

CALIFORNIA COASTAL COMMISSION

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June 27, 2001

TO: Commissioners and Interested Parties

RECORD PACKET COPY

FROM: Steve Scholl, Deputy Director
Chris Kern, North Central Coast District Supervisor
Susan Craig, Coastal Planner

SUBJECT: **SAN MATEO COUNTY LOCAL COASTAL PROGRAM AMENDMENT
NO. 3-00: Part A (Major).** (For public hearing and Commission action at its meeting
of July 13, 2001 in Santa Rosa.)

EXECUTIVE SUMMARY

This amendment includes proposed changes to the Implementation Plan (consisting of the Zoning Regulations) and associated zoning maps of the San Mateo County Local Coastal Program. The proposed changes would revise the allowable building height limits and enact maximum floor area, daylight plane, and façade articulation requirements for residential parcels in the Mid-Coast. The proposed amendment would revise the R-1 zoned parking regulations for substandard lots, the design review district regulations, and the Home Improvement Exception for Mid-Coast parcels. The proposed amendment would also enact two new zoning districts with resultant combining district regulations and revise the zoning maps. With the modifications suggested by staff, the revised Implementation Plan would be fully consistent with, and adequate to carry out, the policies of the certified Land Use Plan.

Background

On August 25, 2000 the Commission received an LCP amendment submittal from San Mateo County. This amendment, which constitutes one part of a larger amendment submittal, was given the number 3-00 (Part A). The Executive Director determined that LCP submittal #3-00 was in proper order and legally adequate to comply with the requirements of Section 30510(b) of the California Coastal Act and the amendment was filed on October 12, 2000.

Because of staffing constraints, staff was not able to prepare a staff recommendation for Commission action within 90 days of the filing of this amendment. Consequently, on November 15, 2000 the Commission extended the 90-day time limit for action on LCP amendment 3-00 up to one year.

The other component (Part B) regarding revision of the County's Surface Mining and Reclamation Ordinance for conformance with the State Surface Mining and Reclamation Act will be processed separately.

**California Coastal Commission**

Summary Description of the Proposed Amendment

The entire text of the amendment submittal is attached to this report as Exhibit 1. As submitted, San Mateo County's LCP amendment No. 3-00 (Part A) (Major) includes:

1. Amending the "S-17" combining district regulations (Section 6300.2) to revise the building height limit and enact maximum floor area, daylight plane, and façade articulation requirements.
2. Enacting the "S-94" combining district regulations (Sections 6300.9.11.10-6300.9.11.9) to establish parcel size, parcel width, height, setback, parcel coverage, floor area, daylight plane, and façade articulation requirements.
3. Enacting the "S-105" combining district regulations (Sections 6300.14.00-6300.14.80) to establish parcel size, parcel width, height, setback, parcel coverage, floor area, daylight plane, and façade articulation requirements.
4. Amending the Zoning Maps (Section 6115) to rezone those Mid-Coast parcels designated Medium-Low Density Residential from "R-1/S-9" to "R-1/S-94."
5. Amending the Zoning Maps (Section 6115) to rezone those Mid-Coast parcels designated Low-Density Residential from "R-1/S-10" to "R-1/S-105."
6. Amending the Design Review "DR" district regulations (Sections 6565.2 and 6565.4) to establish a three-member design review committee.
7. Amending the parking regulations (Section 6118) to eliminate the covered parking requirements for R-1 zoned Mid-Coast parcels smaller than 3,500 sq. ft.
8. Amending the Home Improvement Exception (HIE) regulations (Section 6531) to preclude granting an HIE for Mid-Coast parcels to exceed the floor area limit.

Additional Information

For further information about this report or the amendment process, please contact Susan Craig, Coastal Planner, at the Central Coast District Office of the Coastal Commission, 725 Front St., Suite 300, Santa Cruz, CA 95060; telephone number (831) 427-4863, or Chris Kern, North Central Coast District Supervisor, 45 Fremont St., Ste. 2000, San Francisco, CA 94105; telephone number (415) 904-5200.



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I. STANDARD OF REVIEW

The Coastal Act provides:

The local government shall submit to the commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions which are required pursuant to this chapter...

The commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection specifying the provisions of land use plan with which the rejected zoning ordinances do not conform or which it finds will not be adequately carried out together with its reasons for the action taken.

The commission may suggest modifications in the rejected zoning ordinances, zoning district maps, or other implementing actions, which, if adopted by the local government and transmitted to the commission, shall be deemed approved upon confirmation by the executive director. The local government may elect to meet the commission's rejection in a manner other than as suggested by the commission and may then resubmit its revised zoning ordinances, zoning district maps, and other implementing actions to the commission... (Sec. 30513)



The standard of review that the Commission uses in reviewing the adequacy of zoning and other implementing measures is whether the implementing measures are consistent with and adequate to carry out the certified Land Use Plan.

II. STAFF RECOMMENDATION

MOTION I: *I move that the Commission reject Major Amendment #3-00 (Part A) to the San Mateo County Local Coastal Program Implementation Plan as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote on the motion above. Passage of this motion will result in rejection of the Implementation Plan amendment as submitted and the adoption of the following resolution and the findings. The motion passes only by an affirmative vote of the majority of the Commissioners present.

RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby **denies** certification of Major Amendment #3-00 (Part A) to the Implementation Regulations of the San Mateo County Local Coastal Plan and adopts the findings set forth below on the grounds that the amendment to the Zoning Regulations as submitted is not consistent with and/or is not adequate to carry out the provisions of the certified Land Use Plan. Certification of the Implementation Plan amendment would not meet the requirements of the California Environmental Quality Act because there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan amendment as submitted.

Motion II: *I move that the Commission certify San Mateo County Implementation Plan amendment #3-00 (Part A) if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION TO CERTIFY IF MODIFIED:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Plan with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PLAN WITH SUGGESTED MODIFICATIONS:



The Commission hereby certifies San Mateo County Implementation Plan Amendment #3-00 (Part A) if modified as suggested and adopts the findings set forth below on grounds that the Implementation Plan with the suggested modifications will be consistent with and adequate to carry out the requirements of the certified Land Use Plan. Certification of the Implementation Plan if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse impacts to the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

III. SUGGESTED MODIFICATIONS

Note: The Commission suggests adding to the Implementation Plan the text that is underlined and deleting the text with ~~strikethrough~~.

Modification #1

Clarify in Sections 6133, 6137, and 6503 of the Coastal Zoning Ordinance such that floor area limits, height, setbacks, and parcel coverage may not be exceeded on non-conforming parcels:

Notwithstanding the provisions of subsection 6133(3)(b), subsection 6137(1), and section 6503, no permit may be granted to exceed maximum floor area, height, setbacks, and parcel coverage for parcels located in the Mid-Coast.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. Amendment Description

The urban Mid-Coast area of San Mateo County (Exhibit 2), which includes the communities of Montara, Moss Beach, El Granada, and Miramar, historically was developed with small houses or cottages, based on the typically small size of subdivided parcels (often 2,500 square feet). In recent years much larger houses have been constructed up to the limits of the certified LCP. The changes proposed to the implementation portion of the San Mateo County Local Coastal Program would establish more restrictive house size, shape, and design regulations for R-1 zoned areas in the Mid-Coast. The proposed amendment would also enact two new zoning districts with resultant combining district regulations and revise the zoning maps. In addition, the proposed changes would amend the parking regulations to eliminate the covered parking requirements for R-1 zoned Mid-Coast parcels smaller than 3,500 sq. ft., and amend the Home Improvement Exception (HIE) regulations to preclude granting an HIE for Mid-Coast parcels to exceed the floor area limit. In order for the Commission to approve the proposed amendment, the proposed land use ordinance standards



must be consistent with and adequate to carry out the resource protection policies found in the Land Use Plan.

B. Public Concerns Regarding Non-Conforming Parcels

An issue raised during the public hearings held by the County and in letters addressed to the Commission by the Granada Sanitary District, the City of Half Moon Bay, and concerned citizens (see Exhibits 3 through 9) concerns construction of homes on non-conforming lots. In the early 1900's much of the Mid-Coast was subdivided in residential tracts, with 25' x 100' (2500 sq. ft.) being the predominant size. Many of these lots have been combined into conforming parcels, but many non-conforming lots remain. The concern expressed in the various letters is that construction on these lots is contrary to the LCP's buildout numbers and would significantly impact the infrastructure and quality of living in the Mid-Coast area. While the Commission acknowledges that the buildout of non-conforming lots is an important planning issue in the County, this issue is outside the scope of the proposed LCP amendment because the scope of the proposed LCP amendment is limited to the establishment of more restrictive house size, shape and design regulations for lots that are currently developable. The County is currently working on an update of its LCP and is holding regular public meetings on the LCP update. Examination of the broader issues of non-conforming lot buildout levels and consequent impacts to coastal resources and public access is included in the scope of study for the Mid-Coast LCP update project (see Exhibit 10). The appropriate mechanism to address the non-conforming lot/buildout-level issue is the LCP update. Both the ongoing local process and the Commission's future consideration of an LCP amendment to certify the update will provide opportunity for public review and comment regarding the issue of non-conforming lots.

An additional issue raised in the letter from the Granada Sanitary District (Exhibit 3) and in personal communications with residents of San Mateo County pertains to the legality of non-conforming parcels. The expressed concern is that this proposed amendment will confer legal status on illegal nonconforming parcels. Section 6132(11) of the Zoning Regulations defines a non-conforming parcel as "Any legal parcel with an area, width and/or frontage that does not conform with the minimum building site area, width or frontage required by the zoning regulations currently in effect, i.e., a non-conforming parcel." (see Exhibit 11, pg. 2). Section 6132(8) defines a legal parcel as "A parcel created by (1) a subdivision approved by the County, (2) a land division which was exempt from subdivision regulations, (3) a land division predating the County's authority over subdivision, July 20, 1945, provided the parcel in question has subsequently remained intact, (4) recording of a Certificate of Compliance or a Conditional Certificate of Compliance, or (5) other means but subsequently developed with a building or structure to serve the principal use of the parcel, for which a valid building permit was issued. Section 6132 defines a non-conforming situation as "Any zoning nonconformity that is not a non-conforming parcel, non-conforming use or non-conforming structure..." This amendment applies only to nonconforming parcels as defined under Section 6132(11) of the Zoning Regulations, which by definition are legal parcels. This amendment does not legitimize illegal parcels, does not address the issue of parcel legality, and in no way alters the existing process for determining the legal status of property.



In addition, the proposed amendment does not weaken any existing requirements governing the approval of coastal development permits. Section 6328.13 of the Zoning Regulations states:

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

Sections 6328.15(a)(b)(c) of the Zoning Regulations state:

FINDINGS. A Coastal Development Permit shall be approved only upon the making of the following findings: (a) That the project, as described in the application and accompanying materials required by 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. (b) Where the project is located between the nearest public road and the sea, or the shoreline of Pescadero Marsh, that the project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code). (c) That the project conforms to specific findings required by policies of the San Mateo County Local Coastal Program.

The above sections ensure that coastal development permits may be approved *only* if the proposed development is consistent with the standards contained in the certified LCP. The proposed amendment does not weaken any of the existing requirements or standards governing approval of coastal development permits. In addition, proposed development on nonconforming parcels requiring a coastal development or use permit will need to conform to the more stringent floor area, height, and design standards provided for in this amendment, if such standards are certified by the Commission.

A letter from the City of Half Moon Bay (Exhibit 4) strongly suggests that the County apply a proportionality rule to non-conforming lots, which would more severely restrict allowable home size on such lots. In a response letter (see Exhibit 12), San Mateo County Supervisor Richard Gordon addresses the issues raised in the City of Half Moon Bay letter. Supervisor Gordon details the "broad and inclusive local legislative process" that the County underwent to arrive at the proposed floor area limit for non-conforming lots. While this floor area limit is greater than what would be allowed under the City of Half Moon Bay's proportionality rule, it is important to note that the standard of review for the proposed amendment is whether the implementing measures are consistent with and adequate to carry out the certified San Mateo County Land Use Plan. Furthermore, the proposed amendment limits floor area more restrictively for severely non-conforming parcels compared to conforming parcels. This reduced FAR may provide an incentive to merge lots into standard or conforming lots. The San Mateo County LCP contains provisions regarding merging of non-conforming lots, e.g. Section 6133(3)(b) states, in part:



A use permit for development on a non-conforming parcel may only be issued upon making the following findings:...(3)(b) All opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven to be infeasible.

In addition, LUP Policy 1.20 states:

According to the densities shown on the Land Use Plan Maps, consolidate contiguous lots, held in the same ownership, in residential subdivisions in Seal Cove to minimize risks to life and property and in Miramar to protect coastal views and scenic coastal areas.”

These existing policies will likely be augmented by new policies in the San Mateo County LCP update regarding adequacy of controls on development of non-conforming parcels (see Exhibit 10, #5).

Finally, there has been some confusion regarding the outcome of San Mateo County LCP amendment 1-97-C which, in part, proposed revisions to Zoning Nonconformities Regulations Section 6133 and Use Permit Regulations Section 6503. The Commission denied proposed amendments to these sections; therefore, the previously certified text of Sections 6133 and 6503 of the LCP remains (see Exhibit 11 for the present text of these sections).

C. Rezoning

The proposed amendment would enact new combining district regulations and amends zoning maps to rezone those Mid-Coast Parcels designated Medium-Low Density Residential from R-1/S-9 to R-1/S-94 and Mid-Coast parcels designated as Low-Density Residential from R-1/S-10 to R-1/S-105. These changes are proposed because there are R-1/S-9 and R-1/S-10 zones elsewhere in the unincorporated portions of San Mateo County which will not be affected by the proposed amendment. Parcel size, parcel width, setback requirements, and parcel coverage in the new R-1/S-94 and R-1/S-105 zones are equivalent to those of the R-1/S-9 and R-1/S-10 zones, respectively. However, under the proposed amendment, new development in the R-1/S-94 and R-1/S-105 zones would be subject to new standards regarding floor area, height, design, and design review.

The third zone affected by the proposed amendment is R-1/S-17. Under the amendment, this zoning designation would apply to the same parcels as it does now, and the parcel size, parcel width, setback requirements, and parcel coverage would remain the same. As above, under the proposed amendment new development in the R-1/S-17 zone would be subject to new standards regarding floor area, height, design, and design review. (See Exhibit 1 for the entire text of the amendment submittal.)

D. Zoning Methods to Control House Size

San Mateo County LUP Policy 8.12(b) states:

Employ the design criteria set forth in the Community Design Manual for all new development in urban areas.



Applicable San Mateo Community Design Manual criteria include:

***SITING:** Structures and accessory structures should be located, designed, and constructed to retain and blend with the natural vegetation and natural land forms of the site (i.e., topography, rock-outcroppings, ridgelines, tree masses, etc.), and should be complementary to adjacent neighborhood structures.*

***VIEW PRESERVATION:** Views should be preserved by limiting structure height.*

***SCALE:** Structures should relate in size and scale to adjacent buildings and to the neighborhood in which they are located.*

San Mateo County LUP Policy 8.12(c) states:

Locate and design new development and landscaping so that ocean views are not blocked from public viewing points such as public roads and publicly-owned lands.

San Mateo County LUP Policy 8.13(a) states, in part:

(1) Design structures which fit the topography of the site and do not require extensive cutting, grading, or filling for construction.

