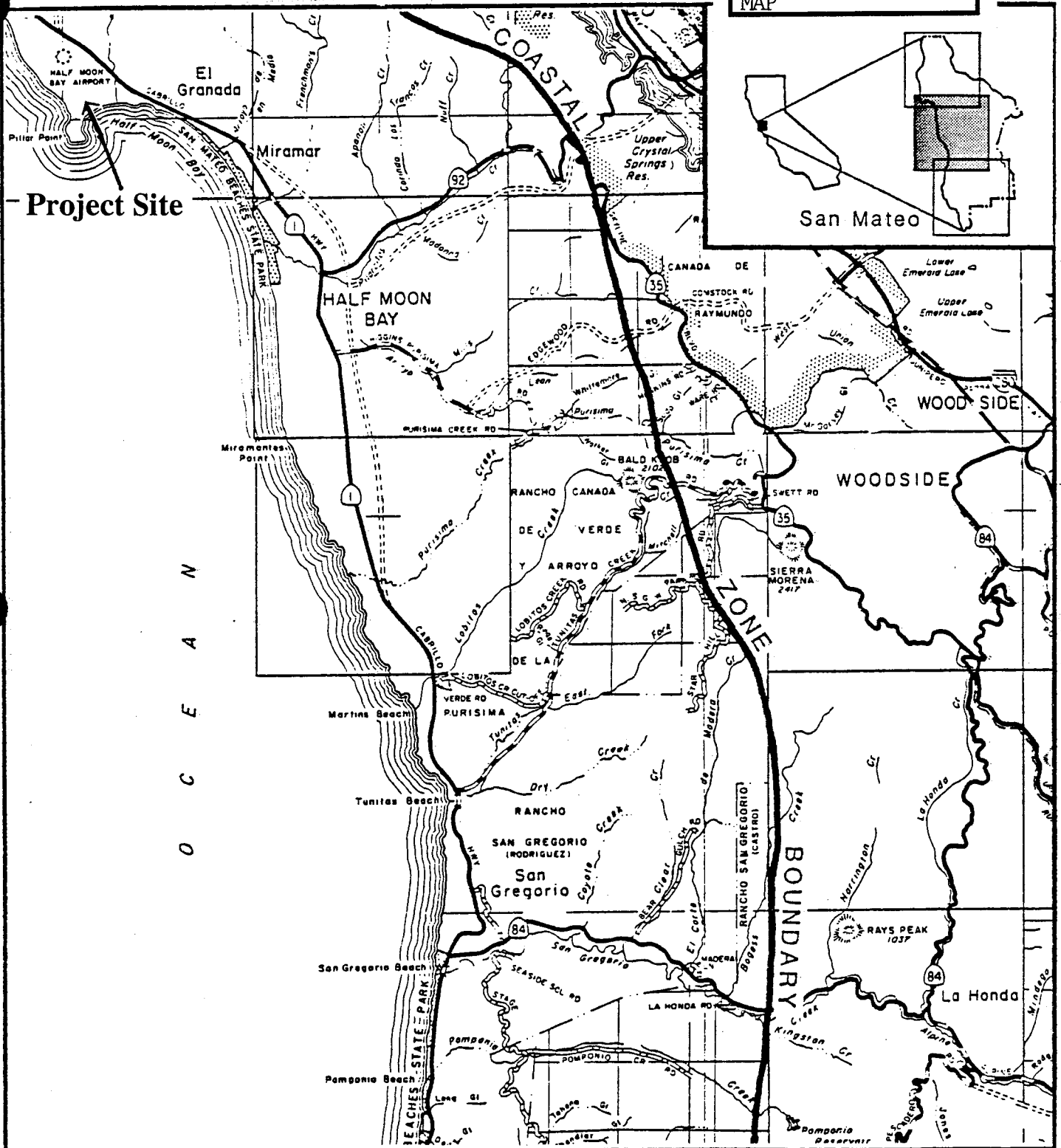
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FIGURE NO. 1

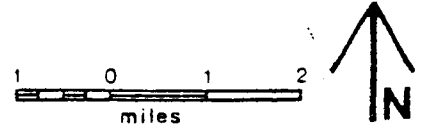
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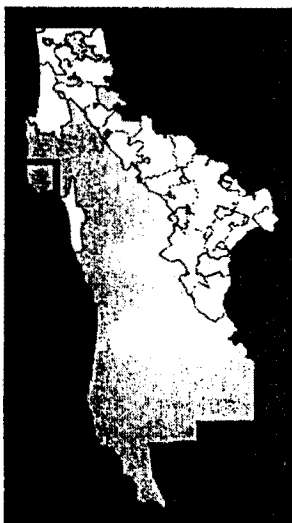
A-2-SMC-00-034
MICKELSEN

REGIONAL LOCATION
MAP



O
C
E
A
N



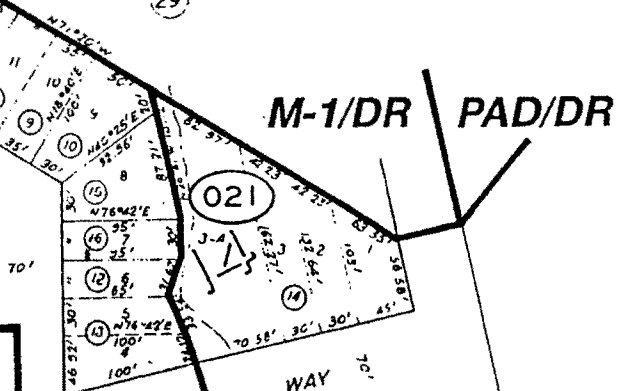
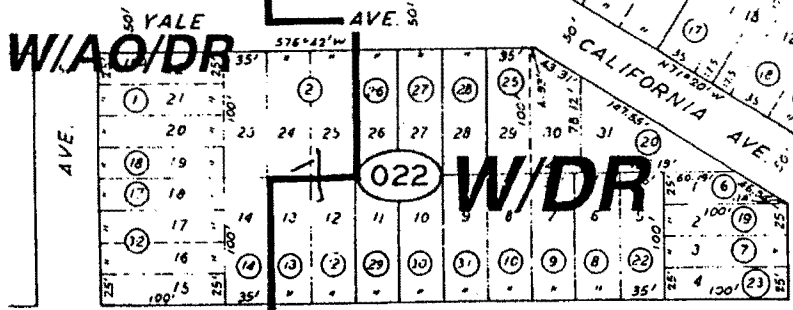


Bk-47 pg. 1

TAX CODE AREA

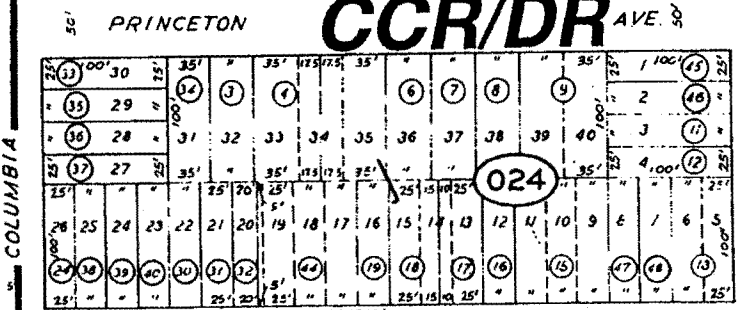
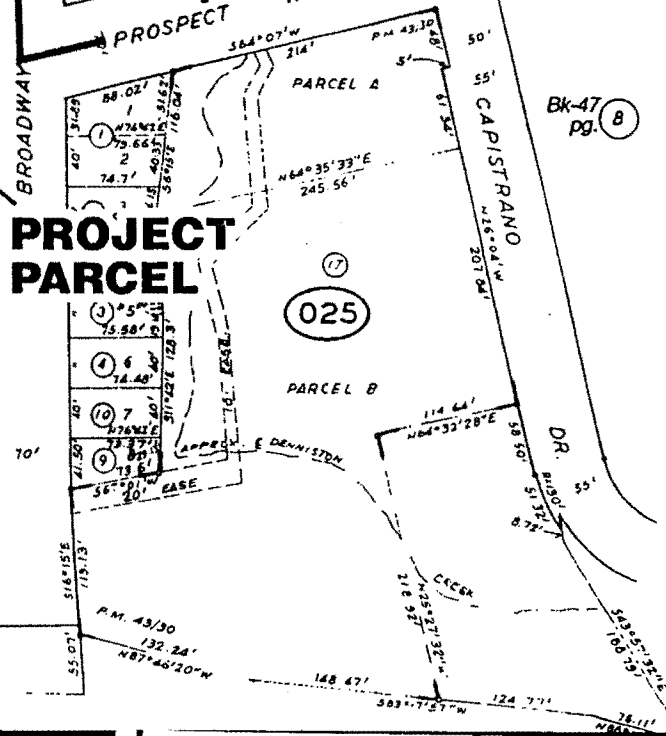
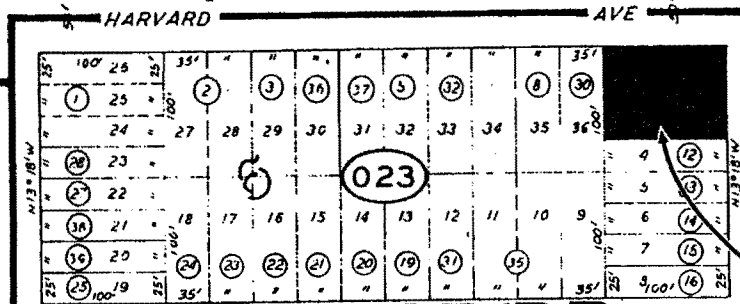
ALL CD

47-2



Bk-47 pg. 3

W/DR



Bk-47 pg. 39

San Mateo County Zoning Hearing Officer Meeting

Applicant:

File Numbers:

FIGURE NO. 2

APPLICATION NO.

A-2-SMC-00-034
MICKELSEN

PROJECT SITE
LOCATION

IT:

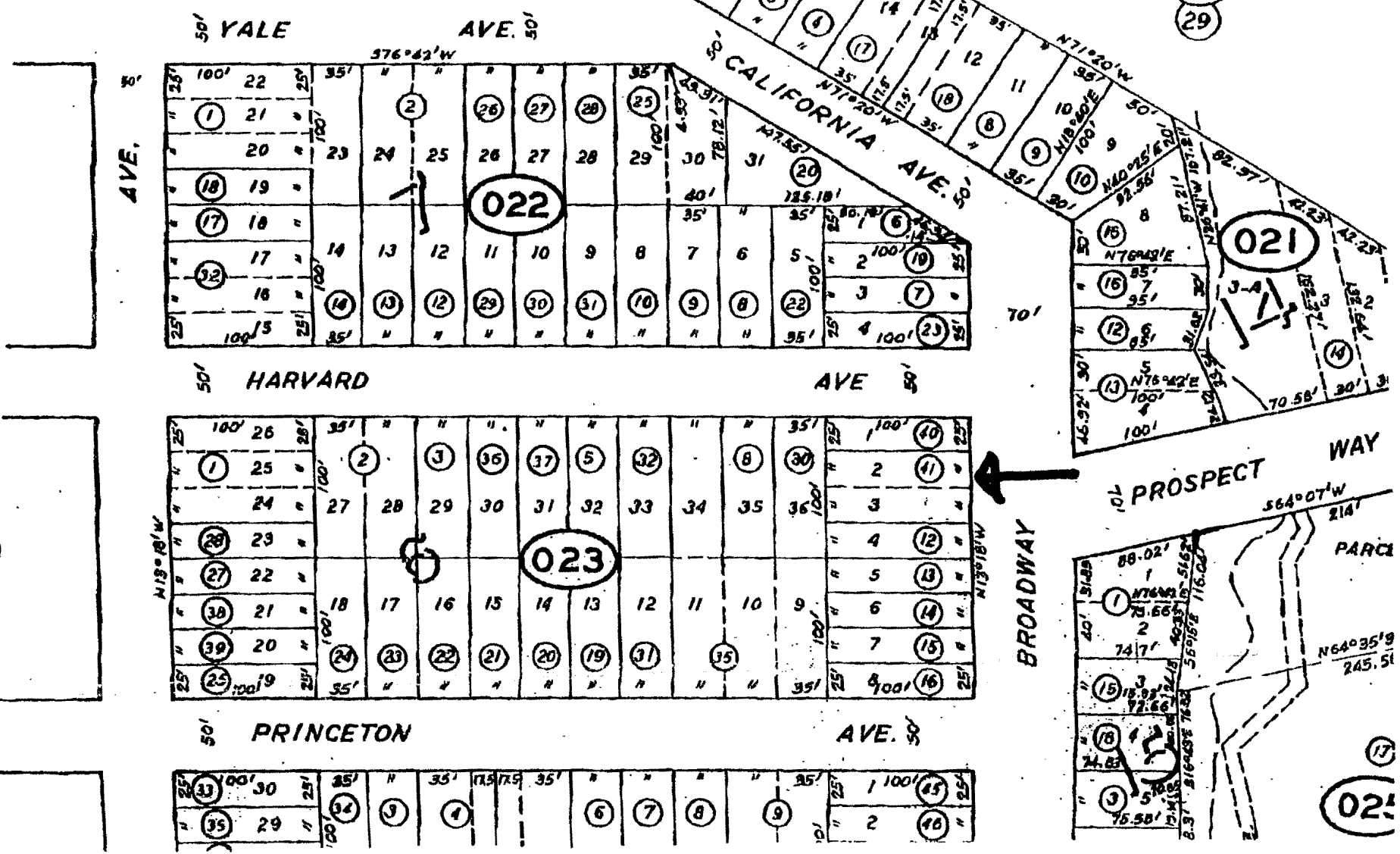


FIGURE NO. 3
 APPLICATION NO.
 A-2-SMC-00-034
 MICHELSEN
 ASSESSOR'S PARCEL
 MAP

1

TAX CODE

BK-37
29



3

17
021

Herring & Worley Inc.
 400-361-1991

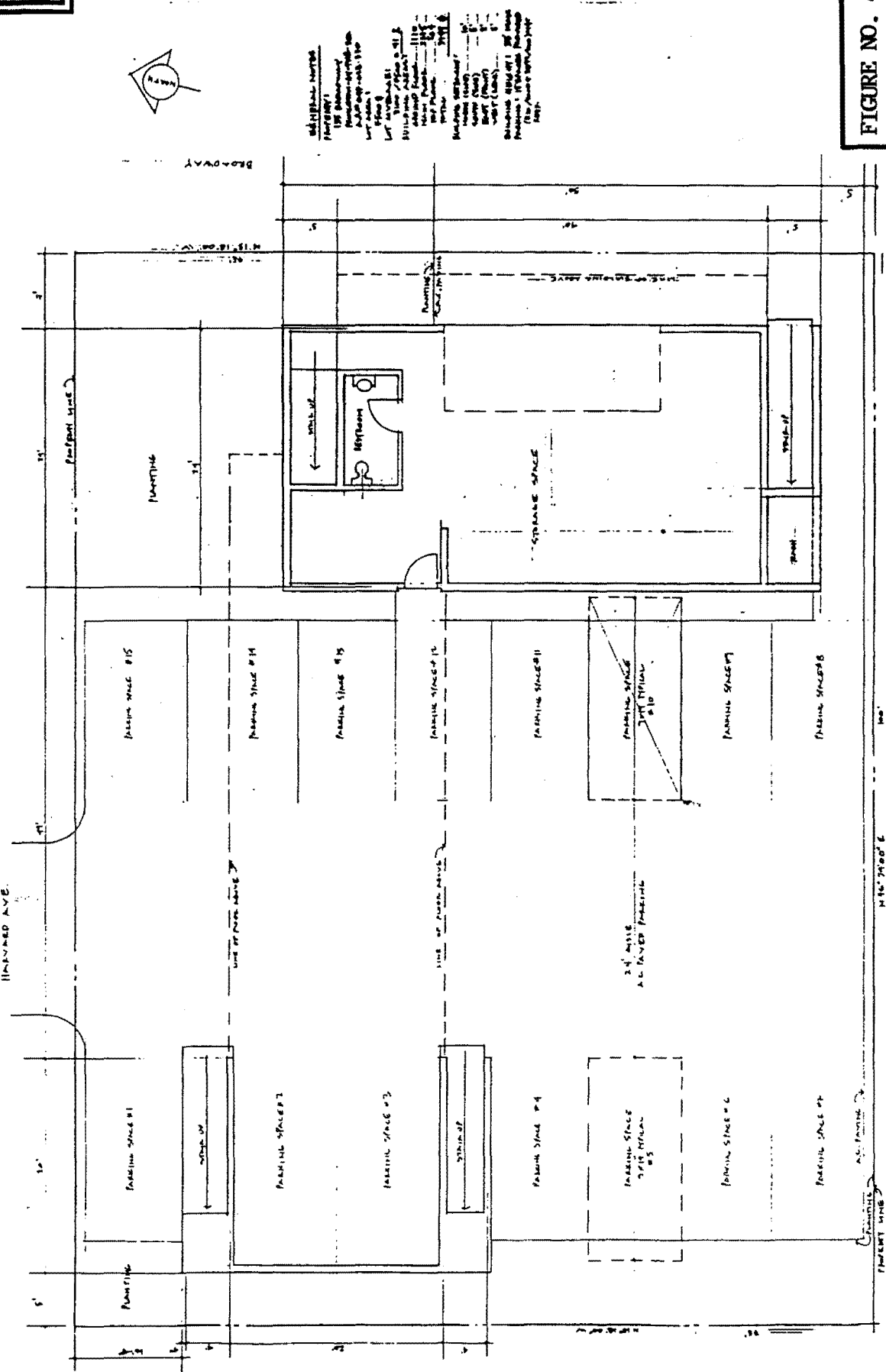


FIGURE NO. 4
APPLICATION NO.
 A-2-SMC-00-034
MICKELSEN
SITE PLAN/GROUND FLOOR PLAN

SITE PLAN / GROUND FLOOR PLAN
 MICKELSEN

RECEIVED
 JUL 23 2003
 CALIFORNIA
 CAPITAL COMMISSION

Herring & Worsley Inc.
 ARCHITECTS

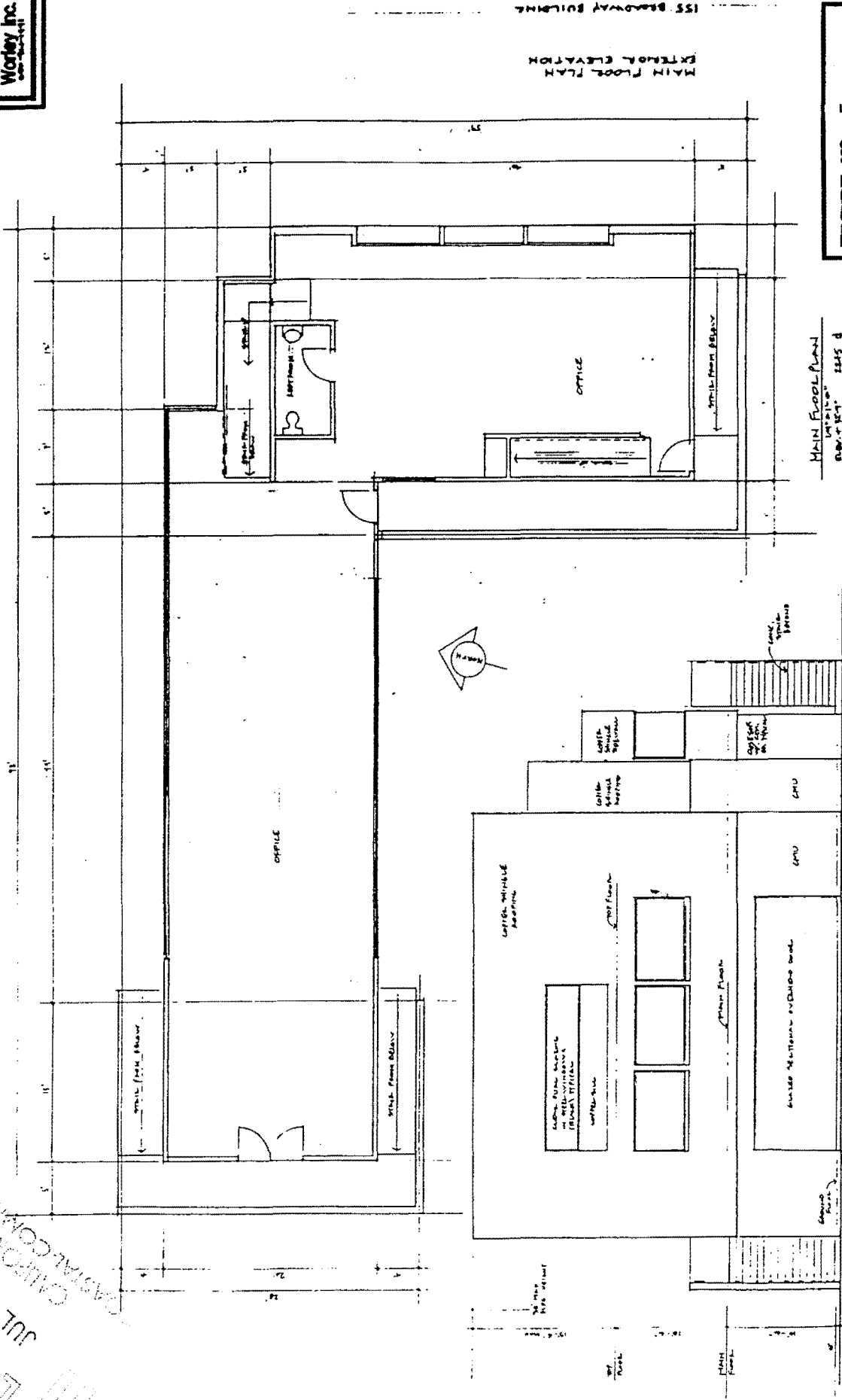
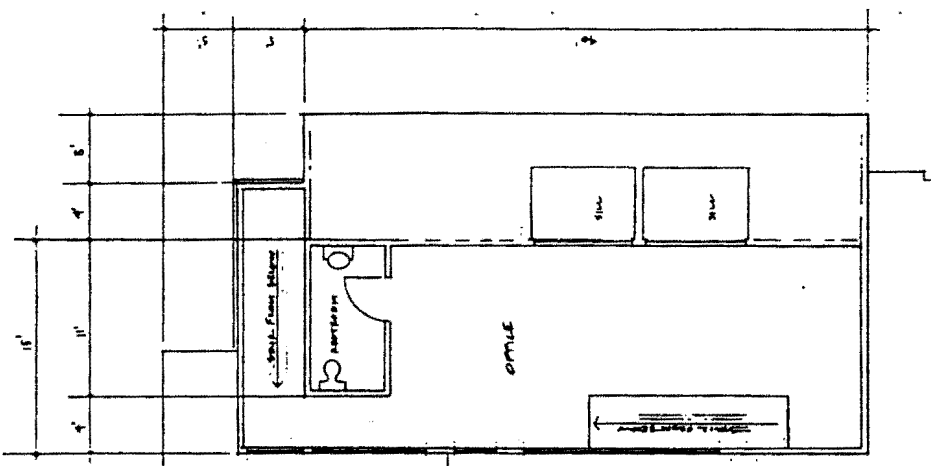