(3) Use pitched, rather than flat, roofs...

(4) Design structures which are in scale with the character of their setting and blend rather than dominate or distract from the overall view of the urban scape.

(5) To the extent feasible, design development to minimize the blocking of views to or along the ocean shoreline from Highway 1 and other public viewpoints between Highway 1 and the sea...

The five zoning methods typically used to control house size, shape, bulk, and visual impact are:

- Maximum Building Height
- Maximum Floor Area
- Daylight Plane
- Façade Articulation
- Design Review

The proposed amendment adds to or changes existing zoning regulations to address each of the above factors, as discussed below.



1. Maximum Floor Area

The certified LCP does not include a floor area limit based on parcel size. Floor area is currently controlled by height and lot coverage limits. The proposed amendment limits house size as a function of parcel size. The proposed floor area limit is .53 of the parcel size for conforming parcels and .48 of the parcel size for non-conforming parcels (see Table 1). If a parcel is only substandard by $\leq 5\%$, the allowed floor area is between .48 and .53 of the parcel size. The floor area limit applies to the floor area of all stories of all buildings and accessory buildings on a building site, including garages. However, in all cases, the maximum allowable floor area is 6,200 square feet. On parcels $\leq 3,500$ square feet, covered parking would not be required. This approach is intended to reduce overall building size while providing adequate living area and improved design flexibility for small houses allowed on these non-conforming parcels. However, off-street parking spaces would still be required, as described in Section 6119 of the Zoning Regulations.

Parcel Size	Maximum Building Floor Area
2,500-4,749 sq. ft. or less than 45 ft. parcel width	0.48(parcel size)
4,750-4,999 sq. ft.	$[0.53 - ((5,000\text{-parcel size}) \times 0.0002)] \times \text{parcel size}$
5,000-11,698 sq. ft.	0.53 (parcel size)
More than 11,698 sq. ft.	6,200 sq. ft.

Table 1. Formula for determining floor area limits.

A comparison of maximum allowable house size under the current and proposed zoning regulations for parcels in the R-1/S-17, R-1/S-9/94), and R-1/S-10/105 zones is shown in Tables 2 through 4:

MAXIMUM FLOOR AREA (LIVING AREA + GARAGE) (sq. ft.) (minimum parcel size in R-1/S-17 zoning district is 5,000 sq. ft.)			
Parcel Area	Existing R-1/S-17	Proposed R-1/S-17	Decrease
2,500	1,500	1,200*	20%
5,000	3,500	2,650	24%
7,500	5,250	3,975	24%
10,000	7,000	5,300	24%
12,500	8,750	6,200	29%
15,000	10,500	6,200	41%

* No garage requirement

Table 2. Maximum allowable floor area in the R-1/S-17 zone.



MAXIMUM FLOOR AREA (LIVING AREA + GARAGE) (sq. ft.) (minimum parcel size in R-1/S-9/94 zoning district is 10,000 sq. ft.)			
Parcel Area	Existing R-1/S-9	Proposed R-1/S-94	Decrease
2,500	1,500	1,200*	20%
5,000	4,500	2,400	47%
7,500	6,750	3,600	47%
10,000	9,000	5,300	41%
12,500	11,250	6,200	45%
15,000	13,500	6,200	54%
* No garage requirement			

Table 3. Maximum allowable floor area in the R-1/S-9/94 zone.

MAXIMUM FLOOR AREA (LIVING AREA + GARAGE) (sq. ft.) (minimum parcel size in R-1/S-10/105 zoning district is 20,000 sq. ft.)			
Parcel Area	Existing R-1/S-10	Proposed R-1/S-105	Decrease
2,500	1,500	1,200*	20%
5,000	3,750	2,400	47%
7,500	5,625	3,600	47%
10,000	7,500	5,300	41%
12,500	9,375	6,200	45%
15,000	13,500	6,200	54%
20,000	15,000	6,200	59%
* No garage requirement			

Table 4. Maximum allowable floor area in the R-1/S-10(5) zone.

As stated above, the standards regarding parcel size, parcel width, setbacks, and parcel coverage will remain the same as under existing regulations. In contrast, as seen in Tables 2 through 4 above, the allowable floor area on a developable parcel will decrease substantially under the proposed amendment. The proposed floor area limits will provide for structures that are proportionally scaled to their building site, thereby reducing impacts on visual resources. Because maximum allowable parcel coverage will remain the same as under existing regulations, there will be no increase in impervious surfaces. In addition, the current Home Improvement Exception (HIE) provisions allow for enlarging a house up to 250 square feet in excess of the allowable floor area. The proposed amendment would not allow use of an HIE to exceed the maximum floor area limit in the Mid-Coast. Thus the proposed floor area limits will assure that houses are more in scale with the character of their setting, rather than dominating or distracting from their setting.

Sections 6133, 6137, and 6503 of the current zoning ordinance contain provisions that would allow



development on non-conforming lots to exceed the proposed floor area standards, through the issuance of a use permit (see Exhibit 11). For example, Section 6133(3)(b)(1)(b) states:

(b) Proposed development on any unimproved non-conforming parcel, that does not conform with the zoning regulations in effect, shall require the issuance of a use permit.

In addition, Section 6133(3)(b)(3)(c) states:

(3). Use Permit Findings. As required by Section 6503, a use permit for development of a non-conforming parcel may only be issued upon making the following findings: (c) The proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible.

Similar provisions in Sections 6137 and 6503 would also allow for exceptions to the floor area limits set by the proposed amendments. In certain situations, the use permit process within the certified Implementation Plan that has specific standards in conflict with the proposed zoning standards creates an impermissible conflict within the certified LCP itself. In the Coastal Zone, certain proposed projects require a use permit but not a coastal development permit. For example, certain development in specifically defined areas that has been categorically excluded would not require a coastal development permit but would require a use permit. In these instances, use permit requirements exist independently of coastal development permit requirements. However, where both a coastal development permit and a use permit are required, use permit requirements are coextensive with coastal development permit requirements. Accordingly, where a coastal development permit would be required, Sections 6328.4 and 6328.13 of the implementation plan assure that within the coastal zone, use permit requirements do not replace or substitute for coastal development permit requirements.

Within the area that would be governed by the proposed amendment, Categorical Exclusion E-81-1 explicitly provides that parcels that do not meet the zoning ordinance standards (i.e., substandard-sized parcels) do not qualify for a Categorical Exclusion. Therefore, a nonconforming lot will always require a coastal permit and a use permit. However, as stated above, Sections 6133, 6137, and 6503 of the Zoning Regulations contain use permit provisions that would be inconsistent with the floor area requirements of the proposed amendment governing coastal development permits. Thus Commission staff suggests **Modification #1**, which would apply to the above three Sections of the zoning ordinance. This modification would ensure that the Implementation Plan is internally consistent and that the floor area limits provided in this amendment would not be exceeded on any non-conforming parcel that requires a use permit or a coastal development permit. With this modification, developed in coordination with County staff, the Commission finds that the proposed Implementation/Zoning amendment regarding maximum floor area is consistent with the Structural and Community Features policies of the certified Land Use Plan.

2. Maximum Building Height

San Mateo County LCP Policy 8.12(b) requires that the County employ design criteria set forth in the San Mateo Community Design Manual for development in urban areas. The Design Manual and



LCP Policy 8.12(c) require that the design of new development shall protect views. Under the certified LCP, the height limit is 28 feet in the R-1/S-17 zone, with exceptions to 36 feet under certain conditions in "DR" combining zones. In the R-1/S-9 and R-1/S-10 zones, the height limit is currently 36 feet. The proposed amendment limits heights in these zones to 28-33 feet, depending on zoning district, parcel size, and slope, with exceptions to 36 feet for chimneys, antennae, solar panels, etc. (see Exhibit 1).

Under the certified LCP, conformance with the height limit is determined by averaging the highest and lowest portions of the house. On sloping parcels, houses have been built in conformance with the height limit, but have massive (40+ ft.) down slope walls. The proposed amendment averts this outcome by requiring that *any* part of the house not exceed the height limit. Therefore, conformance with the height limit is *not* determined by averaging the highest and lowest portions, but by measuring the *actual* height of any and all portions of the house. This averts overly large walls and encourages houses that step down the slope and follow the contours of the land, as shown in the illustration in Exhibit 13.

As seen in Exhibit 13, however, the house under the proposed amendment is two stories at its uppermost portion as compared to the house under existing regulations, which is one story at its uppermost portion. This example seems to suggest that in certain cases homes under the proposed amendment could have greater impacts on views. In fact, the proposed house in Exhibit 13 *could* be constructed under the current zoning regulations. However, the existing house with the massive wall in Exhibit 13 *could not* be built under the proposed amended regulations. In addition, the proposed amendment would limit height of most homes to between 28 and 33 feet (with a few specific exceptions to 36 feet). Current regulations allow home heights of 36 feet in the R-1/S-9 and R-1/S-10 zones. Overall the effects of the proposed amendments will be a reduction in the height of homes and a ban on the construction of homes with large, flat walls. Also, the proposal measures height as the actual distance above grade. These changes will result in lower houses that have less potential to block views.

Sections 6133, 6137, and 6503 of the current zoning ordinance contain provisions that would allow development on non-conforming lots requiring a use permit to exceed the proposed height limit standards (see Exhibit 11). As discussed above in the Section on "Maximum Floor Area," **Modification #1** would apply to the above three Sections of the zoning ordinance. This modification would ensure that the building height limits provided in this amendment will not be exceeded on any non-conforming parcel through issuance of a use permit or a coastal development permit. With this modification, the Commission finds that the proposed Implementation/Zoning amendments regarding maximum building height will not impact coastal views and are consistent with Visual Resources Component policy 8.12 of the certified Land Use Plan.

3. Daylight Plane, Façade Articulation, and Design Review

LCP Policy 8.13(a) provides special design guidelines for coastal communities, including the requirement that structures in the Mid-Coast be in scale with the character of the setting and blend with the urbancape. The proposed amendment would require that new homes in the Mid-Coast be



designed either to conform to a daylight plane or include façade articulation features, as determined by the applicant. A daylight plane directs the highest part of the house towards the center of the building (see Exhibit 13). Façade articulation is a design technique which breaks up flat walls through the placement of projecting or recessing architectural details, including decks, bay windows, balconies, porches, etc. Daylight plane and façade articulation techniques are used to prevent large, flat walls near neighboring residences.

Under the certified LCP there is neither a daylight plane or façade articulation requirement. The certified LCP does not control where the tallest part of the house may be located. The proposed daylight plane option directs the tallest part of the house to the center. This averts high walls next to smaller-scale adjacent houses. In addition to the daylight plane or façade articulation requirement, the proposed amendment involves an enhanced design review process in which all proposed houses in the Mid-Coast would be subject to review by a three-member Design Review Committee. The certified LCP does not have this requirement for new residential development in the Mid-Coast. If façade articulation is the chosen method, the Design Review Committee must find that: (1) all building façades are well articulated and well proportioned, and (2) each building wall is broken up so as not to appear sheer, blank, looming, or massive to neighboring properties.

In conjunction with the proposed floor area and height restrictions discussed above, the proposed daylight plane and/or façade articulation requirements would provide that new residential development in the Mid-Coast be designed so that house size, shape, and height minimally impact neighboring parcels. The additional requirement of design review for new homes in the Mid-Coast would assure that new houses are designed with architectural elements and façades that are aesthetically composed and proportioned. Therefore, as modified, the Commission finds that the proposed Implementation/Zoning changes are consistent with structural and community features Policy 8.13 of the certified land use plan because the changes will help carry out the design guidelines of these policies and of the Community Design Manual.

E. Consistency with the California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for Local Coastal Programs and amendments to them has been designated by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis on LCP amendments, although the Commission can and does use any environmental information that the local government has developed.

In addition to making a finding that the amendment is in full compliance with the Coastal Act, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(A) of the Public Resources Code requires that the Commission not approve or adopt an LCP:

...if there are feasible alternatives or feasible mitigation measures available which would



substantially lessen any significant adverse effects which the activity may have on the environment.

As discussed above, if modified as suggested, the County's proposal is consistent with the Land Use Plan and will not have any significant adverse environmental impacts. The Commission incorporates its findings on land use plan conformity at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse effects of the project that have been received as of the writing of this report. Therefore, the Commission finds that approval of the Implementation Plan with the incorporation of the suggested modifications to implement the Land Use Plan will not result in significant environmental effects within the meaning of the California Environmental Quality Act.





ORDINANCE NO. _____

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

* * * * *

AN ORDINANCE AMENDING THE SAN MATEO COUNTY ORDINANCE CODE
(ZONING ANNEX) CHAPTER 20 TO REVISE SECTION 6300.2
WHICH ESTABLISHES THE "S-17" COMBINING DISTRICT REGULATIONS

* * * * *

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

Section 1. San Mateo County Ordinance Code, Division VI, Chapter 20, Section 6300.2
is hereby amended to read as follows:

SECTION 6300.2. REGULATIONS FOR "S-17" COMBINING DISTRICT (MID-COAST). The following regulations shall apply in any single-family residential district with
which the "S-17" District is combined.

1. BUILDING SITE WIDTH. The minimum building site width shall be an average of 50 feet.
2. BUILDING SITE AREA. The minimum building site area shall be 5,000 square feet.
3. BUILDING SETBACKS. The minimum setbacks shall be:

<u>Front Setback</u>	<u>Rear Setback</u>	<u>Side Setback</u>
20 feet	20 feet	For structures 16 feet in height or less: 5 feet each side.
		For structures over 16 feet in height: combined total of 15 feet with a minimum of 5 feet on any side.

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In any area where the "S-17" District is combined with the "DR" District, the minimum side yard setback may be reduced to provide for creative design concepts such as "zero" side yard setbacks provided that: (1) the Design Review Committee approves, (2) the application involves joint development of two or more adjacent parcels, (3) the total side yard requirement is met and (4) a minimum side yard of 5 feet is maintained adjacent to any parcel not included with the application.

4. PARCEL COVERAGE. The maximum parcel coverage shall be:

- a. For structures 16 feet in height or less: 50%.
- b. For structures greater than 16 feet in height: 35%.

Parcel coverage shall include all: (1) buildings, (2) accessory buildings, or (3) structures such as patios, decks, balconies, porches, bridges, and other similar uses which are eighteen (18) inches or more above the ground.

5. BUILDING FLOOR AREA. The maximum building floor area shall be established according to the following table.

Parcel Size	Maximum Building Floor Area
2,500-4,749 sq. ft., or less than 45 ft. parcel width	0.48 (parcel size)
4,750-4,999 sq. ft.	0.53 - ((5,000-parcel size) x 0.0002) x parcel size
5,000-11,698 sq. ft.	0.53 (parcel size)
More than 11,698 sq. ft.	6,200 sq. ft.

The maximum building floor area shall include the floor area of all stories of all buildings and accessory buildings on a building site. Maximum building floor area specifically includes: (1) the floor area of all stories excluding uninhabitable attics as measured from the outside face of all exterior perimeter walls, (2) the area of all decks, porches, balconies or other areas covered by a waterproof roof which extends four (4) or more feet from exterior walls, and (3) the area of all garages and carports.

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6. BUILDING HEIGHT. The maximum building height shall be established, as follows:

- a. Up to 30% Slope. Where the average slope of the parcel area covered by the main residence is less than 30%, maximum building height is 28 ft.
- b. 30% Slope or Greater. Where the average slope of the parcel area covered by the main residence is 30% or greater, maximum building height is 28 ft., unless increased by the Design Review Committee.