FIGURE NO. 5
APPLICATION NO.
 A-2-SMC-00-034
MICHELSEN
 MAIN FLOOR PLAN/
 EXTERIOR ELEVATION

EAST (BROADWAY) ELEVATION
 1905.11.0

155 BROADWAY BUILDING
 MAIN FLOOR PLAN
 EXTERIOR ELEVATION

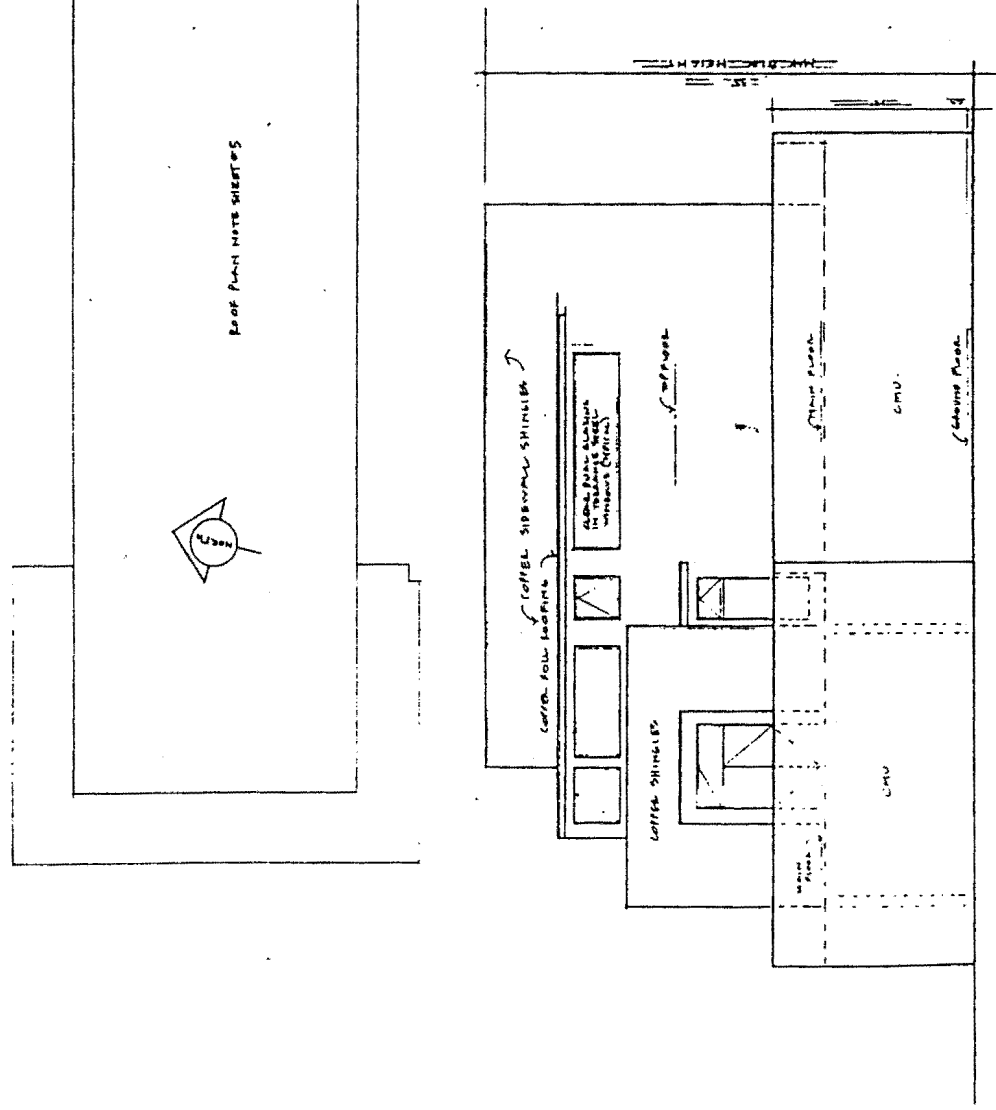
Herring & Worley Inc.
ARCHITECTS



TOP FLOOR PLAN
EXTERIOR ELEVATION

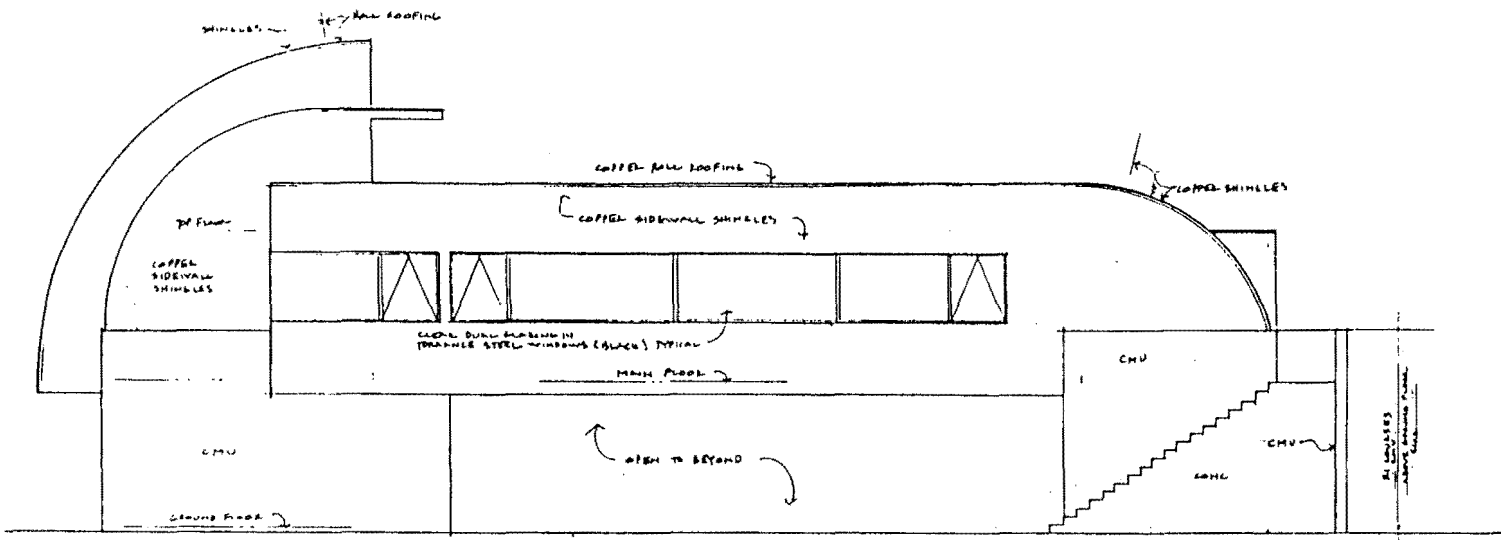
TOP FLOOR PLAN
DATE: 11/11/04
BY: [Signature]

FIGURE NO. 6
APPLICATION NO.
 A-2-SMC-00-034
 MICHELSEN
 TOP FLOOR PLAN
 EXTERIOR ELEVATION

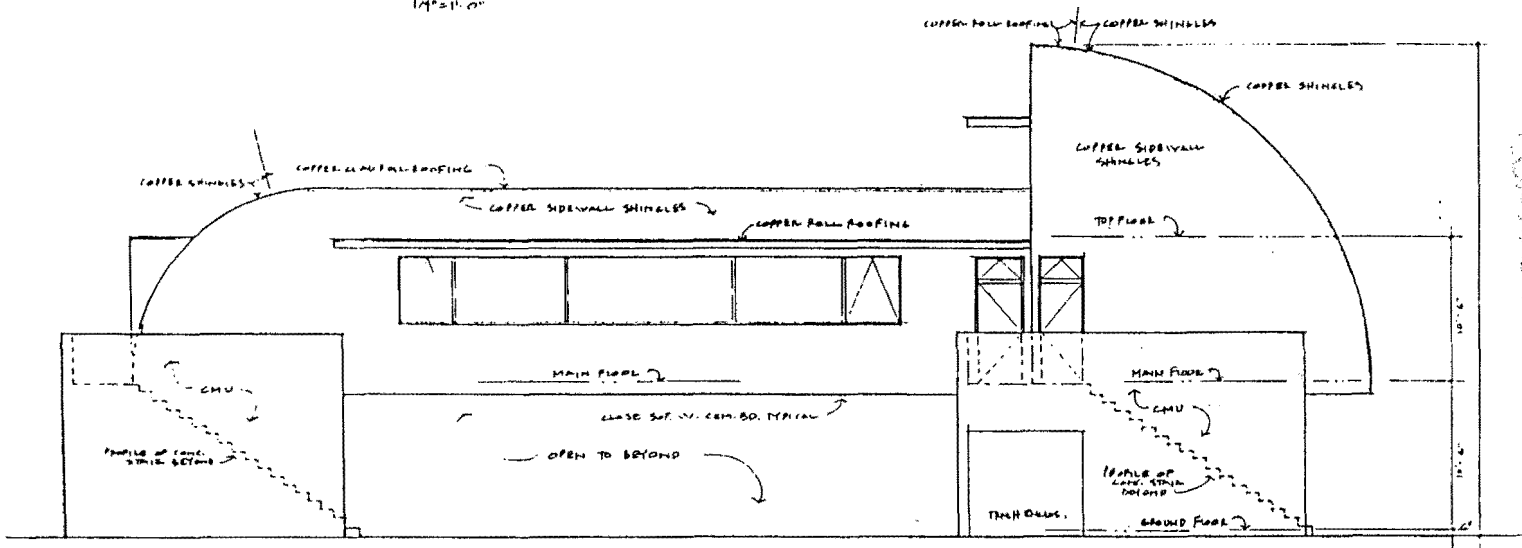


WEST (PARKING) ELEVATION
DATE: 11/11/04
BY: [Signature]

155 BROADWAY BUILDING



NORTH (HARVARD AVE.) ELEVATION
 1/4"=1'-0"



SOUTH (PARKING) ELEVATION
 1/4"=1'-0"

CALIFORNIA
 HISTORICAL COMMISSION

RECEIVED
 JUL 28 2006

EXTERIOR ELEVATIONS

155 Broadway B DINK

FIGURE NO. 7
APPLICATION NO.
A-2-SMC-00-034
MICHAEL SEN
EXTERIOR ELEVATIONS

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EXHIBITS

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CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
 45 FREMONT, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
 (415) 904-5260



COMMISSION NOTIFICATION OF APPEAL

DATE: September 18, 2000

TO: David J. Holbrook, Project Planner
 County of San Mateo, Building & Planning
 590 Hamilton Street, Mail Drop 5500
 Redwood City, CA 94063

FROM: Jane Steven, Environmental Specialist *Jane Steven*

RE: Commission Appeal No. A-2-SMC-00-034

EXHIBIT NO. 1

APPLICATION NO.

A-2-SMC-00-034

MICKELSEN

Commission

Notification

of Appeal

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Section 30602 or 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #: PLN1999-00811

Applicant(s): Herring & Worley, Inc., Attn: Fred Herring; C. Michelsen

Description: 4,080 sq.ft. warehouse/office building, 3 story-high warehouse and office building for marine-related uses.

Location: Harvard & Broadway, Princeton (San Mateo County) (APN(s) 047-023-330)

Local Decision: Approved w/ Conditions

Appellant(s): Paul Perkovic

Date Appeal Filed: 09/15/2000

The Commission appeal number assigned to this appeal is A-2-SMC-00-034. The Commission hearing date has not yet been established for this appeal. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of San Mateo's consideration of this coastal development permit must be delivered to the North Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Jane Steven at the North Central Coast District office.

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2218
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400



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):

Paul Perkovic

Post Office Box 371149

Montara, CA 94037-1149

(650) 728-9500

Zip

Area Code

Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government:

San Mateo County

2. Brief description of development being appealed:

Warehouse and office building in Princeton

Allegedly, APN 047-230-330 (does not exist)

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Harvard and Broadway, Princeton

Allegedly, APN 0-47-023-330 (does not exist)

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: See County approval letter

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-2-SMC-00-034

DATE FILED: 9/15/2000

DISTRICT: NCC

HS 4/88

EXHIBIT NO. 2
APPLICATION NO.
A-2-SMC-00-034
MICHELSEN
APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOV'T

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator
- c. Planning Commission
- b. City Council/Board of Supervisors
- d. Other _____

6. Date of local government's decision: August 3, 2000

7. Local government's file number (if any): PLN 1999-00811

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:
Fred Herring, Architect
1741 Broadway
Redwood City, CA 94063

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) Chris Mickelsen
11691 San Mateo Road
Half Moon Bay, CA 94019
- (2) _____

- (3) _____

- (4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page

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.)

See attached letter.

Note: The above description need not be a complete or exhaustive statement of your reasons for 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.

Paul Perone

Signature of Appellant(s) or Authorized Agent

Date 15 September 2000

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

Paul Perkovic
Post Office Box 371149
Montara, CA 94037-1149
Home +1 (650) 728-9500
Cell +1 (415) 370-3897

15 September 2000

Chris Kern
Supervisor, North Central Coast Region
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

re: **Appeal of Application No. 2-SMC-99-404 (San Mateo County PLN 1999-00811)**

Dear Mr. Kern:

This letter constitutes the "Reasons Supporting This Appeal" for Section IV of the attached Appeal.

- The County approval letter purports to grant an approval for a project on a non-existent Assessor's Parcel Number, specifically, APN 047-023-330. This parcel number represents a retired parcel number, i.e., it does not describe an existing legal parcel. As a consequence, all of the County's public notices were inadequate, deceptive, and misleading, because they did not properly describe a legal parcel. The date when this parcel number became invalid is not available in the County file.
- The property described in the County staff report is in violation of San Mateo County Local Coastal Program (LCP) Policies 1.1 and 1.2, which require a Coastal Development Permit (CDP) for "change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits . . . ; change in the intensity of use of water, or of access thereto;" by virtue of assignment of two separate APNs to the former parcel, to wit, APN 047-023-400 and APN 047-023-410, and then allowing release of priority water capacity – apparently while the subject application was pending before the County.
- The release of priority water capacity is governed by LCP Policy 2.8. That release requires the property owner to indicate in writing that he "does not plan to develop his/her land as a priority land use and will not be using any reserved capacity during a certain phase." The property owner clearly intended to develop his land as a priority use, as evidenced by the application which was pending at the time the water transfer was processed. The portion of the former APN 047-023-330 described by the new APN 047-023-400, which released water capacity, is barred from development now.
- The parcel has relinquished claims to more priority water capacity than it is allocated under the specifications given in LCP Table 2.10. There is therefore no allocated water capacity remaining to serve the proposed development.