The Design Review Committee may increase the maximum building height to 33 ft. for either:

- (1) The center 40% of the house, or
- (2) The downslope wall. Where the downslope wall height limit is increased to 33 ft., maximum building height for the house shall be the plane formed by connecting the maximum upslope wall height (28 ft.) with the maximum downslope wall height (33 ft.).

Building height shall be measured as the vertical distance from any point on the natural grade to the topmost point of the building immediately above.

Finished grade, measured at the outside face of exterior perimeter walls, shall not significantly deviate from the natural grade, to the satisfaction of the Design Review Committee.

Where the average slope of a parcel is greater than a one (1) foot fall in seven (7) feet distance from the established street grade at the front lot line and where a sewer connection must be made uphill from the building location, the maximum height allowed may be increased to 36 feet.

Where Zoning Regulations Chapter 35.5, Flood Hazard Areas, requires an elevated building, as defined in Section 6822.8, building height shall be measured as the vertical

distance from the "base flood elevation," as identified on the applicable Flood Insurance Rate Map (FIRM), to the topmost point of the building immediately above.

Chimneys, pipes, mechanical equipment, antennae, solar panels and similar features may exceed the height limit to a maximum of 36 feet as required for safety or efficient operation.

7. PLATE HEIGHT FOR GARAGES ON DOWNHILL SLOPES. The maximum plate height for a garage on a downhill slope that is allowed by Section 6411 to extend into the front setback shall be 10 feet. Plate height shall be measured as the vertical distance from any point on the floor to the bottom of the lowest ceiling joist where the framing of the roof begins. No second story shall be allowed above or below any portion of such garage.
8. DAYLIGHT PLANE OR FAÇADE ARTICULATION. New residential development shall conform to either the daylight plane or façade articulation options described in this Section, as determined by the project applicant.

a. Daylight Plane Option

The daylight plane shall be established on two opposite house sides, i.e., either from the front and rear setback lines, or from the side setback lines, as determined by the project applicant and approved by the Design Review Committee.

The daylight plane shall be measured from the setback line at natural grade, upward a vertical distance of 20 ft., and then inward at an angle of 45° until the maximum building height is reached.

Cornices, canopies, eaves, roof overhangs, chimneys, fire escapes, stairways; landing places; uncovered porches, and similar architectural features may extend into the daylight plane at the front, side, or rear yard, to the extent allowed by Zoning Regulations Section 6406.

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Chimneys, pipes, mechanical equipment, antennae, and similar equipment may extend into the daylight plane up to a maximum of 36 ft. as required for safety or efficient operation.

Dormers, gables and other architectural features located in the center 60% of the house may extend into the angled portion of the daylight plane, subject to Design Review Committee approval, provided that:

- (1) The combined length on any building side does not exceed 40% of the length of that building side, and the height of such features does not exceed 24 ft.,
- (2) The combined length on any building side does not exceed 30% of the length of that building side, and the height of such features does not exceed 28 ft.

b. Facade Articulation Option

Facade articulation shall be provided on all building sides, and is subject to approval by the Design Review Committee. Facade articulation is intended to break up the appearance of shear walls through the placement of projecting or recessing architectural details, including decks, bays, windows, balconies, porches, overhangs, and cantilevered features.

In order to approve proposed facade articulation, the Design Review Committee must find that: (1) all building facades are well articulated and proportioned, and (2) each building wall is broken up so as not to appear shear, blank, looming or massive to neighboring properties.

9. NOISE INSULATION AND AVIGATION EASEMENT. For new dwellings on those properties in Moss Beach, north of Half Moon Bay Airport, identified on County Zoning Maps 37-18 and 37-24, the following shall apply:

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SMC - MAJ-3-00-(A)
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- a. Submit an acoustical analysis, prepared by a qualified acoustical consultant, demonstrating that new construction has been designed to comply with the following standards:
 - (1) Interior community noise equivalent levels (CNEL) with windows closed, attributable to exterior sources shall not exceed an annual CNEL of 45-dBA in any habitable room.
 - (2) Design maximum noise levels (single event) shall not exceed 50-dBA in bedrooms and 55-dBA in other habitable rooms.
- b. Construct residence in accordance with recommendation of acoustical analysis.
- c. Grant to the County an avigation easement which (1) provides for aircraft use of airspace above grantor's property, and (2) protects the County from liability associated with aircraft operations.

Section 2. The provisions of this ordinance shall not apply to development that has fulfilled either of the following requirements before the effective date of this ordinance:

1. A permit application for each development permit required by the County Zoning Regulations applicable to the proposed development, including a Coastal Development Permit application, has been submitted to the County, or
2. A building permit application has been submitted to the County, if no development permit is required by the County Zoning Regulations.

Section 3. This ordinance shall be in full force and effect thirty (30) days after the Coastal Commission has certified it, without modification, as conforming with the California Coastal Act.

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(7/21/2000)

EXHIBIT NO. 1
APPLICATION NO.
SMC-MAJ-3-00-(A)
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ORDINANCE NO. _____

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

* * * * *

AN ORDINANCE AMENDING THE SAN MATEO COUNTY ORDINANCE CODE (ZONING ANNEX) CHAPTER 20 TO ADD SECTIONS 6300.9.11.10 TO 6300.9.11.90 WHICH ENACT THE "S-94" COMBINING DISTRICT REGULATIONS

* * * * *

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

Section 1. San Mateo County Ordinance Code, Division VI, Chapter 2, Section 6111 (Combining Districts) is hereby amended to add the "S-94" District.

Section 2. San Mateo County Ordinance Code, Division VI, Chapter 20, Sections 6300.9.11.10 to 6300.9.11.90 are hereby enacted to read as follows:

SECTION 6300.9.11.10. REGULATIONS FOR "S-94" COMBINING DISTRICT (MID-COAST). The following regulations shall apply in any single-family residential district with which the "S-94" District is combined.

SECTION 6300.9.11.20. BUILDING SITE WIDTH. The minimum building site width shall be an average of 50 feet.

SECTION 6300.9.11.30. BUILDING SITE AREA. The minimum building site area shall be 10,000 square feet.

SECTION 6300.9.11.40. BUILDING SETBACKS. The minimum setbacks shall be:

Front <u>Setback</u>	Rear <u>Setback</u>	Side <u>Setback</u>
20 feet	20 feet	10 feet

EXHIBIT NO. 1
APPLICATION NO.
SMC-MAJ-3-00-(A)
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In any area where the "S-17" District is combined with the "DR" District, the minimum side yard setback may be reduced to provide for creative design concepts such as "zero" side yard setbacks provided that: (1) the Design Review Committee approves, (2) the application involves joint development of two or more adjacent parcels, (3) the total side yard requirement is met and (4) a minimum side yard of 5 feet is maintained adjacent to any parcel not included with the application.

SECTION 6300.9.11.50. PARCEL COVERAGE. The maximum parcel coverage shall be 0.30 (30%).

Parcel coverage shall include all: (1) buildings, (2) accessory buildings, or (3) structures such as patios, decks, balconies, porches, bridges, and other similar uses which are eighteen (18) inches or more above the ground.

SECTION 6300.9.11.60. BUILDING FLOOR AREA. The maximum building floor area shall be established according to the following table.

Parcel Size	Maximum Building Floor Area
2,500-9,749 sq. ft., or less than 45 ft. parcel width	0.48 (parcel size)
9,750-9,999 sq. ft.	0.53 - ((5,000-parcel size) x 0.0002) x parcel size
10,000-11,698 sq. ft.	0.53 (parcel size)
More than 11,698 sq. ft.	6,200 sq. ft.

The maximum building floor area shall include the floor area of all stories of all buildings and accessory buildings on a building site. Maximum building floor area specifically includes: (1) the floor area of all stories excluding uninhabitable attics as measured from the outside face of all exterior perimeter walls, (2) the area of all decks, porches, balconies or other areas covered by a waterproof roof which extends four (4) or more feet from exterior walls, and (3) the area of all garages and carports.

EXHIBIT NO. 1
APPLICATION NO.
SMC-MAJ-3-00(A)
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SECTION 6300.9.11.70. BUILDING HEIGHT. The maximum building height shall be established, as follows:

1. West of Highway One

- a. Up to 30% Slope. Where the average slope of the parcel area covered by the main residence is less than 30%, maximum building height is 28 ft.
- b. 30% Slope or Greater. Where the average slope of the parcel area covered by the main residence is 30% or greater, maximum building height is 28 ft., unless increased by the Design Review Committee.

The Design Review Committee may increase the maximum building height to 33 ft. for either:

- (1) The center 40% of the house, or
- (2) The downslope wall. Where the downslope wall height limit is increased to 33 ft., maximum building height for the house shall be the plane formed by connecting the maximum upslope wall height (28 ft.) with the maximum downslope wall height (33 ft.).

2. East of Highway One

- a. Parcels Smaller Than 10,000 sq. ft. Where the parcel area is less than 10,000 sq. ft., maximum building height is 28 ft.
- b. Parcels 10,000 sq. ft. or Larger. Where the parcel area is 10,000 sq. ft. or larger, maximum building height is 32 ft.

Building height shall be measured as the vertical distance from any point on the natural grade to the topmost point of the building immediately above.

Finished grade, measured at the outside face of exterior perimeter walls, shall not significantly deviate from the natural grade, to the satisfaction of the Design Review Committee.

Where the average slope of a parcel is greater than a one (1) foot fall in seven (7) feet distance from the established street grade at the front lot line and where a sewer connection must be made uphill from the building location, the maximum height allowed may be increased to 36 feet.

Where Zoning Regulations Chapter 35.5, Flood Hazard Areas, requires an elevated building, as defined in Section 6822.8, building height shall be measured as the vertical distance from the "base flood elevation," as identified on the applicable Flood Insurance Rate Map (FIRM), to the topmost point of the building immediately above.

Chimneys, pipes, mechanical equipment, antennae, solar panels and similar features may exceed the height limit to a maximum of 36 feet as required for safety or efficient operation.

SECTION 6300.9.11.80. PLATE HEIGHT FOR GARAGES ON DOWNHILL SLOPES.

The maximum plate height for a garage on a downhill slope that is allowed by Section 6411 to extend into the front setback shall be 10 feet. Plate height shall be measured as the vertical distance from any point on the floor to the bottom of the lowest ceiling joist where the framing of the roof begins. No second story shall be allowed above or below any portion of such garage.

SECTION 6300.9.11.90. DAYLIGHT PLANE OR FACADE ARTICULATION. New

residential development shall conform to either the daylight plane or façade articulation options described in this Section, as determined by the project applicant.

1. Daylight Plane Option

The daylight plane shall be established on two opposite house sides, i.e., either from the front and rear setback lines, or from the side setback lines, as determined by the project applicant and approved by the Design Review Committee.

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SMC-MAJ-3-00(A)
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The daylight plane shall be measured from the setback line at natural grade, upward a vertical distance of 20 ft., and then inward at an angle of 45° until the maximum building height is reached.

Cornices, canopies, eaves, roof overhangs, chimneys, fire escapes, stairways; landing places; uncovered porches, and similar architectural features may extend into the daylight plane at the front, side, or rear yard, to the extent allowed by Zoning Regulations Section 6406.

Chimneys, pipes, mechanical equipment, antennae, and similar equipment may extend into the daylight plane up to a maximum of 36 ft. as required for safety or efficient operation.

Dormers, gables and other architectural features located in the center 60% of the house may extend into the angled portion of the daylight plane, subject to Design Review Committee approval, provided that:

- (a) The combined length on any building side does not exceed 40% of the length of that building side, and the height of such features does not exceed 24 ft.
- (b) The combined length on any building side does not exceed 30% of the length of that building side, and the height of such features does not exceed 28 ft.

2. Facade Articulation Option

Facade articulation shall be provided on all building sides, and is subject to approval by the Design Review Committee. Facade articulation is intended to break up the appearance of shear walls through the placement of projecting or recessing architectural details, including decks, bays, windows, balconies, porches, overhangs, and cantilevered features.

In order to approve proposed facade articulation, the Design Review Committee must find that: (1) all building facades are well articulated and proportioned, and (2) each building

wall is broken up so as not to appear shear, blank, looming or massive to neighboring properties.

Section 2: The provisions of this ordinance shall not apply to development that has fulfilled either of the following requirements before the effective date of this ordinance.

1. A permit application for each development permit required by the County Zoning Regulations applicable to the proposed development, including a Coastal Development Permit application, has been submitted to the County, or
2. A building permit application has been submitted to the County, if no development permit is required by the County Zoning Regulations.

Section 3. This ordinance shall be in full force and effect thirty (30) days after the Coastal Commission has certified it, without modification, as conforming with the California Coastal Act.

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(7/21/2000)

EXHIBIT NO. 1
APPLICATION NO.
SMC-MAJ-3-00-(A)
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 California Coastal Commission

ORDINANCE NO. _____

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

* * * * *

AN ORDINANCE AMENDING THE SAN MATEO COUNTY ORDINANCE CODE (ZONING ANNEX) CHAPTER 20 TO ADD SECTIONS 6300.14.00 TO 6300.14.80 WHICH ENACT THE "S-105" COMBINING DISTRICT REGULATIONS

* * * * *

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

Section 1. San Mateo County Ordinance Code, Division VI, Chapter 2, Section 6111 (Combining Districts) is hereby amended to add the "S-105" District.

Section 2. San Mateo County Ordinance Code, Division VI, Chapter 20, Sections 6300.14.00 to 6300.14.80 are hereby enacted to read as follows:

SECTION 6300.14.00. REGULATIONS FOR "S-105" COMBINING DISTRICT (MID-COAST). The following regulations shall apply in any single-family residential district with which the "S-105" District is combined.

SECTION 6300.14.10. BUILDING SITE WIDTH. The minimum building site width shall be an average of 75 feet.

SECTION 6300.14.20. BUILDING SITE AREA. The minimum building site area shall be 20,000 square feet.

SECTION 6300.14.30. BUILDING SETBACKS. The minimum setbacks shall be:

Front Setback	Rear Setback	Side Setback
20 feet	20 feet	10 feet

EXHIBIT NO. 1
APPLICATION NO.
SMC-MAJ-3-00(A)
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In any area where the "S-17" District is combined with the "DR" District, the minimum side yard setback may be reduced to provide for creative design concepts such as "zero" side yard setbacks provided that: (1) the Design Review Committee approves, (2) the application involves joint development of two or more adjacent parcels, (3) the total side yard requirement is met and (4) a minimum side yard of 5 feet is maintained adjacent to any parcel not included with the application.

SECTION 6300.14.40. PARCEL COVERAGE. The maximum parcel coverage shall be 0.25 (25%).

Parcel coverage shall include all: (1) buildings, (2) accessory buildings, or (3) structures such as patios, decks, balconies, porches, bridges, and other similar uses which are eighteen (18) inches or more above the ground.

SECTION 6300.14.50. BUILDING FLOOR AREA. The maximum building floor area shall be established according to the following table.

Parcel Size	Maximum Building Floor Area
2,500-11,698 sq. ft., or less than 17.5 ft. parcel width	0.48 (parcel size)
More than 11,698 sq. ft.	6,200 sq. ft.

The maximum building floor area shall include the floor area of all stories of all buildings and accessory buildings on a building site. Maximum building floor area specifically includes: (1) the floor area of all stories excluding uninhabitable attics as measured from the outside face of all exterior perimeter walls, (2) the area of all decks, porches, balconies or other areas covered by a waterproof roof which extends four (4) or more feet from exterior walls, and (3) the area of all garages and carports.

SECTION 6300.14.60. BUILDING HEIGHT. The maximum building height shall be established, as follows:

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APPLICATION NO.
SMC-MAJ-3-00-(A)
pg. 14 of 33
California Coastal Commission

- a. Up to 30% Slope. Where the average slope of the parcel area covered by the main residence is less than 30%, maximum building height is 28 ft.
- b. 30% Slope or Greater. Where the average slope of the parcel area covered by the main residence is 30% or greater, maximum building height is 28 ft., unless increased by the Design Review Committee.

The Design Review Committee may increase the maximum building height to 33 ft. for either:

- (1) The center 40% of the house, or
- (2) The downslope wall. Where the downslope wall height limit is increased to 33 ft., maximum building height for the house shall be the plane formed by connecting the maximum upslope wall height (28 ft.) with the maximum downslope wall height (33 ft.).

Building height shall be measured as the vertical distance from any point on the natural grade to the topmost point of the building immediately above.

Finished grade, measured at the outside face of exterior perimeter walls, shall not significantly deviate from the natural grade, to the satisfaction of the Design Review Committee.

Where Zoning Regulations Chapter 35.5, Flood Hazard Areas, requires an elevated building, as defined in Section 6822.8, building height shall be measured as the vertical distance from the "base flood elevation," as identified on the applicable Flood Insurance Rate Map (FIRM), to the topmost point of the building immediately above.

Chimneys, pipes, mechanical equipment, antennae, solar panels and similar features may exceed the height limit to a maximum of 36 feet as required for safety or efficient operation.

EXHIBIT NO. <u>1</u>
APPLICATION NO.
<u>SMC-MAJ-3-00-(A)</u>
<u>PR 15 06 33</u> California Coastal Commission

SECTION 6300.14.70. PLATE HEIGHT FOR GARAGES ON DOWNHILL SLOPES.

The maximum plate height for a garage on a downhill slope that is allowed by Section 6411 to extend into the front setback shall be 10 feet. Plate height shall be measured as the vertical distance from any point on the floor to the bottom of the lowest ceiling joist where the framing of the roof begins. No second story shall be allowed above or below any portion of such garage.

SECTION 6300.14.80. DAYLIGHT PLANE OR FAÇADE ARTICULATION. New residential development shall conform to either the daylight plane or façade articulation options described in this Section, as determined by the project applicant.

a. Daylight Plane Option

The daylight plane shall be established on two opposite house sides, i.e., either from the front and rear setback lines, or from the side setback lines, as determined by the project applicant and approved by the Design Review Committee.

The daylight plane shall be measured from the setback line at natural grade, upward a vertical distance of 20 ft., and then inward at an angle of 45° until the maximum building height is reached.

Cornices, canopies, eaves, roof overhangs, chimneys, fire escapes, stairways; landing places; uncovered porches, and similar architectural features may extend into the daylight plane at the front, side, or rear yard, to the extent allowed by Zoning Regulations Section 6406.

Chimneys, pipes, mechanical equipment, antennae, and similar equipment may extend into the daylight plane up to a maximum of 36 ft. as required for safety or efficient operation.

Dormers, gables and other architectural features located in the center 60% of the house may extend into the angled portion of the daylight plane, subject to Design Review Committee approval, provided that:

EXHIBIT NO. 1
APPLICATION NO.
SMC-MAJ-3-00-(A)
PR 16 06 33
 California Coastal Commission

- (a) The combined length on any building side does not exceed 40% of the length of that building side, and the height of such features does not exceed 24 ft.
- (b) The combined length on any building side does not exceed 30% of the length of that building side, and the height of such features does not exceed 28 ft.

b. Facade Articulation Option

Facade articulation shall be provided on all building sides, and is subject to approval by the Design Review Committee. Facade articulation is intended to break up the appearance of shear walls through the placement of projecting or recessing architectural details, including decks, bays, windows, balconies, porches, overhangs, and cantilevered features.

In order to approve proposed facade articulation, the Design Review Committee must find that: (1) all building facades are well articulated and proportioned, and (2) each building wall is broken up so as not to appear shear, blank, looming or massive to neighboring properties.

Section 2. The provisions of this ordinance shall not apply to development that has fulfilled either of the following requirements before the effective date of this ordinance.

- 1. A permit application for each development permit required by the County Zoning Regulations applicable to the proposed development, including a Coastal Development Permit application, has been submitted to the County, or
- 2. A building permit application has been submitted to the County, if no development permit is required by the County Zoning Regulations.

Section 3. This ordinance shall be in full force and effect thirty (30) days after the Coastal Commission has certified it, without modification, as conforming with the California Coastal Act.

EXHIBIT NO. <u>1</u>
APPLICATION NO.
SMC-MAJ-3-EO(A)
 <u>17</u> of <u>33</u> California Coastal Commission

ORDINANCE NO. _____

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

* * * * *

AN ORDINANCE AMENDING THE SAN MATEO COUNTY ORDINANCE CODE
(ZONING MAPS) TO REZONE MID-COAST PARCELS FROM
"R-1/S-9" TO "R-1/S-94"

* * * * *

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

Section 1. Division VI, Part One, Chapter 2, Section 6115 of the San Mateo County Ordinance Code (Zoning Maps) is hereby amended to change the zoning for that area shown within the boundaries on the attached map identified as Exhibit "A" from "R-1/S-9" to "R-1/S-94".

Section 2. The provisions of this ordinance shall not apply to development that has fulfilled either of the following requirements before the effective date of this ordinance:

1. A permit application for each development permit required by the County Zoning Regulations applicable to the proposed development, including a Coastal Development Permit application, has been submitted to the County, or
2. A building permit application has been submitted to the County, if no development permit is required by the County Zoning Regulations.

Section 3. This ordinance shall be in full force and effect thirty (30) days after the Coastal Commission has certified it, without modification, as conforming with the California Coastal Act.

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(7/20/00)

EXHIBIT NO. 1
APPLICATION NO.
SMC-MAJ-3-00(A)
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San Mateo County Planning & Building Division

Mid-Coast Area to be Rezoned from R-1/S-9 to R-1/S-94

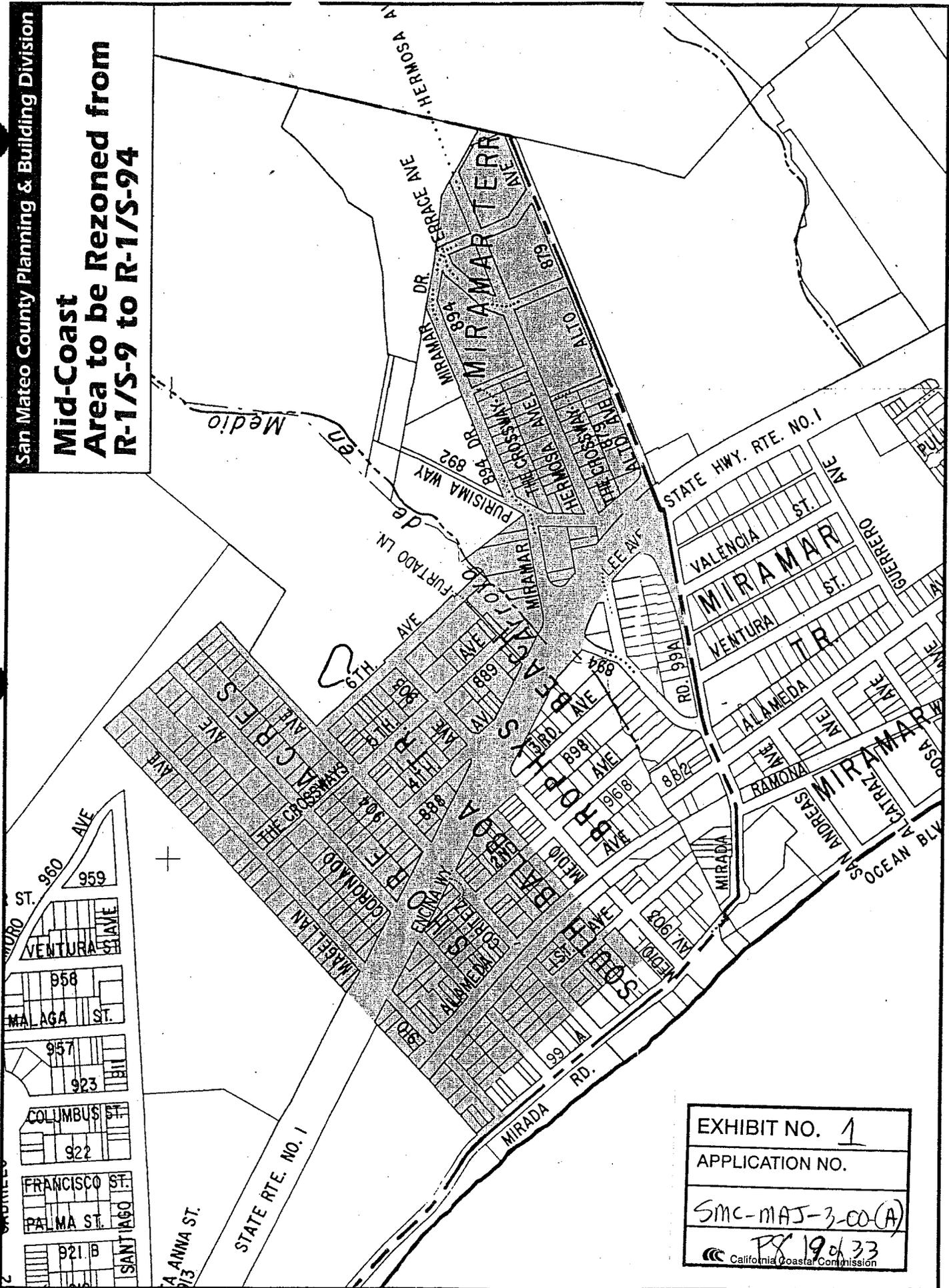


EXHIBIT NO. <u>1</u>
APPLICATION NO.
SMC-MAJ-3-CO(A)
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California Coastal Commission

ORDINANCE NO. _____

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

* * * * *

AN ORDINANCE AMENDING THE SAN MATEO COUNTY ORDINANCE CODE
(ZONING MAPS) TO REZONE MID-COAST PARCELS FROM
"R-1/S-10" TO "R-1/S-105"

* * * * *

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

Section 1. Division VI, Part One, Chapter 2, Section 6115 of the San Mateo County Ordinance Code (Zoning Maps) is hereby amended to change the zoning for that area shown within the boundaries on the attached map identified as Exhibit "A" from "R-1/S-10" to "R-1/S-105".

Section 2. The provisions of this ordinance shall not apply to development that has fulfilled either of the following requirements before the effective date of this ordinance:

1. A permit application for each development permit required by the County Zoning Regulations applicable to the proposed development, including a Coastal Development Permit application, has been submitted to the County, or
2. A building permit application has been submitted to the County, if no development permit is required by the County Zoning Regulations.

Section 3. This ordinance shall be in full force and effect thirty (30) days after the Coastal Commission has certified it, without modification, as conforming with the California Coastal Act.

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(7/21/2000)

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APPLICATION NO.
SMC-MAS-3-00-(A)
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ORDINANCE NO. _____

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

* * * * *

AN ORDINANCE AMENDING THE SAN MATEO COUNTY ORDINANCE CODE (ZONING ANNEX) CHAPTER 28.1 TO REVISE SECTIONS 6565.2, 6565.4 and 6565.7 WHICH ESTABLISH DESIGN REVIEW REQUIREMENTS

* * * * *

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

Section 1. San Mateo County Ordinance Code, Division VI, Chapter 28.1, Section 6565.2 is hereby amended to read as follows:

SECTION 6565.2. ESTABLISHMENT OF DESIGN REVIEW COMMITTEE, DESIGN REVIEW ADMINISTRATOR AND DESIGN REVIEW OFFICER.

A. There is hereby established a Design Review Committee consisting of three members to be appointed by the Board of Supervisors.

1. Appointments shall be for three-year terms, except that the initial members shall be appointed to a one-year, a two-year and a three-year term so that subsequently one appointment shall expire each year. The Board of Supervisors may adjust the terms of any appointment to assure such overlap in terms occurs.

2. Members shall be residents of San Mateo County. Two members shall be licensed architects or landscape architects. The third member shall be a resident of the unincorporated community in which the project being reviewed is located, as listed in Section 6565.7.2. For communities where an advisory council has been established by the Board of Supervisors, the advisory council shall make a recommendation on

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resident third member candidates prior to appointment by the Board of Supervisors.

The terms of the residents designated to serve on the Design Review Committee ~~from Palomar Park and Devonshire shall expire on January 31, 1993. Thereafter, the terms of the designated residents shall be three years.~~

3. Two members present shall constitute a quorum and two votes shall be required for action.
4. The Board of Supervisors will appoint alternates for each member with the same terms and qualifications.
5. The Design Review Committee shall adopt rules for the conduct of its business and a conflict of interest code.
6. Members shall be paid \$50.00 per meeting not to exceed \$50.00 per month.

B. The Director of Planning is the Design Review Administrator and may appoint in writing an assistant to act as the Design Review Officer, who may exercise all of the powers of the Design Review Administrator.

Section 2. San Mateo County Ordinance Code, Division VI, Chapter 28.1, Section 6565.4 is hereby amended to read as follows:

SECTION 6565.4. EXEMPTIONS. The Design Review Administrator (DRA) may exempt activities which otherwise require design review from the requirements of this Chapter when such activities, in the judgment of the DRA, are minor in nature and will not have an adverse effect on compliance with design standards or guideline or zoning regulations applicable to the property or structure in question. Applications for exemption shall be filed in the manner prescribed by the DRA and shall be accompanied by a fee set by resolution of the Board of Supervisors. Exemptions shall be documented by the DRA, whose decision of exemptions shall be final.

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Section 3. San Mateo County Ordinance Code, Division VI, Chapter 28.1, Section 6565.7 is hereby amended to read as follows:

SECTION 6565.7. ACTION ON APPLICATION FOR DESIGN REVIEW.

A. Review or action on an application for Design Review shall be taken by the Design Review Committee for projects located in the following communities:

1. Emerald Lake Hills and Oak Knoll Manor (areas zoned RH/DR only).
2. Palomar Park.
3. Devonshire.
4. Mid-Coast (areas zoned R-1 only).

In all other areas within the Design Review District, review or action shall be by the Design Review Administrator.

B. When the project in question requires another permit or approval, such as (but not limited to) a use permit, variance or subdivision, to be acted upon by the Zoning Hearing Officer, Planning Commission or Board of Supervisors, then the action of the Design Review Committee or Design Review Administrator shall be in the form of a recommendation to the decision-maker on the other permit(s), who shall act upon the application for design review only after receiving and considering such recommendation. In such cases, the decision-maker may refer any revisions to the design of the project back to the Design Review Committee or Design Review Administrator for further recommendation prior to taking action on the project.

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 California Coastal Commission

- C. The Design Review Committee or Design Review Administrator may refer any matter directly to the Planning Commission when, in their opinion, such action will be in the public interest.

- D. Action on an application for Design Review shall be to: (a) approve the application and plans as submitted, (b) approve them with modifications, or (c) disapprove the application and plans.