Paul Perkovic to California Coastal Commission – 15 September 2000 – Page 2
re: Appeal of Application No. 2-SMC-99-404 (San Mateo County PLN 1999-00811)

Background on Priority Capacity

The San Mateo County certified Local Coastal Program (LCP) implements Coastal Act section 30254 by a reservation of public works capacity for certain priority land uses. Existing public works facilities at the time of LCP certification in 1980 were clearly insufficient to meet the potential needs of all potential development at buildout. The LCP envisions development of public works in a series of phases. Coastal Act section 30254 requires that, "Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal-dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development."

LCP Policy 2.8, Reservation of Capacity for Priority Land Uses, spells out the general framework intended to avoid precluding development of Coastal Act priorities. This policy is repeated specifically for water capacity in Policy 2.29. These policies recognize that during each phase of public works capacity development, only a portion of the potential buildout development can be accommodated. They generally provide for approximately the same proportion of capacity for priority land uses in each phase as the LCP anticipates will be needed at full buildout. Policy 2.29 for priority water capacity requires reservation of water capacity as shown in LCP Table 2.17. This table must be interpreted in conjunction with Table 2.10, "Estimate of Water Consumption Demand from Buildout of Land Use Plan / Coastside County Water District Within County Jurisdiction."

Policy 2.8 specifically envisions that there may be circumstances in which priority capacity reserved for one phase of public works development might be used for other, non-priority land uses. It allows "public agencies and utilities to reallocate capacity to non-priority land uses . . . when a landowner, in response to a written inquiry by a public agency or utility, indicates in writing that he/she does not plan to develop his/her land as a priority land use *and will not be using any reserved capacity during a certain phase.*" [Emphasis added.] This reallocation must be approved by both the local public agency and the San Mateo County Planning Commission.

Specific Grounds for Appeal

1. The purported approval is for a non-existent parcel.

The County letter of decision dated 3 August 2000 cites an APN of 047-023-330 for the approved project. As of that date, there is no such APN. Since the County is responsible for any changes in Assessors Parcel Numbers, if there had been an approved change that affected this project, such a change should have been reflected in the County notices, staff reports, and approvals. The public has been deprived the right to comment on the project by deceptive description of an invalid parcel number which conceals the existence of the priority water transfer from the subsequently-assigned parcel number.

Paul Perkovic to California Coastal Commission - 15 September 2000 - Page 3
re: Appeal of Application No. 2-SMC-99-404 (San Mateo County PLN 1999-00811)

2. *The property is in violation of LCP Policies 1.1 and 1.2, and implementing ordinance (San Mateo County Zoning Regulations) Section 6105.1.*

According to the County activities log for Case Number PLN 1999-00811, the general application for this project was received by the County on 22 October 1999. Although we cannot determine from the County project file with certainty whether APN 047-023-330 existed as a legal parcel on that date, we have two alternatives:

- (1) If it *did not* exist on that date, then the application citing a non-existent parcel number was improper, deceptive, and potentially fraudulent, because it attempted to obtain something of value (a Coastal Development Permit) through intentional misrepresentation of material facts.
- (2) If it *did* exist on that date, it was subsequently retired through assignment of two separate APNs to the former single parcel. According to a letter dated August 3, 2000 from Fredrick L. Herring of Herring & Worley, Inc., the applicant, to Dave Holbrook, San Mateo County Planning & Building Division, "Parcel (043-023-330) was created by the merger of lots on which our proposed buildings will be created." If we grant that this statement by the applicant is truthful, then it would require a minor subdivision to create two separate parcels from a single merged parcel; such a minor subdivision was not recorded. Therefore, the division of the parcel by assigning separate APNs created a violation of LCP Policy 1.1, which requires a Coastal Development Permit for such a division. On the other hand, if the applicant's statement quoted above is untruthful, then it is one more in a series of deceptions and misrepresentations perpetrated in this application.

LCP Policy 1.1 states that "The County will . . . require a Coastal Development Permit for all development in the Coastal Zone subject to certain exemptions." LCP Policy 1.2 defines "development" in part to include "change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits . . .; change in the intensity of use of water, or of access thereto".

The County allowed a *change in the density or intensity of use* of the land by dividing a single holding into two parts, and it allowed a *change in the intensity of use of water* by that same division. This violation of the LCP, whether acknowledged by the County or not, constitutes a violation applicable to the property. Implementing ordinances provide that "no permit for development shall be issued for any lot that has an existing zoning or building violation" (Zoning Regulations, Section 6105.1). Therefore, a CDP cannot be issued for this project without a previous CDP for the land division referenced above.

This division of land constitutes a "change in the intensity of use of water, or of access thereto," because it allowed a property being adequately served by one water connection (for the existing warehouse) to create the impression of an entitlement to two separate water connections, and because the subsequent transfer of that second alleged priority water connection constitutes a change in access to water.

Paul Perkovic to California Coastal Commission - 15 September 2000 - Page 4
re: Appeal of Application No. 2-SMC-99-404 (San Mateo County PLN 1999-00811)

3. A portion of the described parcel is not entitled to use of Phase I priority water.

A portion of the property proposed for development has given up the right to use priority water capacity under Phase I of the San Mateo County Local Coastal Program (LCP), but nevertheless proposes use of Phase I priority water for this development. This constitutes a clear and direct violation of the restriction required under LCP Policy 2.8, which makes provision for reallocation of capacity to non-priority land uses. In contradistinction to the situation in A-2-SMC-00-022, there is no Condition of Approval that prohibits use of priority water on the portion of the property that is legally encumbered against such use.

Complete documentation of the CCWD Resolution approving application for conversion and reallocation of priority use water capacity for non-priority use, County approval of this reallocation, and recorded agreements against this property will be furnished to the Commission if not included in the County administrative record. Despite the clear LCP language, County approval of the reallocation of priority capacity, and documents recorded with the San Mateo County Recorders Office, the Zoning Hearing Officer approved development as proposed, using priority water capacity. I appeared before the San Mateo County Planning Commission on 26 January 2000 to speak against the approval of County File Number MNA 2000-00001, which proposed the release and transfer of priority water capacity from APN 047-023-400. My objections were considered by the Planning Commission, but because "we have always done it this way" and because there were only 5 more priority water transfers being proposed, the Planning Commission voted to grant this (and four other) water transfers "one last time". My local appeal to the Board of Supervisors was heard on 8 February 2000 and denied.

The only appropriate remedy is to deny the current development application as proposed, and (if the Commission finds it otherwise acceptable) approve the development with the requirement that it must purchase and use non-priority water capacity. This will leave the remaining priority capacity available for other landowners who have not given up their right to develop their property during Phase I of LCP water supply. Alternatively, the proposed development could be conditioned, as the County did with the Iacopi proposal, so that all priority water usage on the proposed development must be contained within the 50 by 100 foot portion of the original APN 047-230-330, now given the APN 047-230-410, which is not encumbered against use of Phase I priority water.

4. The parcel has relinquished claims to more water capacity than it is allocated.

The County approved this project under Zoning Regulations Section 6267 (F), "Marine-Related Trades and Services Module (Commercial) (TSW-8)." This is a qualifying Marine Related Industrial use. LCP Table 2.10 allocates water consumption demand to both developed and undeveloped marine related uses at 2,500 gallons per acre per day. The described parcel size, according to the County staff report dated 3 August 2000, is 7,500 square feet. As the computation on the next page shows, a parcel of this size is allocated only 0.59 water connections by the LCP. There was no excess available to transfer; because the transfer has already occurred, no development can be permitted.

Paul Perkovic to California Coastal Commission 15 September 2000 - Page 5
 re: Appeal of Application No. 2-SMC-99-404 (San Mateo County PLN 1999-00811)

**Analysis of Water Allocation Based on LCP Water Requirements
 (using information from San Mateo County LCP Tables 2.10 and 2.17)**

Step 1: Compute the water capacity represented by a reserved priority connection:

Water Capacity for All Priority Land Uses, Phase I (from Table 2.17)	369,716	gallons/day
Total Priority Connections Reserved (from R. Rathborne, CCWD)	660	connections
Water Capacity per Priority Connection = $369,716 / 660$	560	gallons/day

Step 2: Compute the number of connections reserved for Marine Related Industrial uses:

Water Capacity for All Priority Land Uses, Phase I (from Table 2.17)	369,716	gallons/day
Water Capacity Reserved for Marine Related Industrial (MRI), Phase I	55,770	gallons/day
Percent of Priority Connections Allocated to MRI = $55,770 / 369,716$	15.1%	
Number of Priority Connections Allocated to MRI = $660 * 15.1\%$	100	connections

Step 3: Compute the connections per acre reserved for Marine Related Industrial uses:

Total Priority Connections Reserved for Marine Related Industrial	100	connections
Total Acres Designated Marine Related Industrial (from Table 2.10)	29.29	acres
Priority Connections Reserved per Acre Zoned MRI = $100 / 29.29$	3.41	connections/i

Step 4: Compute the number of priority connections reserved for this parcel:

Area of Original Parcel (APN 047-023-330) = 100 feet x 75 feet	7,500	square feet
Size of Original Parcel in Acres = $7,500 \text{ sq. ft.} / 43,560 \text{ sq. ft. per acre}$	0.172	acres
Corresponding Number of Priority Connections = $3.41 * 0.172$	0.59	connections

Conclusion: Because this parcel has already transferred off one priority connection, there can be no more priority water capacity reserved for the parcel, consistent with the County's interpretation that every undeveloped parcel has water reserved for it.

Therefore, development on this parcel using priority water capacity must be denied.

Paul Perkovic to California Coastal Commission - 15 September 2000 - Page 6
 re: Appeal of Application No. 2-SMC-99-404 (San Mateo County PLN 1999-00811)

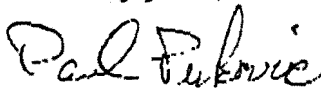
Significant Differences from Coastal Commission Appeal A-2-SMC-00-022

This appeal has significant differences in the factual basis, ownership patterns, and timing of applications in comparison with Coastal Commission Appeal A-2-SMC-00-022, which was considered by the Coastal Commission on 13 September 2000. In addition, this appeal raises issues of conformity with LCP Policies 1.1 and 1.2 and the water allocation to the (original) parcel, APN 047-023-330, under provisions in LCP Table 2.10.

- In contrast with the Jacopi situation, where there was a change of ownership between the encumbrances on the parcel and the proposed development, this parcel has been in continuous ownership by the same person, who cannot advance the claim that he should not be bound by an agreement entered into by a former property owner.
- In contrast with the Jacopi situation, the purported division of the original parcel into two separate APNs occurred while a development application was pending. The proposed development, as filed, spans all three underlying lots. It is thus impossible to separate one lot from the other two without invalidating the pending application.

This appeal direct to the Coastal Commission is intended to resolve the serious issues of LCP compliance within San Mateo County in the most expeditious manner possible. Use of local appeals would probably add 3 to 6 months to the overall appeal process. This choice was been made in the interest of obtaining the quickest resolution possible to substantial issues of LCP conformance. In a letter dated 3 August 2000 from Fredrick L. Herring to me, the applicant states: "If Mr. Mickelsen had transferred priority water rights away from some portion of this site so that grounds for appeal did exist, then the results of the appeal include: a. Financial damage to Mr. Mickelsen (loss of rents, interest cost of funds invested in project development and the like) caused by the delay of his project; b. The redesign of the project to insure it is located only on property entirely innocent of utility transfers." It is not my fault that Mr. Mickelsen has engaged in water transactions that may have a detrimental effect on his use and enjoyment of his property. Those were entered into knowingly by Mr. Mickelsen with the possibility of appeal known. Compliance with the LCP is required by the Coastal Act; potential profits to Mr. Mickelsen, or any other party, are subordinate to meeting Coastal Act requirements.