Section 4. The provisions of this ordinance shall not apply to development that has fulfilled either of the following requirements before the effective date of this ordinance:

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

- 2. A building permit application has been submitted to the County, if no development permit is required by the County Zoning Regulations.

Section 5. This ordinance shall be in full force and effect thirty (30) days after the Coastal Commission has certified it, without modification, as conforming with the California Coastal Act.

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EXHIBIT NO. 1
APPLICATION NO.
SMC-MAJ-3-00(A)
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ORDINANCE NO. _____

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

* * * * *

AN ORDINANCE AMENDING THE SAN MATEO COUNTY ORDINANCE CODE
(ZONING ANNEX) CHAPTER 3 TO REVISE SECTION 6118 WHICH
ESTABLISHES GENERAL PARKING REQUIREMENTS

* * * * *

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

Section 1. San Mateo County Ordinance Code, Division VI, Chapter 3, Section 6118 is
hereby amended to read as follows:

SECTION 6118. GENERAL REQUIREMENTS.

- (a) Size and Access: Each off-street parking space shall have an area of not less than 171 square feet exclusive of access drives or aisles, and shall be of usable shape, location and condition. However, for housing developments granted a Density Bonus for Provision of Affordable or Rental Housing (see Section 6305), up to fifty (50) percent of the required off-street parking spaces may be 128 square feet to accommodate compact cars. There shall be adequate provision for ingress and egress to all parking spaces.
- (b) Type and Location: Parking spaces required in connection with residential uses shall be provided in private garages, carports, or storage garages located on the same building site as the main building, except for single-family dwellings on parcels less than 3,500 square feet located in the Mid-Coast.

EXHIBIT NO.	1
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No required parking space shall be permitted within a required front yard unless:
(1) the slope of the front half of the lot on which the parking occurs has at least one foot rise or fall in elevation for every 7 feet measured horizontally, or (2) the parcel is less than 3,500 sq. ft. in area and located in the Mid-Coast.

(c) Parking spaces required in connection with uses permitted in "H," "C," or "M" Zones shall be provided in off-street parking areas located within 1,000 feet of the building such spaces are to serve.

(d) Units of Measurement.

1. For the purpose of this Chapter, "Floor Area" in the case of offices, merchandising or service types of uses shall mean the gross floor area used, or intended to be used, for service to the public as customers, patrons, clients or patients, or as tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for non-public purposes such as storage, incidental repair, processing or packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores or buildings, for toilet or rest rooms, for utilities, or for dressing rooms, fitting or alteration rooms.
2. In hospitals, bassinets shall not be counted as beds.
3. In stadia, sports arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty (20) inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities under this part.
4. When units of measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including

one-half shall be disregarded and fractions over one-half shall require one parking space.

- (e) Change in Use - Additions and Enlargement: Whenever in any building there is a change in use, or increase in floor area, or in the number of employees or other unit measurements specified hereinafter to indicate the number of required off-street parking spaces and such change or increase creates a need for an increase of more than ten (10) percent in the number of off-street parking spaces as determined by the tables in this Chapter, additional off-street parking spaces shall be provided on the basis of the increased requirements of the new use, or on the basis of the total increase in floor area or in the number of employees, or in other unit of measurement; provided, however, that in case a change in use creates a need for an increase of less than five (5) off-street parking spaces, no additional parking facilities shall be required.

- (f) Mixed Occupancies and Uses Not Specified: In the case of a use not specifically mentioned in paragraph (b) of this section, the requirements for off-street parking facilities for a use which is so mentioned and to which said use is similar shall apply. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for joint use.

- (g) Collective Provision: Nothing in this Chapter shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided that the total of such off-street parking spaces supplied collectively shall not be less than the sum of the requirements for the various uses computed separately.

EXHIBIT NO. 1
APPLICATION NO.
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- (h) Joint Use: Not more than fifty (50) percent of the off-street parking facilities required by this Chapter for a theater, bowling alley, dance hall, or an establishment for the sale and consumption on the premises of alcoholic beverages, food or refreshments, and up to one hundred (100) percent of such facilities required for a church or an auditorium incidental to a public or parochial school, may be supplied by off-street parking facilities provided for other kinds of buildings or uses, as defined below, not normally open, used or operated during the principal operating hours of theaters, churches or the aforesaid establishments and not more than fifty (50) percent of the off-street parking facilities required by this Chapter for a building or use, as defined below, other than theaters, churches or the aforesaid establishments may be supplied by such facilities provided for theaters, churches, or the aforesaid establishments, provided that a properly drawn legal instrument is executed by the parties concerned for the joint use of the off-street parking facilities which instrument, duly approved as to form and manner of execution by the District Attorney, shall be filed with the application for a building permit.

Buildings or uses not normally open, used or operated during the principal operating hours of theaters, churches, or the aforesaid establishments are defined as banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, and manufacturing buildings and similar uses.

Section 2. The provisions of this ordinance shall not apply to development that has fulfilled either of the following requirements before the effective date of this ordinance:

1. A permit application for each development permit required by the County Zoning Regulations applicable to the proposed development, including a Coastal Development Permit application, has been submitted to the County, or
2. A building permit application has been submitted to the County, if no development permit is required by the County Zoning Regulations.

Section 3. This ordinance shall be in full force and effect thirty (30) days after the Coastal Commission has certified it, without modification, as conforming with the California Coastal Act.

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ORDINANCE NO. _____

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

* * * * *

AN ORDINANCE AMENDING THE SAN MATEO COUNTY ORDINANCE CODE (ZONING ANNEX) CHAPTER 25 TO REVISE SECTION 6531 TO PRECLUDE HOME IMPROVEMENT EXCEPTION TO FLOOR AREA IN THE MID-COAST

* * * * *

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

Section 1. San Mateo County Ordinance Code, Division VI, Chapter 25, Section 6531 is hereby amended to read as follows:

SECTION 6531. GENERAL PROVISIONS. Variances are permitted when one or more of the following conditions exist: (1) development is proposed on an existing legal parcel zoned R-1/S-7 or R-1/S-17, which is 3,500 square feet or less in area and/or 35 feet or less in width; (2) the proposed development varies from minimum yard, maximum building height or maximum lot coverage requirements; or (3) the proposed development varies from any other specific requirements of the Zoning Regulations.

Notwithstanding Chapter 4 of the Zoning Regulations, home improvement exceptions may be approved to grant relief from the strict provisions of the Zoning Regulations for yards, lot coverage, daylight planes, and floor area ratio. To qualify for a home improvement exception, the following requirements must be met: (1) the home improvement exception is for an addition to an existing residential dwelling unit or a detached garage in the R-1, R-2, RE, RH, RM, and combining districts; (2) the home improvement exception is for addition to an existing one-family residential unit, an existing two-family residential unit, or a detached garage in the R-3 district; (3) the addition will not result in the creation of a new story; (4) at least 75% of the existing exterior walls (in linear feet) will remain; (5) at least 50% of the existing roof (in square

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feet) will remain; (6) the addition will be located at least three feet from a property line; (7) the existing structure is located in an area with an average slope of less than 20%; (8) development on the parcel does not exceed maximum floor area, if located in the Mid-Coast; and (9) the total floor area approved through home improvement exceptions on a given parcel shall not be greater than two hundred and fifty (250) square feet and no more than one hundred (100) square feet may extend into a side yard. If the addition will not result in a visible change to the exterior shape and size of the residential unit, improvement exceptions may apply to projects which (1) require relief from the provisions of the Zoning Regulations for height; (2) involve the addition of a new story; and (3) exceed the 250 square feet limit.

A Home Improvement Exception application can only be submitted if the date of the application is five (5) years or more after the date certificate of occupancy was granted for subject residential unit.

Notwithstanding the above, the following restrictions apply to home improvement exception applications: (1) a home improvement exception shall not be granted for a structure if an existing building code violation involves the Zoning Regulations for yards, lot coverage, daylight planes, or floor area ratio; (2) a building code violation cannot be used to justify the integrity of an existing design concept pursuant to Section 6534.2(2); (3) a final building permit inspection for a home improvement exception may not occur until all building violations have been corrected.

Variations and home improvement exceptions may not be granted to allow a use, activity or an increased number of dwelling units which are not permitted by the Zoning Regulations.

Section 2. The provisions of this ordinance shall not apply to development that has fulfilled either of the following requirements before the effective date of this ordinance:

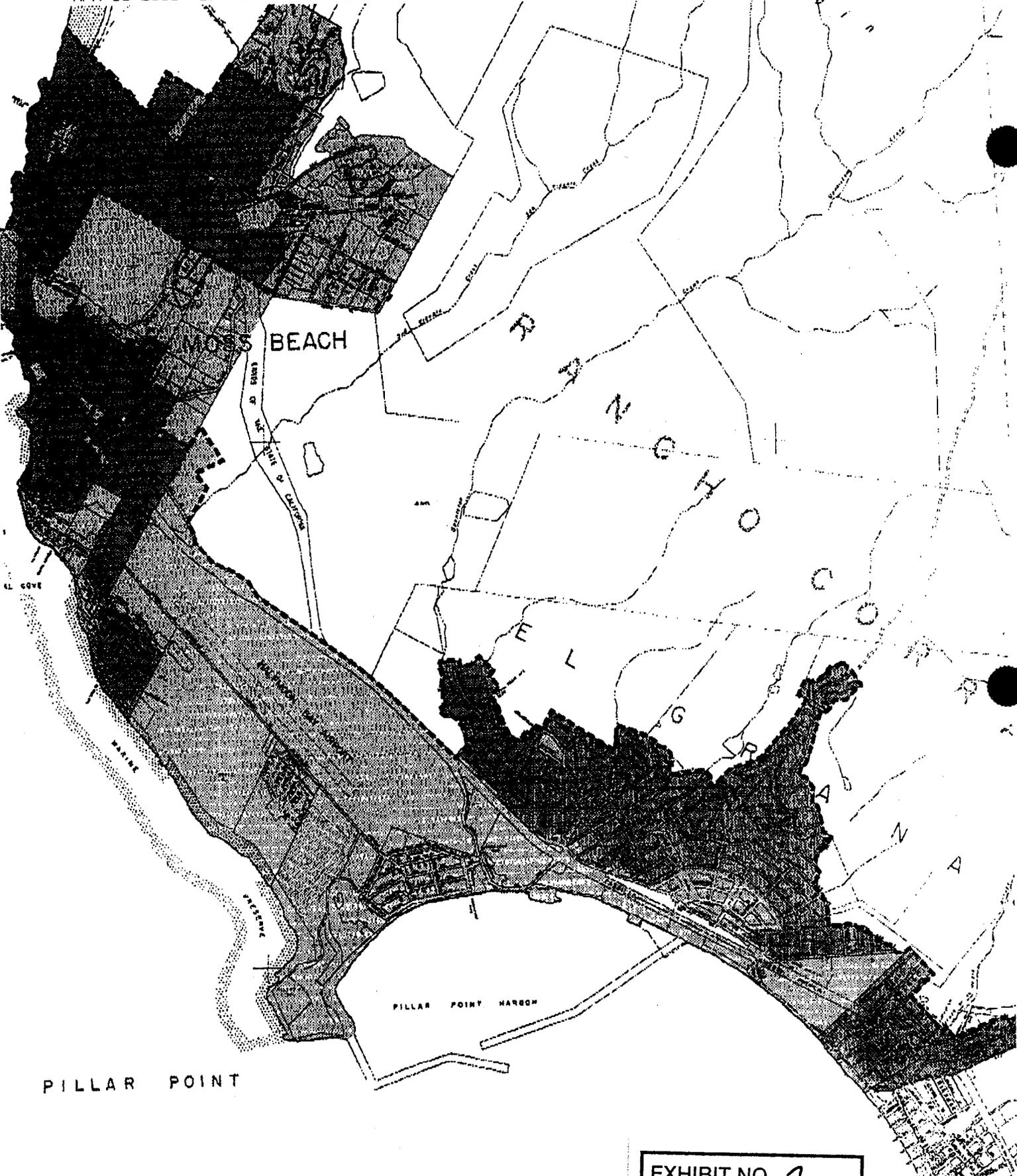
1. A permit application for each development permit required by the County Zoning Regulations applicable to the proposed development, including a Coastal Development Permit application, has been submitted to the County, or

2. A building permit application has been submitted to the County, if no development permit is required by the County Zoning Regulations.

Section 3. This ordinance shall be in full force and effect thirty (30) days after the Coastal Commission has certified it, without modification, as conforming with the California Coastal Act.

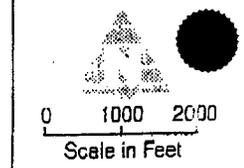
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- Legend:**
-  Area Affected by Proposed LCP Amendment
 -  Urban/Rural Boundary

EXHIBIT NO. 2
APPLICATION NO.
SMC-MAJ-3-00(A)
 California Coastal Commission



GRANADA SANITARY DISTRICT
OF SAN MATEO COUNTY

455 Avenue Alhambra, #8 ~ P. O. Box 335 ~ El Granada, California 94018
Telephone: (650) 726-7093 ~ Facsimile: (650) 726-7099

May 4, 2001

California Coastal Commission
North Central Coast District
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

Re: LCP Amendment No. 3-00-A

Dear Members of the Commission:

The Granada Sanitary District ("GSD") supports the establishment of residential standards to control home sizes. Larger homes tend to create additional impacts to infrastructure and services that smaller homes do not. However, the proposed LCP Amendment as referenced above may have unintended consequences which concerns GSD. For that reason, the District requests that any potential for unintended consequences be eliminated or that the Item be continued.

The LCP Amendment establishes new residential standards for R-1 zoned areas in the Mid-Coast. These standards include standards for nonconforming parcels. The creation of a Floor Area Ratio specifically for these nonconforming parcels will increase the value of, and may even be argued to legitimize (for the first time), the numerous nonconforming lots within GSD's service area. While there may be some *legal* nonconforming parcels within the service area, and restricting home sizes on these lots is appropriate, GSD wants to ensure that the Commission does not unwittingly legitimize nonconforming lots that may not be legal. Some nonconforming lots may not be legal because they are based on subdivision maps recorded prior to the regulation of subdivisions by local government and are still held in common ownership. One of the reasons this concerns GSD is the District's current inability to meet the wet weather sewage flow demand placed on it. Should a large number of these parcels become legitimized by the LCP without a proper mechanism for dealing with the demand, this problem would be exacerbated.

The problem of antiquated or nonconforming parcels has been identified by the Coastal Commission for several years. In 1997, the Coastal Commission denied certification of the County of San Mateo approach to those types of parcels, which approach was set forth in proposed revision

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LCP Amendment No. 3-00-A
May 4, 2001
Page Two

to County Code Section 6133. A copy of an excerpt from a Coastal Commission Staff Report confirming this denial is enclosed. GSD respectfully requests that Commission Staff determine whether the County has subsequently obtained Commission approval of an approach to these types of parcels. That is because the San Mateo County LCP Amendment now before the Commission includes a chart similar to that contained in the previously denied Section 6133 which may be later claimed to constitute recognition of those types of parcels as legal when they in many cases may not have been legally created.