Sincerely yours,



Paul Perkovic

cc: Herring & Worley, Inc.
 Chris Mickelsen
 San Mateo County Planning Commission
 Midcoast Community Council
 Coastside County Water District



Planning and Building Division

County of San Mateo

Mail Drop PLN122 · 455 County Center · 2nd Floor · Redwood City
California 94063 · Telephone 650/363-4161 · Fax 650/363-4849

Board of Supervisors
Rose Jacobs Gibson
Richard S. Gordon
Mary Griffin
Jerry Hill
Michael D. Nevin

Planning Administrator
Terry L. Burnes

Please reply to:

David Holbrook
(650) 363-1837

August 3, 2000

FILE COPY

Fred Herring, Architect
1741 Broadway
Redwood City, CA 94063

EXHIBIT NO. 3
APPLICATION NO.
A-2 SMC-00-034 MICHELSEN
SAN MATEO COUNTY'S CONDITION OF APPROVAL

Subject: PLN1999-00811
Location: Harvard and Broadway, Princeton
APN: 047-023-330

AUG 31 2000

CALIFORNIA
COASTAL COMMISSION

On August 3, 2000, the Zoning Hearing Officer considered your request for a Use Permit and a Coastal Development Permit, pursuant to Sections 6500 and 6328.4 of the San Mateo County Zoning Regulations, to construct a 4,080 sq. ft., three-story high warehouse and office building at the corner of Broadway and Harvard Avenue in the unincorporated County area of Princeton.

No individual present wished to hear a staff presentation or speak on this item. Based on the information provided by staff, the Zoning Hearing Officer made the following findings appropriate for this project and approved this project subject to the following conditions:

FINDINGS

The Zoning Hearing Officer found:

Regarding the Coastal Development Permit

1. That the project, as described in the application and accompanying materials required by Zoning Regulations Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program.
2. That the project conforms to the specific findings required by applicable policies of the San Mateo County Local Coastal Program.

Regarding the Use Permit

3. That the establishment, maintenance and/or conducting of the proposed use as conditioned will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in the said neighborhood.
4. That the design and operation of the proposed use will further the purpose of the Coastsides Commercial Recreation Zoning District as stated in Section 6265 of the Zoning Regulations.
5. That the design and operation of the proposed use will conform with the development standards stated in Section 6269 of the Zoning Regulations.

Regarding the Environmental Review

6. That this project is exempt from CEQA, Section 15303, Class 3, regarding construction of small commercial buildings in an urban area.

CONDITIONS OF APPROVAL

Planning Division

1. This approval applies only to the proposal, documents and plans described in this report and submitted to and approved by the Zoning Hearing Officer on August 3, 2000. Minor revisions or modifications to the project may be approved by the Planning Director if they are consistent with the intent of and in substantial conformance with this approval.
2. The use permit and Coastal Development Permit is only for the project and uses as proposed and conditioned. Any changes in use will require a use permit amendment. Any amendment to this use permit shall be obtained from the County prior to occupancy of said new use.
3. The applicant, at the building permit stage, shall submit revised plans that replace the exterior material of concrete block, as it is used on the sides facing Broadway and Harvard Avenue, with a material that is more textured, e.g., split-face block.
4. The applicant shall submit exterior wall and roof material samples of the proposed building for review and approval by the Planning Director prior to Planning approval on a subsequent building permit application. The Planning Division shall confirm that the approved materials were used prior to the Building Inspection Section's final inspection approval of the project.

Fred Herring, Architect

August 3, 2000

Page 3

5. The applicant shall submit a copy of the sales and lease agreements for any subsequent property owners and present/future tenants for review by the Planning Division. The agreement shall clearly stipulate that the only allowed uses are those uses stipulated in the "CCR" Zoning District Regulations Section 6267, all of which require an approved use permit issued by the County Planning Division prior to tenant occupancy and initiation of the use and prior to issuance of any building permit in conjunction with a new use.
6. The applicant shall submit a copy of a recorded deed restriction and any future lease agreement(s) for all subsequent lot/building unit owners and tenants for review by the Planning Division. The deed restriction shall stipulate that: (1) permitted uses of the building are "marine storage" on the first floor and "ancillary and marine-related office" on the second and third floors; (2) ANY change in use, permitted in the Coastside Commercial Recreation District, will require an amendment of the use permit and the proposed use must comply with all current, applicable Zoning Regulations, including parking requirements; and (3) ANY change in use may require additional parking on site and thus must conform with County Parking Regulations.
7. The current and future owners and lessors of the subject property shall comply with the performance standards of the Coastside Commercial Recreation (CCR) Zoning District outlined in Section 6270 of the County Zoning Regulations at all times.
8. Signage for the proposed building shall be submitted for review by the Planning Division to ensure conformance with General Plan and LCP Policies regarding signs prior to any placement/construction of signage on the project site.
9. The applicant shall submit a landscape plan for review and approval of the Planning Director prior to issuance of a subsequent building permit. The applicant shall pay the current landscape plan review fee at the time of application for the building permit. All approved landscaping (respective to the building phase initiated) shall be installed prior to the Building Inspection Section's final inspection approval of the building permit, as satisfactorily confirmed by the Planning Division.
10. The applicant shall submit a \$500 maintenance surety deposit prior to a final building inspection to ensure that all installed landscaping survives for a two-year period. Any dead trees or shrubs shall be replaced in like kind immediately. Upon confirmation by the Planning Division that all such landscaping has survived at the end of the two-year period, the surety deposit shall be released back to the designated applicant.
11. As part of the stormwater pollution prevention plan required by the building permit, the applicant shall submit an erosion and sediment transport control plan, designed by an erosion control professional, or landscape architect or civil engineer (hereafter referred to as the applicant's erosion control consultant) specializing in erosion control, that would meet

the following objectives for the grading and construction period of the project.

Implementation shall occur as follows:

- a. The erosion and sediment control plan shall be submitted, reviewed and approved prior to issuance of a subsequent building permit. It shall be implemented and inspected as part of the inspection process for the project. The approved plan shall be activated during the period of grading activity if any rainstorms occur. Any revisions to the plan shall be prepared and signed by the applicant's erosion control consultant and reviewed by the Department of Public Works.
- b. The plan shall be based on the specific erosion and sediment transport control needs of each area in which grading and construction is to occur. The possible methods are not necessarily limited to the following items:
 - (1) Confine grading and activities related to grading (construction, preparation and use of equipment and material storage/staging areas, preparation of access roads) to the dry season, whenever possible.
 - (2) If grading or activities related to grading need to be scheduled for the wet season, ensure that structural erosion and sediment transport control measures are ready for implementation prior to the onset of the first major storm of the season.
 - (3) Locate staging areas outside major drainage ways.
 - (4) Keep the lengths and gradients of constructed slopes (cut or fill) as low as possible.
 - (5) Discharge grading and construction runoff into small drainages at frequent intervals to avoid buildup of large potentially erosive flows.
 - (6) Prevent runoff from flowing over unprotected slopes.
 - (7) Keep disturbed areas (areas of grading and related activities) to the minimum necessary for demolition or construction.
 - (8) Keep runoff away from disturbed areas during grading and related activities.
 - (9) Stabilize disturbed areas as quickly as possible, either by vegetative or mechanical methods.

- (10) Direct runoff over vegetated areas prior to discharge into public storm drainage systems, whenever possible.
- (11) Trap sediment before it leaves the site with such techniques as check dams, sediment ponds, or siltation fences.
- (12) Make the contractor responsible for the removal and disposal of all sedimentation on-site or off-site that is generated by grading and related activities of the project.
- (13) Use landscaping and grading methods that lower the potential for downstream sedimentation. Modified drainage patterns, longer flow paths, encouraging infiltration into the ground, and slower stormwater conveyance velocities are examples of effective methods.
- (14) Control landscaping activities carefully with regard to the application of fertilizers, herbicides, pesticides or other hazardous substances. Provide proper instruction to all landscaping personnel on the construction team.

- c. During the installation of the erosion and sediment control structures, the applicant's erosion control consultant shall be on the site to supervise the implementation of the designs, and the maintenance of the facilities throughout the grading and construction period. It shall be the responsibility of the consultant to regularly inspect the erosion control measures and determine that they are functioning as designed and that proper maintenance is being performed. Deficiencies shall be immediately corrected.

12. During project construction, the applicant shall, pursuant to Section 5022 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site into storm drain systems and water bodies by:

- a. Using filtration materials on storm drain covers to remove sediment from dewatering effluent.
- b. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15.
- c. Removing spoils promptly, and avoiding stockpiling of fill materials, when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
- d. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to the storm drain system or water body.

- e. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
 - f. Limiting and timing applications of pesticides and fertilizer to avoid polluting runoff.
13. All grading for the buildings and parking lot shall be according to plans prepared, dated, and signed by the applicant's engineer and approved by the County. Revisions to the approved grading plan shall be prepared and signed by the engineer, and shall be submitted to the Department of Public Works and the Planning Division for concurrence prior to commencing any work pursuant to the proposed revision.
 14. No clearing, grading or construction activity on the site shall occur until the applicant has been issued a valid building permit.
 15. The applicant shall submit a lighting plan that locates all building-attached lighting to the Planning Division for review and approval prior to issuance of the building permit. The proposed lighting shall be controlled, shielded and provide all necessary modifications to confine site lighting to the project site and not spill over onto adjacent parcels or onto adjacent or nearby parcels. The performance of all lighting, as required, shall be confirmed prior to a final building permit inspection.
 16. The applicant shall place underground all new utility distribution lines (e.g., electrical, telephone) serving the new development.
 17. Noise levels produced by the proposed construction activity shall not exceed the 80 dBA level at any one moment. Construction activities shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction operations shall be prohibited on Sunday and any national holiday.
 18. The Coastal Development Permit shall be valid for one year from the date of approval in which time the applicant shall be issued a building permit. Any extension of this permit shall require submittal of a request for permit extension and payment of applicable extension fees no less than thirty (30) days prior to expiration.
 19. This use permit shall be self-renewed on an annual basis without payment of additional fees, if the County Code Compliance Section finds that the applicant's uses are in compliance with the terms of the use permit approval. If uses are not in compliance, the applicant will have a thirty (30) day period to comply with the terms of the approved use permit or apply for an amendment to the use permit and pay applicable fees to the Planning Division. Any extension of such time shall require submittal of a request for a grace period extension and payment of applicable extension fees prior to expiration of the thirty (30) day notice period.

Department of Public Works

20. Prior to issuance of a building permit, the applicant shall provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance No. 3277.
21. The applicant shall submit, for review by the Department of Public Works and the appropriate Fire District, a "plan and profile" of both the existing and the proposed access from the nearest "publicly" maintained roadway to the proposed parking area. Should this access go through neighboring property, the applicant shall provide the County with a copy of a recorded access agreement allowing for this use.
22. The applicant shall submit a driveway "plan and profile" to the Department of Public Works showing the driveway access to the parking lot complying with County standards for driveway slopes (not to exceed 20%) and to County standards for driveways (at the property line) being the same elevation as the center of the access roadway. When appropriate, this "plan and profile" shall be prepared from elevations and alignment shown on the roadway improvement plans. The driveway plan shall also include and show specific provisions and details for handling both the existing and proposed drainage.
23. The applicant shall have prepared, by a registered civil engineer, a drainage analysis of the project site and submit it to the Department of Public Works for review and approval. The drainage analysis shall consist of a written narrative and plan showing all permanent drainage mechanisms and measures. The flow of the stormwater onto, over, and off the property being developed shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage.

Building Inspection Section

24. The applicant shall comply with all building requirements.

Half Moon Bay Fire Protection District

25. The applicant shall comply with all requirements stipulated by the Half Moon Bay Fire Protection District.

Any interested party aggrieved by the determination of the Zoning Hearing Officer may appeal this decision to the Planning Commission within ten (10) working days from such date of determination. The appeal period for this project will end on **August 17, 2000, at 5:00 p.m.**

Fred Herring, Architect
August 3, 2000
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This item is also appealable to the California Coastal Commission. An additional Coastal Commission ten (10) working day appeal period will begin after the County appeal period ends. The County and Coastal Commission appeal periods run consecutively, not concurrently, and together total approximately one month. A project is considered approved when these appeal periods have expired and no appeals have been filed.

Very truly yours,



George Bergman
Zoning Hearing Officer

zhd0803k.ljm

cc: Public Works Department
California Coastal Commission
Half Moon Bay Fire Department
Coastside County Water District
Granada Sanitary District
Assessor's Office
C. Michelsen
PCAC, Julian McCurrach
MCCC, Chuck Kozak
Helen Carey
Paul Perkovic

EXHIBIT NO. 4
APPLICATION NO.
A-2-SMC-00-034 MICHELSEN
RESOLUTION 849

RESOLUTION NO. 849

ESTABLISHING PROCEDURES FOR CONVERSION OF CAPACITY
RESERVED FOR PRIORITY USES IN SAN MATEO COUNTY
TO NON-PRIORITY STATUS

COASTSIDE COUNTY WATER DISTRICT

THIS RESOLUTION is adopted in light of the following facts and circumstances which are found and declared by the Board of Directors:

1. Pursuant to the Coastal Development Permit issued for the Crystal Springs Water Supply Project ("Project"), the District is required to reserve a portion of the water supply capacity of the Project for uses which are designated as "priority" uses in the Local Coastal Programs adopted by San Mateo County ("County") and the City of Half Moon Bay ("City"). The remaining capacity may be utilized to serve all types of uses.
2. The Project's Phase I capacity (i.e., that provided by the physical facilities which the District is permitted to construct and which is expected to be completed by early 1994) is sufficient for 3,546 standard size (5/8") water service connections. Of these, 2,198 may be allocated to non-priority uses; 1,348 are to be reserved for priority uses.
3. Of the capacity required to be reserved for Phase I priority uses, approximately 816 standard size (5/8") water service connections are to be held for priority uses in the County and 532 such connections for priority uses in the City.
4. The District has already exhausted, by commitments and/or actual use, all of its non-priority Phase I capacity. Since approximately 1988, when the last of the non-priority Phase I connections were purchased, the District has been unable to issue any new connections for non-priority use. By contrast, a relatively small number (approximately 180) 5/8" connections designated for priority uses have been sold to date, 36 for use

in the County and 144 for use in the City. As a result, the District retains unused and uncommitted capacity for priority uses in an amount sufficient for approximately 1,170 standard size (5/8") connections. Of these, approximately 780 connections are reserved for priority uses in the County and 390 are reserved for priority uses in the City.

5. The Local Coastal Program adopted by the County anticipated that demand for priority uses might develop more slowly than that for non-priority uses during Phase I. The County Local Coastal Program (Section 2.8.c), therefore, allows local public agencies such as the District to reallocate up to 50 percent of the reserved Phase I capacity (i.e., 408 standard size connections) to non-priority uses under certain circumstances and subject to the approval of the County Planning Commission.

6. Based on information currently available, it does not appear likely that owners of land in the County designated for priority uses who have not yet purchased water service connections will request to purchase more than 200 connections before the end of Phase I, which will roughly coincide with the expansion of the Sewer Authority Mid-Coastside ("SAM") sewage treatment plant to its Phase II capacity (i.e., approximately 1996). It is likely that at the time the SAM plant expansion project is completed, the District will have unused and uncommitted priority capacity for use in the County equal to at least 580 connections.

7. It is not in the public interest for excess water capacity to remain in reserve and unused when there is, as there is at present, demand by non-priority users for that capacity (e.g., by owners of lots who wish to build single family homes or homeowners whose wells are deficient and who wish to convert to a municipal system).

8. It is the intent of the Board, in adopting this resolution, to provide a means by which persons seeking water connections for property in the County, to serve uses deemed non-priority by the County Local Coastal Program, may attempt to secure the conversion of available and unneeded priority use capacity up to 50 percent of the Phase I priority capacity reserved for use in the County (i.e., 408 standard size connections).

9. It is also the intent of the Board that the process of conversion operate fairly and uniformly, that it provide assistance to as great a number of individuals as feasible, that it not result in special treatment or privileges for any person or group, and that it be consistent with the goals and requirements of the County Local Coastal Program.

10. Finally, because available water capacity is, until assigned to a particular parcel or user, a public asset of the District generally, that the process of conversion remain subject to the regulation and consideration of the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Coastside County Water District as follows:

1. A person owning property within the portion of the District located in San Mateo County who does not own a Phase I water service connection assigned to that property may apply to the District for the purchase of one or more service connections (up to the equivalent of five 5/8" service connections) based on the conversion of reserved priority capacity to non-priority capacity and the allocation of such converted capacity to such property.

2. The application shall be in writing, on a form provided by the District. The application shall be signed by all owners of the parcel of property to which the water service connection will be assigned. The application shall also be

signed by all owners of another parcel of property, designated for priority use in the County Local Coastal Program, who are willing to agree to forego development of that parcel of property and any right to purchase reserved priority water capacity for use on such parcel until the commencement of Phase II.

3. The application shall be accompanied by the processing fee then in effect. Until the Board acts to change such fee, it shall be \$250 per application. In addition, if the General Manager determines that the District will be required to incur expenses, including that of District staff or consultants, to evaluate the application, in excess of \$250, he may require the applicant to deposit such additional sums as may be necessary to defray these expenses.

4. The General Manager shall review the application and may require the applicant to submit additional information and/or documentation. When the General Manager determines that the application is complete and all fees have been paid, he shall submit it to the Board of Directors with his recommendation whether to approve or disapprove the application.

5. The Board of Directors shall consider the application at a meeting of the Board.

6. If the Board determines to approve the application, it shall do so by resolution. The resolution shall:

a. contain a finding that there is available through the Project unused and uncommitted priority use capacity sufficient to meet both projected demand for priority water use in the County during Phase I and the capacity sought by the applicant;

b. contain a finding that less than 50 percent of the capacity to be reserved for the County during Phase I (i.e., 408 standard size 5/8" connections) has been converted to

non-priority use, taking into account the capacity sought by the applicant;


c. contain such conditions and limitations as the Board may deem necessary, including at least the following two conditions:

(1) no conversion of capacity shall be effective, nor shall any water service connection be issued based on converted capacity, unless and until the San Mateo County Planning Commission has approved the specific conversion and reallocation applied for pursuant to Section 2.8 of the County LCP, such approval has become final and not subject to appeal, and the District has received written evidence thereof from the County; and


(2) the owners of the property from which the priority capacity is to be reallocated have executed a document in form and substance satisfactory to the District and County and in recordable form, evidencing the conversion of priority capacity and the commitment not to develop such property or seek a priority water service connection during Phase I.

PASSED AND ADOPTED this 14th day of December, 1993 by the following vote:

- AYES: Directors Reid, Kash, Coverdell, Adreveno, Gates
- NOES: None
- ABSENT: None



 President, Board of Directors
 Coastside County Water District

ATTEST:


 Secretary of Said District

EXHIBIT NO. 5
APPLICATION NO.
A-2-SVC-00-034 MICHELSEN
RESOLUTION 1999-01

RESOLUTION NO. 1999-01

**AMENDING AND RESTATING RESOLUTION NO. 849
ESTABLISHING PROCEDURES FOR CONVERSION OF CAPACITY
RESERVED FOR PRIORITY USES IN SAN MATEO COUNTY
TO NON-PRIORITY STATUS**

COASTSIDE COUNTY WATER DISTRICT

THIS RESOLUTION is adopted in light of the following facts and circumstances which are found and declared by the Board of Directors:

1. Pursuant to the Coastal Development Permit issued for the Crystal Springs Water Supply Project ("Project"), the District is required to reserve a portion of the water supply capacity of the Project for uses which are designated as "priority" uses in the Local Coastal Programs adopted by San Mateo County ("County") and the City of Half Moon Bay ("City"). The remaining capacity may be utilized to serve all types of uses.

2. The Project's Phase I capacity (i.e., that provided by the physical facilities which the District is permitted to construct and which was completed in 1994) is sufficient for 3,546 standard size (5/8") water service connections, hereafter referred to as "connections."

3. Initially, the District understood its permit to require that 38% of the Phase I capacity (i.e., 1,348 connections) was to be reserved for priority uses. Of the capacity to be reserved for Phase I priority uses, approximately 816 connections were held for use in the County and 532 were held for priority uses in the City.

4. By 1988, the District had exhausted, by commitments and/or actual use, all of its non-priority Phase I capacity. By contrast, a relatively small number of connections had been purchased for priority use. As a result, the District retained substantial unused and uncommitted capacity for priority uses in both the County and the City.

5. The Local Coastal Program adopted by the County anticipated that demand for priority uses might develop more slowly than that for non-priority uses during Phase I. The County Local Coastal Program (Section 2.8.c), therefore, allows

local public agencies such as the District to reallocate up to 50 percent of the reserved Phase I capacity to non-priority uses under certain circumstances and subject to the approval of the County Planning Commission.

6. In December 1993, the Board determined that it was not in the public interest for excess water capacity to remain in reserve and unused when there was demand by non-priority users for that capacity (e.g., by owners of lots who wish to build single family homes or homeowners whose wells are deficient and who wish to convert to a municipal system). Accordingly, the Board adopted Resolution No. 849 implementing County Local Coastal Program Policy 2.8.

7. It was the intent of the Board, in adopting Resolution No. 849, to provide a means by which persons seeking water connections for property in the County, to serve uses deemed non-priority by the County Local Coastal Program, may attempt to secure the conversion of available and unneeded priority use capacity up to 50 percent of the Phase I priority capacity reserved for use in the County.

8. In June 1998, the County Board of Supervisors acknowledged that the County Planning Department had made a clerical error in stating the percentage of Phase I capacity to be reserved for priority uses in the Coastal Development Permit issued for the Crystal Springs Project. Rather than requiring 38% of capacity to be reserved, the Board confirmed that the permit should have required only 29% to be reserved. As a result of this correction, the amount of capacity required to be reserved is reduced from 1,348 connections to 1,043 connections. Concurrently, the number of connections which the District may make available for any type of use (priority or non-priority) was increased from 2,198 to 2,503.

9. Of the correct capacity to be reserved for Phase I priority uses, approximately 660 connections are to have been held for priority uses in the portion of the District within the unincorporated County and approximately 383 such connections are to have been held for priority uses in the City of Half Moon Bay.

10. Accordingly, pursuant to County Local Coastal Program Policy 2.8, up to 330 standard 5/8" connections could be reallocated for use on land to be developed for non-priority uses.

11. During the five years from January 1994 through December 1998, capacity equivalent to approximately 66 connections have been reallocated pursuant to Local Coastal Program Policy 2.8 and Resolution No. 849.

12. Taking into account the 66 connections converted and reallocated to date, there remain a maximum of 264 connections in the County which may be converted and reallocated to non-priority use.

13. Of the 330 connections which must be dedicated to priority uses within the County during Phase I, approximately 100 have been purchased and put into service within the County through December 1998 (without considering the 70 connections already provided to the Farm Labor Housing Project, which is indicated in the Local Coastal Program to be a County priority land use). The District has existing capacity sufficient to provide the balance of 230 priority connections within the County.

14. There continues to be a need for the priority conversion and reallocation procedure established by Resolution No. 849. The Board finds that the procedures established by Resolution No. 849 have operated fairly and uniformly, have provided assistance to a large number of individuals, have not resulted in special treatment or privileges for any person or group, and have been consistent with the goals and requirements of the County Local Coastal Program.

15. The Board is cognizant that in a small number of cases priority capacity was converted and thereafter made available to owners of property within the City of Half Moon Bay. The City recently expressed its concern with that practice and the District staff promptly accommodated its preferences. The Board, in reenacting the procedures of Resolution No. 849, reminds staff to continue to implement the conversion and reallocation procedure in this fashion (i.e., only property owners within ^{unincorporated} the County may participate).

16. Finally, because available water capacity is, until assigned to a particular parcel or user, a public asset of the District generally, the process of conversion should remain subject to the regulation and consideration of the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Coastside County Water District as follows:

1. A person owning property within the portion of the District located in San Mateo County who does not own a Phase I water service connection assigned to that property may apply to the District for the purchase of one or more service connections (up to the equivalent of five 5/8" service connections) based on the conversion of reserved priority capacity to non-priority capacity and the allocation of such converted capacity to such property.

2. The application shall be in writing, on a form provided by the District. The application shall be signed by all owners of the parcel of property to which the water service connection will be assigned. The application shall also be signed by all owners of another parcel of property, designated for priority use in the County Local Coastal Program, who are willing to agree to forego development of that parcel of property and any right to purchase reserved priority water capacity for use on such parcel until the commencement of Phase II.

3. The application shall be accompanied by the processing fee then in effect. Until the Board acts to change such fee, it shall be \$250 per application. In addition, if the General Manager determines that the District will be required to incur expenses, including that of District staff or consultants, to evaluate the application, in excess of \$250, he may require the applicant to deposit such additional sums as may be necessary to defray these expenses.