The Coastal Commission (through the Attorney General) submitted an *Amicus Curiae* brief to the Court of Appeal in *Circle K Ranch Corp. v. Board of Supervisors of the County of Santa Barbara* (2000) in support of the position of the Respondent County of Santa Barbara. We recognize that this case was depublished and cannot be cited as precedent. However, the Commission's position was essentially identical to the ultimate ruling of the Court of Appeal affirming the trial court in its decision that prior to statutes regulating the subdivision of land there was no subdivision (i.e. no creation of a parcel for land use planning purposes) prior to the time an actual transfer took place. In that *Amicus Curiae* brief, the Coastal Commission stated that lots in the Coastal Zone can only be created if they have received a coastal development permit. However, lots legally created prior to the enactment of the coastal permit regulation do not need a coastal development permit in order to be recognized as legal lots. "Thus, the question of how lots may have been legally created prior to coastal permit regulation is of great importance to the Commission." A.C. Brief p. 2. The Coastal Commission's *Amicus Curiae* Brief also stated (A.C. Brief p.5) that "Reversal of the Judgment below would seriously impact the coast through the recognition of thousands of lots as legal lots which have never been subjected to review under either the Subdivision Map Act or the Coastal Act." Furthermore, the Coastal Commission's *Amicus Curiae* Brief cites (A.C. Brief pp. 15-17) several cases preceding the *Circle K* case in support of the Commission's statement that "**[t]he courts have consistently required more than mere recordation of a map in order to find legally created parcels**" (A.C. Brief p. 17). Two of those cases involve subdivision maps recorded in 1913 and created in the 1920's respectively. *Cisler v. County of Madera* (1974) 38 Cal.App.3d 303, 309; *Hays v. Vanek* (1989) 217 Cal.App.3d 271. Because more than mere recordation is necessary to create legally created parcels, the proposed LCP Amendments must distinguish between legally created nonconforming lots, and lots that were not legally created.

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LCP Amendment No. 3-00-A
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Page Three

GSD suggests three ways in which to deal with this problem, namely to **make the following findings** that the LCP Amendment proposed by the County of San Mateo only conforms to the certified LCP Land Use Plan if:

1. the LCP Amendment applies only to *legal* nonconforming lots, meaning those which have lawfully been conveyed into separate ownership from all adjacent parcels, which determination is made pursuant to a CDP process as required by LCP Land Use Plan Sections 1.27 - 1.29 (a voter-adopted provision under Measure A). This would alleviate GSD's concern that the LCP Amendment is opening the door to legitimizing illegal parcels;
2. the LCP Amendment requires a merger of nonconforming lots to create conforming lots, prior to allowing construction on nonconforming lots. This would have the effect of further clarifying that adjacent parcels held in common ownership should be developed as conforming lots, and would also result in a better planning and development of these substandard parcels; and
3. the LCP Amendment further limits the size of homes on legal nonconforming lots. This would have the effect of allowing homes on small *legal* parcels, but these homes would better reflect the size of the lots and the characteristics of the lots. Because the homes would be smaller, GSD is in a better position to serve these lots because they will not create the excess demand that larger homes generate.

Thank you for your consideration of these comments.

Sincerely,

GRANADA SANITARY DISTRICT
Joseph Carlevaris, Board President

cc: Martha Raines, San Mateo County Planning Director

EXHIBIT NO. 3
APPLICATION NO.
Smc-MAJ-3-00(A)
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**COUNTY OF SAN MATEO LCP AMENDMENT
NO. 2-97 (RESUBMITTAL)**

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PART TWO:

STAFF RECOMMENDATION, MOTION, RESOLUTION & FINDINGS: LCP IMPLEMENTATION PROGRAM
AMENDMENT RESUBMITTAL 2-97

I. ANALYSIS CRITERIA

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

STAFF RECOMMENDATION, MOTION AND RESOLUTION APPROVAL OF AMENDMENT No.
2-97 IMPLEMENTATION PROGRAM AS RESUBMITTED

(Please see page 2)

II. FINDINGS

The Commission finds and declares the following for the Resubmitted Implementation Plan for Amendment No. 2-97:

A. INCORPORATION OF FINDINGS ON LCP AMENDMENT 1-97-C

The Commission hereby incorporates by reference the Findings adopted on August 14, 1997 regarding the Implementation Plan of San Mateo County LCP Amendment 1-97-C, as supplemented here.

B. LCP IMPLEMENTATION PLAN AMENDMENT DESCRIPTION

The resubmitted LCP Implementation Plan for the most part incorporates the Suggested Modifications adopted by the Commission. Variations from the Modifications are consistent with the intent of the Commission, as described below. Zoning Nonconformities Regulations Section 6133 and Use Permit Regulations Section 6503, the implementation provisions for Policy 1.6 (Limit House Size on Substandard Residential Lots), which all were denied by the Commission, were not resubmitted, pending a review of the small lot problem by the County Board of Supervisors.

Five ordinances were adopted and submitted to change various sections of the Zoning Ordinance as part of the Resubmittal. In addition, clerical omissions in the text of LUP Policy 1.6 and its verbatim incorporation in Sections 6356, 6906 and 6979 were corrected by San Mateo County Board of Supervisors Resolution No. 61697 and made part of the Resubmittal. The resubmitted Implementation Plan includes the following:

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APPLICATION NO.
SMC-MAJ-3-00(A)
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A-1-SMC-99-014**Judy Taylor and Linda Banks**

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conclusion that the assumptions and provisions of the LCP regarding build out, density, capacity, proportionality and design are not accurate and do not reflect the changing landscape of the Mid Coast Communities." (Ex. 7, pg.1)

"25 foot non-conforming lots have not been counted and included in the build out numbers. Policies regarding development on these non-conforming lots have not been certified by the Coastal Commission. Thus any permits issued are not in compliance with the Local Coastal Plan." (Ex. 8, pg. 2, item 6)

(See also Ex. 12, pg. 2, items 6 and 7)

In support of their contentions, the appellants submitted a "Capacity Report" compiling data from studies done about development in the area. This report summarizes concerns about substandard lots as follows:

There has been no definitive planning around the issue of how to manage land use and impacts for thousands of vacant, substandard lots created by Coastside subdivisions more than 90 years ago. Not only are substandard lots uncounted for in the LCP buildout total (19000 sewer connections worth of buildings), but the number of lots is unknown.

The magnitude of this uncertainty can be seen by comparing the number of substandard lots (5000) manually counted for the Montara Sanitary District (Montara and Moss Beach) [Ref. 15: 8/97 MSD Ltr] with the number of lots (2000) the County gets from statistical sampling of the entire Midcoast. [Ref. 16: 3/98 County Staff Rpt]...

Letting market forces and court cases alone determine what happens on such a large, unknown number of substandard lots, introduces so much uncertainty into what the LCPs can accomplish, that the basic LCP assumptions may no longer be applicable.

These are serious concerns. The consequences of higher buildout totals and overloading infrastructure capacities could include: (1) increased levels of congestion on Highways 1 and 35, with consequent adverse impacts on opportunities for recreational access to the coast, (2) increased demands for already strained water supplies, and the heightened problems associated with overdraft of the groundwater basins, including reduced water flows for streams and wetland areas, and (3) exceeded water treatment capacities, with consequent hazards of renewed pollutant discharges to the ocean.

The Commission itself has already expressed concern that extensive development of substandard lots could exceed development levels anticipated in the LCP. As one part of LCP Amendment 1-97-C, the County submitted amendments to the certified zoning non-conformities use permit section of the LCP that were intended to address the substandard lot

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A-1-SMC-99-014**Judy Taylor and Linda Banks**

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question. The amendments more or less incorporated the lot coverage and floor-area ratio (FAR) provisions of the "San Mateo County Policy: Use Permits for Construction on Non-Conforming (25-foot-wide) Residential Parcels" (Exhibit 17). This Policy was adopted in March, 1992, but was never submitted for certification as part of the LCP. In the hearings on Amendment 1-97-C, numerous community members raised concerns that the standards in the existing Policy and the proposed amendment permitted houses too large for such small lots, causing undesirable impacts to community character. Moreover, there was concern that making such small lots more marketable would increase the incentive to develop them as individual building sites, rather than to combine them into building sites that meet zoning standards. This in turn would result in an unanticipated level of buildout of small lots, with the potential impacts discussed above.

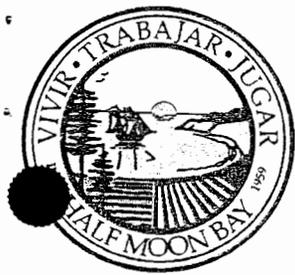
For these reasons, the Commission's action on LCP Amendment 1-97-C rejected the approach offered by the County to resolve the substandard lot problem. The Commission recognized that simply rejecting the County's proposed amendment would not solve the problem, and directed staff to encourage the County to determine the exact magnitude of the problem, and develop an effective means to deal with it.

The County subsequently reviewed its previous estimates of the total number of substandard lots on the Coastsides. Based in part on this information, the County Board approved a new policy for review of substandard lots that provides for the merger of contiguous, commonly owned substandard lots in the R-1/S-17 zoning district when a house on such lots is constructed, enlarged, or demolished. In addition, the policy provides that if the median parcel size for newly developed parcels in the R-1/S-17 zoning district drops below 5,000 sq. ft. for two consecutive years, the County would reconsider establishing a comprehensive merger program. It should be noted that this policy has not been submitted to the Commission for incorporation into the LCP. The County did not choose to resubmit revised design standards for home on substandard lots, but did offer County planning staff assistance to the Mid-Coast Community Council if it demonstrated broad community support for such more restrictive standards. The Midcoast Community Council is comprised of community members elected to represent the interests of the Midcoast area.

There has been much subsequent public debate about the adequacy of the approach the County has taken. The Midcoast Community Council has actively raised the issue of potential problems associated with buildout of substandard lots; their letter is included as Exhibit 19. Another local public agency, the Grenada Sanitary District has been so concerned with the potential impact on its facilities of buildout of substandard lots that it has commissioned a study in part to specifically count the substandard lots in its jurisdiction.

Indeed, some of the facts related to this appeal raise serious concerns over the efficacy of the County's approach to substandard lots. As discussed further in section 2c, page 26 below, the subject parcel was recently one of three "contiguous, commonly owned substandard lots" held

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CITY OF HALF MOON BAY

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

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MAY 02 2001
CALIFORNIA
COASTAL COMMISSION

RECEIVED

JUN 05 2001

Dennis Coleman
Councilmember
May 2, 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commission
c/o North Coast Central Office
45 Fremont Street, Suite 2000
San Francisco, CA 94106-2219

Subject: Comments on Proposed San Mateo County LCP Amendment No. SMC-MAJ-3-00-A

Because of recent vacancies in City Management and Planning Department staff, neither the City Council nor Planning Commission will be able to agendaize the subject amendment prior to your consideration of it on 5/10/01. Nevertheless, the undersigned have concerns about what the amendment allows relative to development of lots that don't conform to the current zoning standards.

There is a reason for zoning, and it needs a substantive public benefit (or elimination of a substantive public harm) to change it. The proposed zoning changes seem more intended to (1) legalize a pattern of zoning non-compliance that has emerged in the affected area as a result of waivers, exemptions, exceptions, variances, use permits and simply winking at the rules; and (2) loosen zoning standards for the future to allow more of the same with less staff review and public hearings. That does not strike us as a good enough reason to change an LCP or zoning ordinance because the main beneficiaries are vacant lot owners, who could then routinely build beyond the current zoning densities, thus causing future violation of build out.

The amendment purports to "establish more restrictive house size, shape, and design regulations for R-1 zoned areas of the Midcoast". It may in fact do that for a relatively small number of large lots, but it runs counter to the City's LCP and zoning ordinance with regard to thousands of small, non-conforming lots. For example, the City's "Proportionality Rule" allows a 700 ft2 cottage on a single 2500 ft2 lot in a 5000 ft2 zone. That same lot in the County would allow a 1400 ft2 commuter house, which is much more impactful on traffic, Coastal resources, and services given the cumulative effect of hundreds or thousands of such houses.

The amendment is also not responsive to the Commission's denial of the County's last proposal relating to non-conforming lots. That denial indicates that there must be a better way to manage land use within the LCP buildout definition, than to allow full scale development of sub-standard lots that are not counted in that definition.

The amendment runs counter to recent findings made by the City Council (attached) to the effect that compelling reasons exist to lower the residential growth rate. Those reasons included commuter traffic, economic viability and safe infrastructure. The amendment would tend to (1) place additional stress on all three areas because it encourages development of commuter housing and (2) worsen the local jobs-housing imbalance (too few local jobs earn enough to support local residence).

We recommend that the Commission (1) restrict application of the amendment to lots of 5000 ft2 and above and (2) direct that the amendment be revised for smaller lots to conform to the City's Proportionality Rule, which Commission staff is now in the process of reviewing.

Thanks for considering this input.

Dennis Coleman
Council member

David Rosen
MAYOR

Julianne Ryan
Planning Commission

James Benjamin
Planning Commission

Wendy Hansen
Chair, Planning Commission
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Jonathan Wittwer
William P. Parkin

WITTWER & PARKIN, LLP
147 SOUTH RIVER STREET, SUITE 221
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PARALEGAL
Jana Rinaldi

RECEIVED

June 13, 2001

JUN 13 2001

California Coastal Commission
North Central Coast District
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: San Mateo County LCP Amendment No. 3-00-A

Dear Members of the Commission:

This office represents the Granada Sanitary District ("GSD"). The President of GSD submitted a letter to the Commission for its May 2001 meeting on this same subject. As that letter states, GSD is concerned that the proposed LCP Amendment as referenced above may have unintended consequences. Near the end of this letter we have proposed some language which we believe will preclude such unintended consequences.

The County's creation of a Floor Area Ratio specifically for these nonconforming parcels will increase the value of, and may even be argued to legitimize (for the first time), the numerous nonconforming lots within GSD's service area. While there may be some *legal* nonconforming parcels within the service area, and restricting home sizes on these lots is appropriate, GSD wants to ensure that the Commission does not unwittingly legitimize nonconforming lots that may not be legal. One of the reasons this concerns GSD is the District's current inability to meet the wet weather sewage flow demand placed on it. Should a large number of these parcels become legitimized by the LCP without a proper mechanism for dealing with the demand, this problem would be exacerbated.

Because GSD supports the establishment of residential standards to control home sizes (larger homes tend to create additional impacts to services that smaller homes do not), GSD desires to find a way to support the County's proposed LCP Amendment, which is an interim measure, with the promise of more restrictive and comprehensive procedures and standards to govern development of legal nonconforming parcels, and for

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determining the legal status of all nonconforming parcels.

I have reviewed the audiotape of the August 14, 1997 Hearing before the Coastal Commission regarding San Mateo County LCP Amendment 1-97C. At that Hearing, the Coastal Commission rejected only one Policy in the proposed SMC LCP Amendment 1-97C, namely Policy 1.6 which addressed "Development of Residential Substandard Parcels in the Urban Mid-Coast." The Coastal Commission Staff Report states that the proposed LCP Amendment 1-97C would have created a Use Permit procedure for new homes on substandard lots less than 5000 square feet in size and established for those substandard lots a 60% floor area ratio and limited lot coverage to 50% for a single story building and 35% for a taller residence. According to the Addendum to the Staff Report for 1-97C, on a 2500 square foot lot, this would result in a house of 1500 square feet rather than one of approximately 1000 square feet under the Certified LCP.