4. The General Manager shall review the application and may require the applicant to submit additional information and/or documentation. When the General Manager determines that the application is complete and all fees have been paid, he shall submit it to the Board of Directors with his recommendation whether to approve or disapprove the application.

5. The Board of Directors shall consider the application at a meeting of the Board.

6. If the Board determines to approve the application, it shall do so by resolution. The resolution shall:

a. contain a finding that there is available through the Project unused and uncommitted priority use capacity sufficient to meet both projected

demand for priority water use in the County during Phase I and the capacity sought by the applicant;

b. contain a finding that less than 50 percent of the capacity to be reserved for the County during Phase I (i.e., 330 standard size 5/8" connections) has been converted to non-priority use, taking into account the capacity sought by the applicant;

c. contain such conditions and limitations as the Board may deem necessary, including at least the following two conditions:

(1) no conversion of capacity shall be effective, nor shall any water service connection be issued based on converted capacity, unless and until the San Mateo County Planning Commission has approved the specific conversion and reallocation applied for pursuant to Section 2.8 of the County LCP, such approval has become final and not subject to appeal, and the District has received written evidence thereof from the County; and

(2) the owners of the property from which the priority capacity is to be reallocated have executed a document in form and substance satisfactory to the District and County and in recordable form, evidencing the conversion of priority capacity and the commitment not to develop such property or seek a priority water service connection during Phase I.

7. Resolution No. 849 is rescinded and superceded by this Resolution.

PASSED AND ADOPTED this 12th day of January, 1999 by the following vote:

AYES: Directors Miller, Goodrich, Kash, Gates, and Coverdell

NOES: None

ABSENT: None

Kenneth B. Coverdell
President, Board of Directors
Coastside County Water District

ATTEST:
[Signature]
Secretary of Said District

To: COUNTY ASSESSOR, DRAFTING DEPARTMENT

Request is hereby made for the partition of the following described real estate:

Assessor's parcel number(s) 047-023-330

Subdivision Princeton Lot 1, 2, 3 Block 6

New descriptions - designate parcel on which improvements are located. (Metas and bounds descriptions, engineers plat or copy of map may be attached.) LOT LINES CANNOT UNDERLIE AN IMPROVEMENT (BUILDINGS, SHEDS, ETC.).

new APN - lot 1

new APN lots 2 & 3 combined

Partition requested by Christian Mickelsen
(Please Print)

Signature _____ Date 9/23/99

Whose interest is that of owner

IF IN COUNTY UNINCORPORATED AREA, PLANNING DEPARTMENT APPROVAL REQUIRED:

IF IN CITY LIMITS AREA, PLANNING DEPARTMENT APPROVAL REQUIRED:

Approved Disapproved _____

By: JIM EGGENMEYER TITLE SENIOR PLANNER
(Please Print)

Signature _____
Date 10/20/99

(Office Use Only)	
FILE _____	
BY _____	
Date _____	

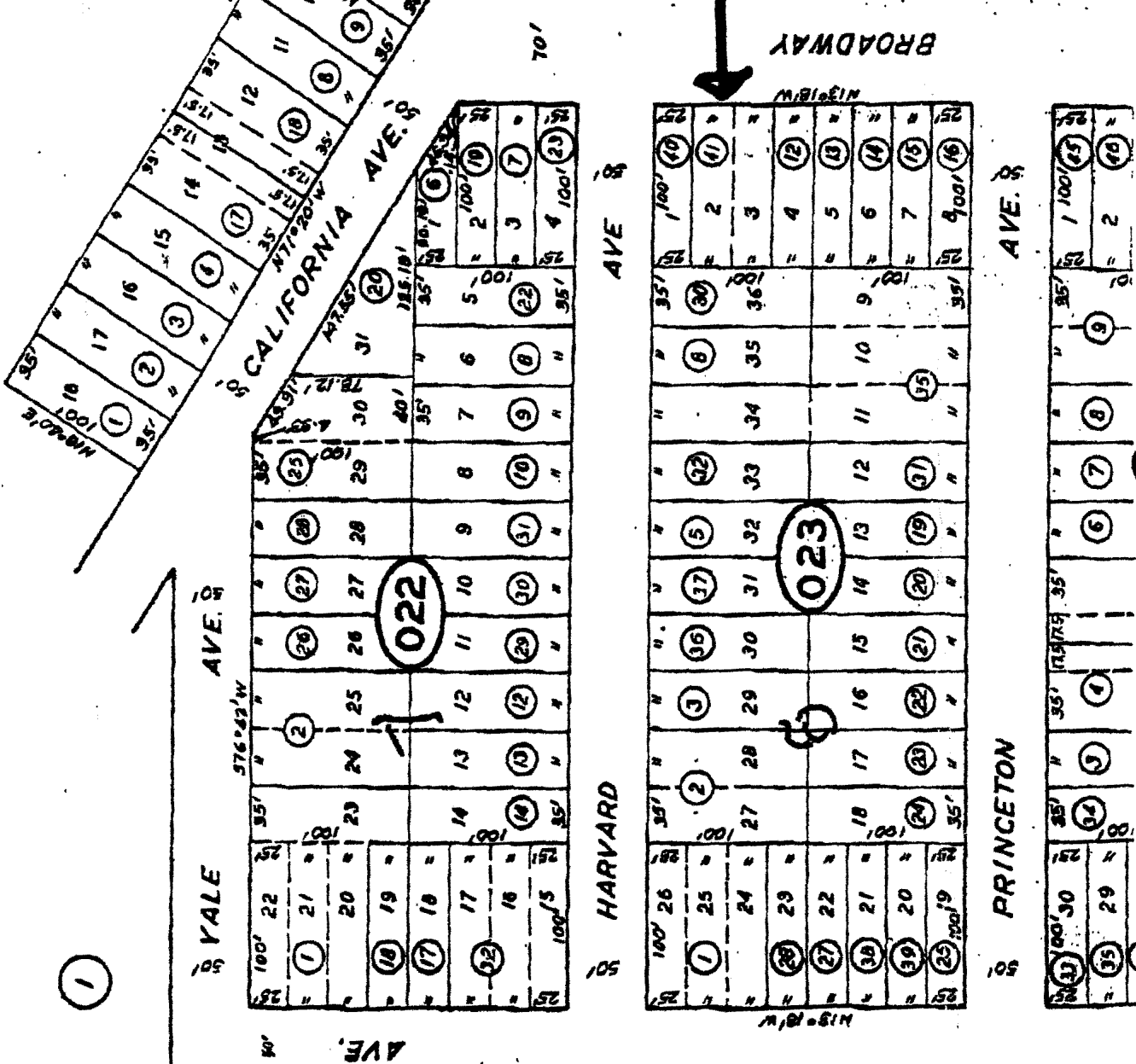
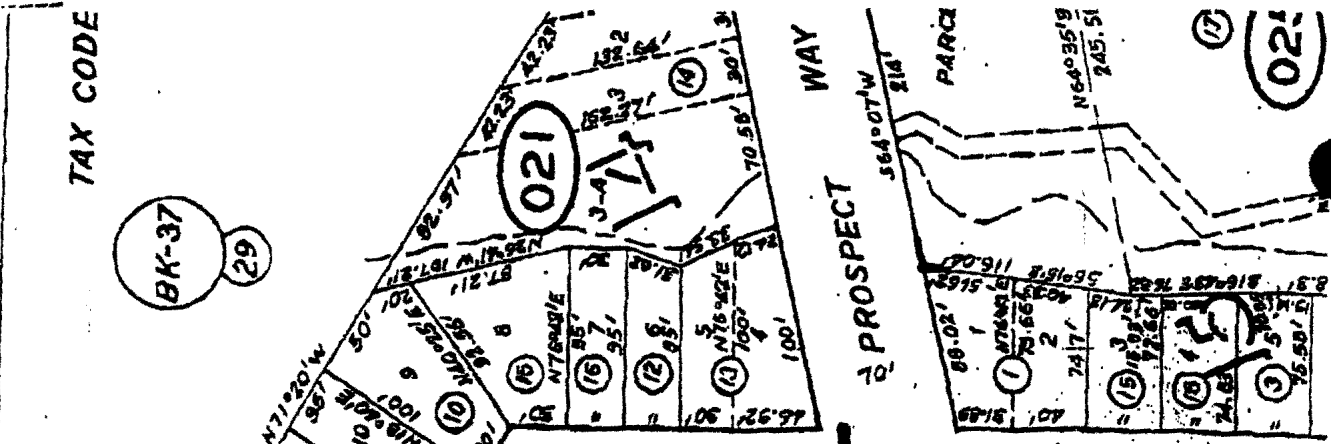
EXHIBIT NO. 6
APPLICATION NO.
A-2-SVC-00-034
MICKELSEN
FORM REASSIGNING APNs

Fax Transmission	
San Mateo County Planning & Building Division	
To: <u>JUDY TAYLOR</u>	
Dept _____	
Fax# <u>726-1197</u>	
From <u>Jim E.</u>	
Metes _____	
No. pages <u>2</u>	
Fax# <u>415/363-6849</u>	
Phone# <u>415/363-6169</u>	

RECEIVED
OCT 23 2000
CALIFORNIA
COASTAL COMMISSION

TAX CODE

BK-37 (29)



(1)

(3)

(17) (021)

022

023

EXHIBIT NO. 7

APPLICATION NO.

A-2-SMC-00-034
MICKELSEN

RESOLUTION NO. 1999

RESOLUTION NO. 1999-25**APPROVING APPLICATION FOR CONVERSION AND REALLOCATION
OF PRIORITY USE WATER CAPACITY FOR NON-PRIORITY USE
(Mickelsen/Mickelsen)****COASTSIDE COUNTY WATER DISTRICT**

THIS RESOLUTION IS ADOPTED with reference to the following facts, which are found and declared by the Board:

1. On December 14, 1993, by Resolution No. 849, the District established procedures for conversion of capacity reserved for priority use to non-priority status, which were amended and restated by Resolution No. 1999-01;
2. Pursuant to these procedures, Christian R. Mickelsen, and Margot Mickelsen have filed an application under which Christian Mickelsen has agreed not to exercise his right to purchase reserved priority capacity for use on property located on Harvard and Broadway, San Mateo County (APN 047-023-400) which is zoned for priority land use, and Margot Mickelsen has requested the District to convert and reallocate that capacity for use at property owned by Margot Mickelsen located at 530 Coronado, El Granada, San Mateo County (APN 047-271-180) which is neither zoned for nor intended to be developed for priority land use.
3. The District has determined that there is available through the Crystal Springs Water Supply Project unused and uncommitted priority use water capacity sufficient to meet both (1) the projected remaining demand for priority water use in San Mateo County ("County") during Phase I of the County's Local Coastal Program ("LCP"), and (2) the capacity sought by Margot Mickelsen.
4. The District also has determined that less than fifty percent (50%) of the capacity to be reserved for priority use in the County during Phase I of the LCP (i.e., approximately 330 standard size 5/8" connections) has been converted to non-priority use, taking into account the capacity sought by Margot Mickelsen.
5. The General Manager has reviewed the application and has recommended that the District approve it, subject to conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Coastsides County Water District hereby approves the request for conversion and reallocation of priority-use water capacity upon the following conditions, each of which must be satisfied within ninety (90) days from the date of this Resolution before a water service connection may be issued to Margot Mickelsen.

1. Christian Mickelsen agrees to forego development of APN 047-023-400 and to relinquish any right to purchase priority water service connections from the District for use on

it (1) for a period of ten (10) years, or (2) until the County Planning Commission determines that the District has developed sufficient additional water supply capacity for use during Phase II of the Local Coastal Plan, whichever occurs later, and to execute and deliver to District a document evidencing such commitment in form and substance satisfactory to the District and the County, in recordable form.

2. The County Planning Commission approves the specific conversion and reallocation applied for pursuant to Section 2.8 of the Local Coastal Plan, such approval becoming final and not subject to appeal, and that the District receive written evidence thereof from the County.

3. Margot Mickelsen delivers to District a cashier's or certified check for \$6,970.

Upon satisfaction of each of the three foregoing conditions within said 90-day period, the General Manager may issue Margot Mickelsen one 5/8" connection (20 gpm capacity) for use at APN 047-271-180.

BE IT FURTHER RESOLVED that if all the above conditions are not satisfied within said 90-day period, this approval shall automatically lapse and be of no further force and effect. In such event, the applicants will be required to submit a new application and pay a second application fee.

BE IT FURTHER RESOLVED that the General Manager is hereby authorized to take such further actions as may be required to give effect to these resolutions.

PASSED AND ADOPTED this 9th day of November, 1999 by the following vote:

AYES: Directors Kash, Goodrich, Miller, Gates, & Coverdell

NOES: None

ABSENT: None



President, Board of Directors
Coastside County Water District

ATTEST:



Secretary of Said District

Fax to Fred 361-1009

Paul Perkovic
Post Office Box 371149
Montara, CA 94037-1149
Home +1 (650) 728-9500
Cell +1 (415) 370-3897

EXHIBIT NO. 8
APPLICATION NO.
A-2-SMC-00-034 MICKELSEN
LETTER FROM PAUL PERKOVIC

August 3, 2000

San Mateo County Planning Department
Attn: Dave Holbrook
455 County Center, 2nd Floor
Mail Drop PLN122
Redwood City, CA 94063

Re: PLN 1999-00811, APN 047-023-330 (Mickelsen)

Dave,

It appears that the APN listed for this project, 047-230-330, no longer exists on the current Assessors Parcel Data database available from CD-Data. Instead, Lots 1, 2, and 3 of Block 6 appear to have been given two new APNs, 047-230-400 and 047-230-410. According to the information available to me, one of these (047-023-400) has had a priority water transfer, under County file number MNA-2000-00001.

If the current proposal expects to utilize Phase I priority water to develop the entire group of three lots, and one of the lots has an encumbrance prohibiting Phase I development using priority water capacity, then I would need to object to the approval of this project. If this project proposes a non-priority use, or has non-priority water capacity available through other means that will serve the project, I would have no objection.

This position is consistent with the argument I presented to the Zoning Hearing Officer and the Planning Commission on an earlier parcel in Princeton, and which is currently on appeal to the Coastal Commission.

Thank you for your attention.

Sincerely yours,



Paul Perkovic

NO. 01 001 111111

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TABLE 2.10

ESTIMATE OF WATER CONSUMPTION DEMAND FROM BUILDOUT OF LAND USE PLAN
COASTSIDE COUNTY WATER DISTRICT WITHIN COUNTY JURISDICTION

Land Use	Number of Acres	Number of People	Water Generation Factor	Water Generation (GPD)
EL GRANADA-PRINCETON				
RESIDENTIAL				
Developed	--	3,400	93-134 g/d/c	316,200-455,600
Single-Family	--	--		--
Multi-Family	--	--		--
Undeveloped	--	5,193	93-134 g/d/c	482,900-695,900
Single-Family ⁶	--	(4,042)		
Multi-Family	--	(1,151)		
COMMERCIAL^{1,2}				
Developed	6.90	--		14,600
Retail	(4.25)	--	2,500 gal/acre	(10,600)
Recreation	(2.65)	--	1,500 gal/acre	(4,000)
Undeveloped	57.20	--		148,850
Retail	(14.70)	--	4,700 gal/acre	(68,100)
Recreation	(42.50)	--	1,900 gal/acre	(80,750)
INDUSTRIAL^{1,2}				
Developed	11.00	--		27,500
Marine Related	(11.00)	--	2,500 gal/acre	(27,500)
General	(0.00)	--		--
Undeveloped	29.29	--		73,225
Marine Related	(29.29)	--	2,500 gal/acre	(73,225)
General	(0.00)	--		--
ESSENTIAL PUBLIC SERVICES				
Developed ⁵	--	--		1,700
Undeveloped	--	--		6,425

EXHIBIT NO. 9

APPLICATION NO.

A-2-SMC-00-034
MICHELSEN

SAN MATEO COUNTY LLP
TABLE 2.10

TABLE 2.10 (continued)

ESTIMATE OF WATER CONSUMPTION DEMAND FROM BUILDOUT OF LAND USE PLAN
COASTSIDE COUNTY WATER DISTRICT WITHIN COUNTY JURISDICTION

Land Use	Number of Acres	Number of People	Water Generation Factor	Water Generation (GPD)
<u>PUBLIC RECREATION</u> ²				
Parks and Beaches	--	318 ³	11.5 gal/day/capita	3,700
<u>FLORICULTURAL</u> ⁴	--	--		230,000
Developed	--	--		(60,000)
Expansion	--	--		(170,000)
TOTAL				1,306,100-1,658,500

NOTES:

- Commercial and industrial acreages based on planimeter measurements of the LCP Land Use Plan. These figures, as revised in 1991, do not include roads.
- Water generation factors for commercial, industrial and public recreation uses derived from estimates of sewage generation in the sewer section of this component and the estimates of the relation between sewage generation and water consumption by Williams, Kuebelbeck and Associates, Inc., in the Pillar Point Harbor Project Environmental Impact Report. A 15% system loss is included.
- Based on an estimate of average daily visitors to Fitzgerald Marine Reserve at buildout.
- Floricultural water usage is estimated as follows:

<u>Developed</u>	(.2 mgd) 60,000 gpd 140,000 gpd	CCWD actual 1978 floricultural usage. CCWD County areas (30% of actual). Half Moon Bay (70% of actual).
<u>Expansion</u>	50,000 gpd 120,000 gpd	Water usage by existing Pilarcitos Valley floriculturalists now relying on creek and well water. 100% expansion of existing floricultural use at buildout.
- El Granada School projected to expand its existing consumption (1,300 gpd at the time of LCP adoption) by 35% at buildout because of a probable year-round system with the potential to accommodate about 35% more children.

TABLE 2.10 (continued)

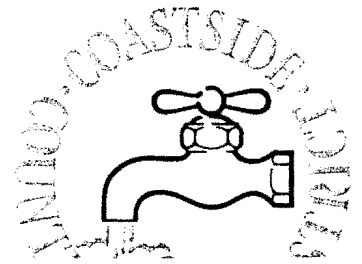
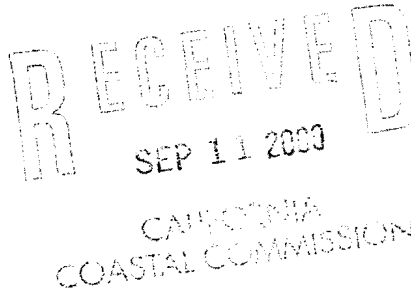
**ESTIMATE OF WATER CONSUMPTION DEMAND FROM BUILDOUT OF LAND USE PLAN
COASTSIDE COUNTY WATER DISTRICT WITHIN COUNTY JURISDICTION**

6. This table reflects the second units that are permitted in R-1 Coastal Zoning Districts. It is estimated that 350 persons would be housed in second units located in this area based on a household size estimate of 1.410 persons per second unit as derived using standards for a one-bedroom duplex from the U.S. Department of Commerce and Housing and Urban Development, Annual Housing Survey, 1977.
7. Essential public services include the following uses: Emergency Facilities, Correctional Facilities, Transportation Facilities (public), Utility Facilities, Hospitals, Skilled Nursing Facilities, Intermediate Care Facilities, Libraries, Community Centers, Elementary and Secondary Schools, Institutional Day Care Facilities for Children (Day Care Centers as defined by State law), Adults and the Elderly, Institutional Full-Time Care Facilities for Children and Adults, and Institutional Shared Housing Facilities for the Elderly. These services must be provided by a public agency or private non-profit or government-funded (partially or fully) purveyor to be considered an essential public service. The reserve capacity allocated to these priority uses may not be shared by any associated, non-priority use and must be forfeited when the priority use is discontinued.

GDBI0563.6FM
(6/10/98)

September 8, 2000

California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219



Attention: Jane Steven, Coastal Planner

Re: Your Request for Information Related to Iacopi Appeal

Dear Ms. Steven:

EXHIBIT NO. 10
APPLICATION NO.
A-2-SMC-00-034 MICHELSEN
LETTER FROM CCWD REGARDING IACOPI APPEAL

Thank you for the opportunity to respond to your inquiries of August 28, 2000 regarding the above referenced appeal. I have organized the information you requested under each of your four questions, as follows:

1. How is priority land use determined for the sale of priority water service connections?

The District requires the appropriate planning department (either the County of San Mateo or the City of Half Moon Bay) to confirm that each individual applicant is entitled to purchase a priority water connection. A copy of a recent confirmation from the City is enclosed. The District does not attempt to "second guess" the County's or the City's interpretation of their respective LCPs.

2. How does the District track the sale of priority water connections? How does it determine how much capacity it has left to sell for each land use category?

The CCWD's application to San Mateo County for CDP 84-68 (the Crystal Springs Project) was framed in terms of the number of standard size water service connections which would be made available by the Project in Phase I. The total capacity of Phase I was stated to be equivalent to 3,546 standard size (5/8") water service connections. Of this amount, 1,348 were identified as "priority," with the balance (2,198) being available for all types of use (commonly called "nonpriority").

In June 1998, the Board of Supervisors agreed that the correct split between priority and nonpriority is 1,043 priority and 2,503 nonpriority. (A copy of the County's confirmation of this split, as well as related background information, is enclosed.)

The District tracks each sale of priority water connections. As of August 31, 2000, the District records show that the hydraulic equivalent of 431 standard size priority connections have been sold. Also 80 have been converted to nonpriority use pursuant to San Mateo County LCP Policy 2.8c. Therefore, 532 priority connections remain in "inventory" and available for sale. The enclosed table summarizes this as well as our best effort to allocate the priority connections sold to date amount various land use categories.

Ms. Jane Steven
California Coastal Commission
September 8, 2000
Page 2

If the historical rate at which priority connections have been purchased since 1987 were to continue, this represents about 13 years worth of priority capacity remaining. Because of the significant amount of priority capacity that remains available, we have not attempted to allocate it more definitively between the City and the County or among various subcategories of priority land uses.

3. How does CCWD monitor use of water by customers in priority categories?

All customers are metered and water use is tabulated when meters are read, bi-monthly. A copy of water use tables by customer category for 1999 is enclosed. If necessary, the District could extract from the billing records water use by "priority" customers and develop approximate gallon per day usage figures for each. These could then be aggregated by jurisdiction (i.e., County or City) and category. Neither the County nor the City has requested that we compile this data.

4. How can marine related uses be enforced by the CCWD?

The CCWD is not a regulatory or enforcement agency. The CCWD cannot exercise enforcement actions in these matters, per se. The San Mateo County Planning Department is the appropriate agency to conduct these enforcement investigations.

Ms. Steven, I thank you for your patience in allowing us some time to research and compile this information for you; and I hope that we have answered your questions satisfactorily. Please let me know if there is anything further that you may require.

Very truly yours,



Robert R. Rathborne
General Manager

Enclosure

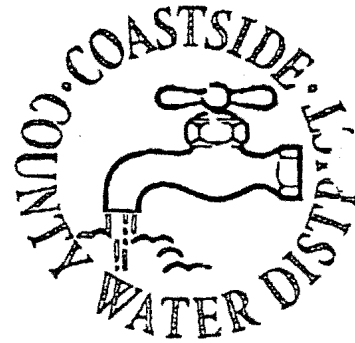
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January 24, 2000

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JAN 26 2000

CALIFORNIA COASTAL COMMISSION



Ms. Sara Wan, Chairperson
California Coastal Commission
North District Office
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Subject: Request that the California Coastal Commission find substantial issue with San Mateo County CDP (PLN 1999-00192) for the Coastsides County Water District

Dear Ms. Wan:

As the applicant for this CDP, the Coastsides County Water District hereby requests that the California Coastal Commission find substantial issue with this CDP. We are making this request because we believe that there are indeed substantial issues with the proposed projects.

We appreciate your serious consideration of this option. If the Commission does find substantial issue with this project as we have requested, and as it did with the Half Moon Bay portion of the pipeline expansion, the District will then have the time needed to gain a better understanding of the District's options and to revise the overall improvement program in cooperation with Coastal Commission staff. Most importantly, the District will be able to gain final approval for agreed to projects directly from the Coastal Commission, when these and other issues affecting the projects have been resolved, instead of being forced to restart the entire permitting process.

We look forward to working in cooperation with the Coastal Commission to develop a comprehensive and acceptable system design and corresponding implementation plan that satisfy the LCP's and also meet the community's needs for water quality and availability.

Sincerely,


Carol L. Cupp, President


Robert R. Rathborne, General Manager

cc: Jack Liebster, California Coastal Commission
Board of Directors, Coastsides County Water District

EXHIBIT NO. 11
APPLICATION NO.
A-2-SMC-00-034 MICHELSEN
LETTER FROM CCWD REGARDING WATER PIPELINE