The Coastal Commission Staff Report Addendum informed the Coastal Commission that:

"Establishing a Use Permit process within the certified land use plan that has specific numerical standards in conflict with the applicable certified zoning standards that is the basis for the Coastal Development Permit **creates an impermissible conflict within the LCP itself.**" (emphasis added - pertinent portion of Addendum attached)

Hence the Staff Report (Addendum) recommended elimination of the County's proposed Policy 1.6. GSD inquires whether the current LCP Amendment 3-00-A is distinguishable or creates a similar "impermissible conflict."

The reasons for rejecting Policy 1.6 of SMC LCP Amendment 1-97C were explicitly discussed during the hearing on that Amendment.

Commission Staff: "We suggest that the Commission communicate with the County that this is a problem that needs to be addressed. I will take one issue - there are currently standards in the LCP, it is our interpretation that there are standards for small lots in the LCP - they are the Zoning standards, in particular what the County calls the S-Combining Zone, which says, among other things, for a 5,000 square foot lot, it specifies the sideyard, front and backyard setbacks, when you apply those setbacks which are part of the certified LCP, you get a

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house that is somewhere between 900-1000 square feet. The proposal that we have before us does not change those zoning standards, ... but creates a separate process though the Use Permit process for nonconforming lots and we think that will set up a conflict under the LCP. For example if we got a permit on appeal - we would look at the current LCP standard, which says you can have a 900 square foot house on a 2500 square foot lot. ... like our legal department informs us”

Commissioner: You’re saying your addendum takes care of this problem in Policy 1.6 as the County proposed it?

Commission Staff: It eliminates 1.6; it leaves the status quo, which is not a good situation, but has some impetus to get some solution. We’re asking the Commission to have the County get on it and do something.”

The Coastal Commission ultimately voted to eliminate Policy 1.6 and to direct its Staff to communicate with the County that San Mateo County’s nonconforming (substandard) lot issue is very important and the a solution is needed in the near future.

Because the County is again submitting a floor area ratio approach (albeit a slightly improved ratio [53%¹, rather than 60%]), GSD requests the Coastal Commission to make an appropriate finding which will assure that any approval of SMC LCP 3-00A cannot be interpreted as legitimizing lots which may not have ever been lawfully created. Therefore, GSD requests that the following language be adopted as a necessary finding by the Coastal Commission to ensure that the Commission does not unwittingly legitimize nonconforming lots that may not be legal because they are based on merely subdivision maps recorded prior to modern subdivision regulation and are still held in common ownership.

“The LCP Amendment is limited in scope to the establishment of more restrictive house size, shape, and design. It does not directly or impliedly support any claim of legality of a parcel and applies only to *legal* nonconforming lots which are otherwise developable.”

The above language is taken largely from a sentence in footnote 1 of the Commissions’ April 18, 2001 Staff Report. Another sentence in that footnote states that “[t]hese are

¹48% for lots between 2500 and 4749 square feet.

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legal lots that are currently developable." It is unclear which lots are being referred to in that sentence or whether that sentence is merely intended to communicate (consistent with the definition of "nonconforming parcels" in Section 6132 of the County Code) that the only lots affected by this LCP Amendment are those which are already legal. Nevertheless, because there are unquestionably lots in the Coastal Zone which are not legal, the need for the above-quoted proposed finding is clear.

Furthermore, consistent with footnote 1 of the April 18, 2001 Commission Staff Report, GSD asks that the Commission request the County to address "the broader issue of substandard lot buildout levels" in its LCP Update process. It has now been nearly four years since the Coastal Commission sought expeditious action by the County in this regard. For that reason, GSD requests that if the County has not submitted an LCP Amendment to address this issue by March 1, 2002, that the County thereafter require a CDP process for recognition of all nonconforming lots in the Coastal Zone.

In the interim, pending Coastal Commission approval of an LCP Amendment in this regard, efforts should be made to minimize development of nonconforming (and possibly illegal lots) so that the policy resulting from the current LCP Update is not adopted too late to be effective. The County of San Mateo has a written Merger Policy addressing merger of nonconforming lots. A copy is attached. The County requires merger of nonconforming lots to create conforming lots, prior to allowing construction on nonconforming lots. This requirement has the effect of further clarifying that adjacent parcels held in common ownership should be developed as one conforming lot. The County has not submitted its Merger Policy to the Coastal Commission for approval as part of an LCP Amendment. GSD requests that this Merger Policy be strictly applied and that an improved Merger Policy be a part of the County's future LCP Amendment addressing the nonconforming (substandard) lot issues.

GSD wants to make it clear that it reserves the right to seek further limitation on the size of homes on legal nonconforming lots. GSD prefers the approach that the City of Half Moon Bay is taking with respect to the development of these nonconforming lots. (The Commission will be considering Half Moon Bay's approach at its July meeting.) In the view of GSD, the County's LCP Amendment is an interim measure that needs further refinement through the ongoing LCP Update process.

Thank you for your consideration of these comments.

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Very truly yours,



Jonathan Wittwer
General Counsel for Granada Sanitary District

encls.

cc: Michael Murphy, Chief Deputy County Counsel
GSD Board of Directors

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ADDENDUM TO STAFF RECOMMENDATION

Staff recommends that the Commission deny both the Land Use Plan and Implementation Program components of the amendment as submitted; and then certify the amendments if modified as suggested for the reasons given in the staff report of July 29, 1997, as revised by this Addendum.

REVISED SUGGESTED MODIFICATION No. 7: Policy 1.6 as submitted shall be deleted:

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

~~Require a use permit to build or enlarge a structure on any residentially zoned parcel less than 5,000 sq. ft. within the urban Mid Coast. This requirement does not apply to structures 30 inches or less above the ground, or fences and retaining walls.~~

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

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

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

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

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

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Findings:

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

For such parcels it:

- (a) allows structures with a floor area of up to 50% of the parcel if structures are less than 16 feet above grade, or 35% if any structure is 16 feet or more,
- (b) allows structural floor area to 60% of parcel size, and
- (c) allows height up to 28 feet.

Much of the urban Mid-Coast was originally subdivided into tracts with a 2,500 sq. ft. (25' x 100') predominant lot size. Many lots have been combined into 5,000 sq. ft. building sites. However, many non-conforming, substandard parcels remain. The existing practice of the San Mateo County Planning Commission is to grant a use permit containing specific setback, lot coverage and height provisions that allow construction of an approximately 1,500 sq. ft. house on a 2,500 sq. ft. parcel (which equates to a 60% floor area requirement). These provisions, however have not been submitted to the Commission as an amendment to the LCP until now. The certified LCP instead relies on the zoning standards applicable to the area for the approval of coastal development permits. The required setbacks of these existing standards limit the approval of coastal development permits for houses on a 2500 square foot (25 by 100 foot) parcel to approximately 1000 square feet rather than 1500 sq.ft..

Conformity to the Coastal Act: Coastal Act Sections 30250 and 30251 require that new residential development be located in existing developed areas able to accommodate it, and permitted development be sited and designed to be visually compatible with the character of surrounding areas. Section 6328.4 of the County's implementation plan state that a coastal development permit shall be obtained in addition to any other permit required by law. Section 6328.13 of the County's implementation plan establishes that the coastal development permit process takes precedence over other provisions of the County's implementing ordinances (including the Use Permit requirements) when there is a conflict. Section 6328.13 states:

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

In the coastal zone, certain proposed projects require a use permit but not a coastal development permit. For example, certain development in specifically defined areas that has been categorically excluded would not require a coastal development permit but would require a use permit. In these instances, use permit requirements exist independently of coastal development permit requirements. Moreover, where a coastal development permit would be required, Sections 6328.4 and 6328.13 of the implementation plan assure that within the coastal zone, use permit requirements do not replace or substitute for coastal development permit requirements.

However, in this case, use permit standards which are inconsistent with coastal development permit requirements are being proposed for development on non-conforming lots which will always require a coastal development permit. There is thus no reason for conflicting use permit standards to independently exist. Within the area that would be governed by Policy 1.6, Categorical Exclusion E-81-1 explicitly provides that parcels which do not meet the zoning ordinance standards (i.e. substandard sized parcels) do not qualify for a Categorical Exclusion. Therefore, a non-conforming lot will always require a coastal permit. Establishing a use permit process within the certified land use plan that has specific numerical standards in conflict with the applicable certified zoning standards that is the basis for the coastal development permit creates an impermissible conflict within the certified LCP itself. Moreover, because the County proposes these inconsistent standards within the certified UP, the County could subsequently argue that the less restrictive LUP standards supplant the more restrictive coastal development permit standards contained within the zoning ordinance. Therefore Policy 1.6 as proposed must be denied.

Policy 1.6 as proposed would be implemented by proposed amendments to Section 6133, subsection 3 and 6503 of the zoning ordinance. Revised Suggested Modification 6 and Suggested Modification 18 modify the proposed amendments to these sections to delete proposed Policy 1.6 and restore the present text of sections 6133 and 6503 of the LCP.

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COUNTY OF SAN MATEO
PLANNING AND BUILDING DIVISION

Inter-Office Memorandum

Date: April 23, 1998

To: Planning Staff

From: Paul M. Koenig, Planning Director *PMK*

Subject: Board of Supervisors' Policy to Merge Substandard Lots at Time of Development

On March 24, 1998, the Board of Supervisors authorized staff to merge substandard lots located in R-1/ S-17 zoning district, in accordance with Subdivision Regulations Chapter 9, when such lots are less than 3,500 sq. ft. in area, and in common ownership with contiguous property, providing that the merger is initiated only at that time when an application has been received to construct, enlarge or demolish a house on the applicable properties.

This policy, effective thirty days after Board authorization, or April 23, 1998, establishes the operational procedures and parameters for the required lot merger process, as described below:

Definitions

For the purposes of this policy, the following definitions shall apply:

1. Lot A distinct unit of land created by an approved final subdivision map.
2. Parcel A unit of land that is separately numbered and taxed by the County Assessor.
3. Substandard Lot or Parcel Any lot or parcel that is less than 3,500 sq. ft. in area.

Criteria for Merger

The merger process required by this policy shall be applicable to proposed development in the R-1/ S-17 zoning district in the situations described below:

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1. A new single family dwelling that is proposed to be located either: (a) on a substandard lot or parcel that is contiguous and in common ownership with at least one other property, or (b) on property that is contiguous and in common ownership with adjoining properties that include at least one substandard lot or parcel.
2. An existing single-family dwelling that is proposed to be either enlarged, demolished, or converted to a permitted use, and such existing dwelling is located either: (a) on a substandard lot or parcel that is contiguous and in common ownership with an undeveloped property, or (b) on property that is contiguous and in common ownership with adjoining properties that include either (i) at least one undeveloped substandard lot or parcel or, (ii) a developed substandard lot or parcel next to an undeveloped property.

The illustrations on the following pages, and combinations thereof, identify typical property configurations subject to merger.

Timing and Fees

The merger process required by this policy shall be initiated only after a completed and signed application form for the Coastal Development Permit or Coastal Development Permit Exemption required for the applicable proposed development has been submitted to the County Planning and Building Division.

No fees shall be collected for the merger action required by this policy.

Parcel Size and Configuration After Merger

Substandard lots or parcels affected by this policy shall be merged into parcels that conform with the minimum parcel area requirements of the R-1/ S-17 zoning district, i.e., into parcels that are at least 5,000 sq. ft. in area where existing dwellings continue to conform with the required zoning development standards, including setbacks and parcel coverage.

In some instances, the substandard lots or parcels being merged in accordance with this policy would result in a parcel that is 10,000 sq. ft. or larger in area, and the size and dimensions of the underlying lots or parcels being merged preclude combination into two 5,000 sq. ft. or larger parcels. Should this situation exist, the affected property owner may apply for a Lot Line Adjustment, in lieu of required merger, to reconfigure the applicable properties such that resultant parcels are at least 5,000 sq. ft. in area. No fees shall be collected for a Lot Line Adjustment in lieu of the required merger.

The illustrations on the following pages, and combinations thereof, identify typical property configurations after merger.

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Merger Process

The merger process required by this policy shall conform to the requirements of San Mateo County Subdivision Regulations-Chapter 9: Sections 7116-7123, attached and as summarized below:

1. Recording A Notice of Intention to Determine Status

Once the County determines that the provisions of this policy requires a merger action, a "Notice of Intention to Determine Status" is prepared, recorded, and simultaneously mailed to the affected property owner. This informs the property owner that the County has identified his or her property for possible merger. Property ownership status is determined as of the date that the "Notice of Intention to Determine Status" is recorded.

a. Voluntary Merger

Once the County records a "Notice of Intention to Determine Status," staff may suggest to the development proposal applicant that he or she submit a written request for voluntary merger, in accordance with Subdivision Regulations Section 7123. Voluntary merger would involve less processing steps than the County initiated merger process described below.

b. County Initiated Merger

Should the applicant not wish to request voluntary merger, a County initiated merger process would commence, in accordance with Subdivision Regulations Section 7119. This would involve the following steps:

(1) Hearing to Determine Status

The property owner may then request a hearing before the Planning Director. At the hearing, the property owner may present evidence to show that the property does not meet the criteria for merger.

(2) Merger Determination

At the conclusion of the hearing, the Planning Director decides if the property meets the criteria for merger. If so, a "Notice of Merger" is recorded. If not, a release of the "Notice of Intention to Determine Status" is recorded.

(3) Appeals

The property owner may appeal the Planning Director's decision to the Planning Commission, with further appeal possible to the Board of Supervisors.

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Should the development proposal applicant withdraw his or her application for a Coastal Development Permit or Coastal Development Permit Exemption after the "Notice of Intention to Determine Status" is recorded, the merger process shall proceed as described above.

Minimize Techniques to Avoid Merger

Although owners who wish to avoid merger can segregate properties into separate ownership before the process is initiated, parcel merger still is an effective tool to reduce the number of substandard lots. To preserve its effectiveness, it shall be Planning and Building Division policy to deny or recommend denial of any Lot Line Adjustment request that has the effect of undermining or averting the merger requirements contained herein.

For example, staff shall deny or recommend denial of a Lot Line Adjustment request to reconfigure three undeveloped 2,500 sq. ft. lots into two 3,750 sq. ft. parcels, since the County will require merging these lots into one 7,500 sq. ft. parcel when subsequent development is proposed.

Grandfathering Provision

The provisions of this policy do not apply to proposed development for which a Coastal Development Permit or Coastal Development Permit Exemption application required for such development has been submitted to the County and determined to be complete before April 23, 1998, the effective date of this policy.

PMK/GDB:cdn - GDBI0731.6CO

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COASTAL COMMISSION
CENTRAL DISTRICT OFFICE

>>>Dear Mr Kern:

>>

>>>As a resident of Half Moon Bay, but also living in the Miramar area, I
>>>consider it my duty to pass on to you some background information
>>you may not be totally aware of as you prepare yourself for review of a
>>proposed LCP amendment which was designed to prevent "monster homes" but
>>instead allows construction of homes on substandard lots. Such an action
>>would be contrary to the LCP's buildout numbers and cause
>>severe infrastructure problems that would significantly impact the quality
>>of living in the mid coast area and negatively impact the ability of the
>>coast to be visitor serving. Individual appeals of CDP's are being
>>conducted by citizens of the coastside, in an attempt to stem
>>>excessive buildout. The proposed LCP amend would override the concerns
>>>previously expressed, and be contrary to the intent of the Coastal Act
>>>itself.

>>

>>>Please review the attached and consider its contents when reviewing any
>>>actions by County planning and the Board of Supervisors on LCP amendments
>>>and Appeals of CDP permits for substandard lots(Ref. PLN
>>>1999-008908).

>>

>>>Sincerely,
>>>A.M.(Steve)Marzano
>>>100 Mirada rd
>>>Half Moon Bay, CA 94019

>>

>>>Attachment:

>>Material From Staff Report: Per Jack Liebster Staff Analyst (retired)
>>Report for A-1-SMC-99-014 (25' lot located at 910 Ventura, El Granada)
>>(Applicants: Judy Taylor and Linda Banks) (Appellants: Barbara K. Mauz,
>>Garrett Crispell and Morris Gaede of El Granada) (Pages 12,13 &14):

>>

>>>"In support of their contentions (concerns regarding 25' lots), the
>>>appellants submitted a "Capacity Report" compiling data from studies done
>>>about development in the area. This report summarizes concerns about
>>>substandard lots as follows:

>>

>>>>There has been no definitive planning around the issue of how to manage
>>>and use and impacts for thousands of vacant, substandard lots uncounted
>>>for in the LCP buildout total (19,000 sewer connections worth of
>>>buildings), but the number of lots is unknown.

>>

>>>>The magnitude of this uncertainty can be seen by comparing the number
>>>of substandard lots (5,000) manually counted for the Montara Sanitary

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>>>district (Montara and Moss Beach) [Ref 15:8/97 MSD Ltr.] with the number
>>>of lots(2,000) the County gets from statistical sampling of the entire
>>>Midcoast.[Ref 16:3/98 County Staff Rpt.]...

>>

>>>>Letting market forces and court cases alone determine what happens on
>>>such a large, unknown number of substandard lots, introduces so much
>>>uncertainty into what the LCPs can accomplish, that the basic LCP
>>>assumptions may no longer be applicable.

>>

>>>>These are serious concerns. The consequences of higher buildout totals
>>>and overloading infrastructure capacities could include: (1) increased
>>>levels of congestion on Highways 1 and 92, with consequent adverse
>>>impacts on opportunities for recreational access to the coast, (2)
>>>increased demands for already strained water supplies, and the heightened
>>>problems associated with overdraft of the groundwater basins, including
>>>reduced water flows for streams and wetland areas, and (3) exceeded water
>>>treatment capacities, with consequent hazards of renewed pollutant
>>>discharges to the ocean.

>>

>>>>***The Commission itself has already expressed concern that extensive
>>>development of substandard lots could exceed development levels
>>>anticipated in the LCP. As one part of the LCP Amendment 1-97-C (failed
>>>Coastal Protection Initiative), the County submitted amendments to the
>>>certified zoning non-conformities use permit section of the LCP that were
>>>intended to address the substandard lot question. The amendments more or
>>>less incorporated the lot coverage and floor-area-ratio (FAR) provisions
>>>of the "San Mateo County Policy: Use Permits for Construction on
>>>Non-conforming (25-foot-wide) Residential Parcels" (Exhibit 17). This
>>>Policy was adopted in March, 1992, but was never submitted for
>>>certification as part of the LCP. In the hearings on Amendment 1-97-C,
>>>numerous community members raised concerns that the standards in the
>>>existing Policy and the proposed amendment permitted houses too large for
>>>such small lots, causing undesirable impacts to community character.
>>>Moreover, there was concern that making such small lots more marketable
>>>would increase the incentive to develop them as individual building
>>>sites, rather than to combine them into building sites that meet zoning
>>>standards. This in turn would result in an unanticipated level of
>>>buildout of small lots, with the potential impacts discussed above.***

>>

>>>>***For these reasons, the Commission's action on LCP Amendment 1-97-C
>>>rejected the approach offered by the County to resolve the substandard
>>>lot problem. the Commission recognized that simply rejecting the County's
>>>proposed amendment would not solve the problem, and directed staff to
>>>encourage the County to determine the exact magnitude of the problem, and
>>>develop an effective means to deal with it

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>>>> The county subsequently reviewed its previous estimates of the total
 >>>> number of substandard lots on the Coastsides. Based in part on this
 >>>> information, the County Board approved a new policy for review of
 >>>> substandard lots that provides for the merger of contiguous, commonly
 >>>> owned substandard lots in the R-1/S-17 (El Granada) zoning district when
 >>>> a house on such lots is constructed, enlarged, or demolished.

>

>>>> In addition, the policy provides that if the median parcel size for newly
 >>>> developed parcels in the R-1/S-17 zoning drops below 5,000 sq. ft. for two
 >>>> consecutive years, the County would reconsider establishing a
 >>>> comprehensive merger program.

>>

>>>> It should be noted that this policy has not been submitted to the
 >>>> Commission for incorporation into the LCP. The County did not choose to
 >>>> resubmit revised design standards for homes on substandard lots, but did
 >>>> offer County planning staff assistance to the Mid-Coast Community Council
 >>>> if it demonstrated broad community support for such more restrictive
 >>>> standards. (Ed. Note: What is needed is for the County to adopt Half Moon
 >>>> Bay's Proportionality Rule which was adopted by the Half Moon Bay City
 >>>> Council and is due to be at the Coastal Commission to be certified in
 >>>> their LCP by approx. June per HMB Planning Commission Chair.)

>>

>>>> There has been much subsequent public debate about the adequacy of the
 >>>> approach the County has taken. The Midcoast Community Council (Elected
 >>>> individuals advisory to the Board of Supervisors) has actively raised the
 >>>> issue of potential problems associated with buildout of substandard lots;
 >>>> their letter is included as Exhibit 19. Another local public agency, the
 >>>> Granada Sanitary district has been so concerned with the potential impact
 >>>> on its facilities of buildout of substandard lots that it has
 >>>> commissioned a study in part to specifically count the substandard lots
 >>>> in its jurisdiction.

>>

>>>> Indeed, some of the facts related to this appeal raise serious concerns
 >>>> over the efficacy of the County's approach to substandard lots. As
 >>>> discussed further in section 2c, page 26 below, the subject parcel was
 >>>> recently one of three "contiguous, commonly owned substandard lots" held
 >>>> by Richard Shimek and Shannon Marquard. The 8,000 sq. ft. total area of
 >>>> the three lots, if merged, would have met the minimum 5,000 sq. ft. parcel
 >>>> size required by the zoning district. However, in the period leading up
 >>>> to the submittal of the subject development proposal to the County, two
 >>>> of the three lots were sold to different neighbors, leaving the remaining
 >>>> 3,000 sq. ft. lot to be sold to yet another purchaser, the present
 >>>> applicant (Linda Banks/Judy Taylor).

>>

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>>>> >That three contiguous lots in a single, common ownership could be sold
 >>>> off in a manner that necessitated developing a substandard building site
 >>>> rather than merged into a parcel meeting minimum lot requirements, poses
 >>>> real questions about the workability of the County's approach.

>>

>>>> >Commission staff had expressed concern to County staff during the
 >>>> formulation of its substandard lot consolidation policy that precisely
 >>>> this kind of transfer of title could be used as a loophole to avoid the
 >>>> consolidation requirements. Staff further cautioned that it would be very
 >>>> difficult to tell if such transfers were happening on a large scale,
 >>>> because such sales or transfers do not require any permit. Moreover, once
 >>>> done, the "creation" of substandard lots by this means is very difficult,
 >>>> if not impossible, to reverse. If the breakup of the original property
 >>>> involved in this project is a harbinger of what may come, and indeed what
 >>>> may already be happening, on the MidCoast, a substantial number of
 >>>> substandard lots may soon be on their way to becoming building sites.

>>

>>>> >Given this scenario, the concerns of the appellants and others over a
 >>>> potential substantial future increase in the development of substandard
 >>>> lots may well warrant development of an LCP amendment by the County. (To
 >>>> specifically deal with the threat of non-conforming lots not, included in
 >>>> the LCP buildout numbers.-- NOT DONE)

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Fax

Date: Monday, April 30, 2001

Time: 10:57:52 AM

To: Nancy Cave, Enforcement, CA Coastal C	From: A.M.(Steve) Marzano
Fax: 1-415-904-5400	Fax: 650-712-9360
	Phone:

Regarding: Destruction of Miramar wetlands

Please consider this a request for you to investigate destruction of wetlands in Miramar by the continued approval of residential construction by San Mateo County Planning.

A Miramar resident had discussions with a County Inspector of Public Works who was inspecting the area last week. He advised that water was located 4 feet below the surface of the whole area, and that it was all marshland. I believe this is another way of stating an area as a wetlands. He also advised that an extension of Coronado was planned and very special construction methods would have to be utilized in order to have a stabilized roadbed. This again because of the marshy nature of the area.

The Coastal Commission has directed the setting back of any construction from the wetlands contained in the proposed Pacific Ridge subdivision in Half Moon Bay. So too it should attack the issuing of CDP's for construction in the Miramar wetlands.

Your inspection and report on this situation to the Commission would be sincerely appreciated. We need to stem the activities not in concert with the Coastal Act and Federal laws.

Sincerely yours,

A.M.(Steve) Marzano

100 Mirada Rd, Miramar area

Half Moon Bay, CA 94019

CC: Laura Stein, Ric Lohman-Mid Coast Advisory Council

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APPLICATION NO.
SINC-MAJ-3-00(A)
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Fax

Date: **Sunday, April 01, 2001**
Time: **6:40:26 PM**

CALIFORNIA
COASTAL COMMISSION

To: **Chris Kern, Coastal Cpmmission**
Fax: **1-415-904-5400**

From: **A.M.(Steve) Marzano**
Fax: **650-712-9360**
Phone:

Regarding: **Mid Coast Proposed Amendment and Substandard Lots**

Dear Mr Kern:

As a resident of Half Moon Bay, but also living in the Miramar area, I consider it my duty to pass on to you some background information you may not be totally aware of as you prepare yourself for review of a proposed LCP amendment which was designed to prevent "monster homes" but instead allows construction of homes on substandard lots. Such an action would be contrary to the LCP's buildout numbers and cause severe infrastructure problems that would significantly impact the quality of living in the mid coast area and negatively impact the ability of the coast to be visitor serving. Individual appeals of CDP's are being conducted by citizens of the coastside, in an attempt to stem excessive buildout. The proposed LCP amend would override the concerns previously expressed, and be contrary to the intent of the Coastal Act itself.

Please review the attached and consider its contents when reviewing any actions by County planning and the Board of Supervisors on LCP amendments and Appeals of CDP permits for substandard lots (Ref PLN 1999-008908).

Sincerely,
A.M.(Steve) Marzano
100 Mirada rd
Half Moon Bay, CA 94019

Attachment:

>Material From Staff Report: Per Jack Liebster Staff Analyst (retired) Report for A-1-SMC-99-014 (25' lot located at 910 Ventura, El Granada) (Applicants: Judy Taylor and Linda Banks) (Appellants: Barbara K. Mauz, Garrett Crispell and Morris Gaede of >El Granada) (Pages 12, 13 & 14):

>"In support of their contentions (concerns regarding 25' lots), the >appellants submitted a "Capacity Report" compiling data from studies done >about development in the area. This report summarizes concerns about >substandard lots as follows:

>There has been no definitive planning around the issue of how to manage >land use and impacts for thousands of vacant, substandard lots uncouneted >for in the LCP buildout total (19000 sewer connections worth of buildings), >but the number of lots is unknown.

>The magnitude of this uncertainty can be seen by comparing the number of >substandard lots (5000) manually counted for the Montara Sanitary district >(Montara and Moss Beach) [Ref. 15:8/97 MSD Ltr.] with the number of lots >(2000) the County gets from statistical sampling of the entire Midcoast. >[Ref 16:3/98 County Staff Rpt.]...

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California Coastal Commission
 C/o North Coast Central Office
 45 Fremont Street, Suite 2000
 San Francisco, CA 94016-2219

May 2, 2001

RE: Comments on Item Th7a, SMC LCP Amendment NO-3-00-A for Thursday, May 10, 2001, meeting in Monterey

Although this proposal is a major improvement in Development standards for the Unincorporated San Mateo County Coastside, there is a glaring omission which threatens the entire structure of this proposal.

The issue of sub-standard or non-conforming lots is simply not addressed in sufficient fashion to protect the Coastside from considerable over-development and growth beyond the projected build-out numbers. San Mateo County has a documented history of approvals for development on non-conforming lots which ignores the legal zonings on the Coastside. This record includes

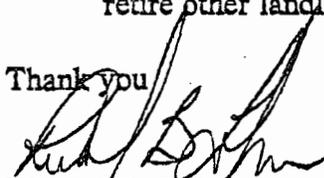
1. allowing a minor subdivision of a 10,000 sq.ft. parcel into two 5,000 sq. ft. parcels in Miramar's 10,000 sq. ft. zoning area (CDP97-0048).
2. Routine approval of non-conforming lots in every zoning area on the coast.
3. Routine approval of development on sub-standard lots (<2500 sq ft) including variances for side set-backs.
4. Approval of projects where lots have been sold off from conforming parcels to create non-conforming parcels.

The county is taking no action to look at the lots contiguous to the ones they are evaluating for development. The current project may create other landlocked parcels or ensure that the remaining development in the tract must also be on non-conforming parcels. This is creating buildout numbers far beyond those planned in the LCP and far beyond the carrying capacity of our infra structure.

Findings for the Proposed Amendment must include

1. a proportionality rule to ensure cottages go on cottage size lots.
2. a requirement that lots be merged to create conforming parcels or none of the owners will receive development approvals.
3. if no contiguous lots are available to create conforming lots, the developer must retire other landlocked parcels.

Thank you


 Richard B. Lohman

420 First Avenue
 Half Moon Bay (Miramar), CA 94019

Member
 Midcoast Community Council

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Jack & Leslie McCarthy
65 Patrick Way
Half Moon Bay, CA 94019
Tel: 650-712-9079

May 7, 2001

Chris Kern
California Coastal Commission
45 Fremont
Suite 2000
San Francisco, CA 94105

Dear Mr. Kern:

We are writing to express our interest in Item Th7a (LCP Amendment No. 3-00-A), which is to be taken before the Coastal Commissioners this week. It is our hope that you will see to it that this amendment is applied only to lots of conforming size and above.

This issue stands to affect the entire coastside community, which is already besieged with environmental, quality-of-life and safety concerns. We appreciate the Coastal Commission's pivotal role and continue to look to you for support in protecting the state's ever-rarer open coastline and wetlands from rampant development.

Many thanks for your help.

Regards,

Jack & Leslie McCarthy
Jack and Leslie McCarthy

cc: Susan Craig, Staff Report

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APPLICATION NO.
SMC-MAJ-3-00(A)
pg 1 of 1 California Coastal Commission

LOTTAINE
FEATHER

plume tunes

FAX TO: The California Coastal Commission
45 Fremont St.
San Francisco, CA 94105-2219

6/16/01

To the Members of the Commission:

We were just made aware of San Mateo County LCP Amendment
No. 3-00-A, and are writing to express our opinion about it.

It is of the utmost importance that this amendment not include any
substandard/nonconforming lots. Since we moved here, one
inappropriate project after another has circumvented the letter and
intent of the LCP and 3-00-A would make the situation even worse if
these lots are included.

It's not only that the character of El Granada, where we live, will
become irrevocably ruined if every tiny lot is filled with a house that
does not conform to the proper setbacks. These lots are not included in
the buildout numbers. I challenge any of the developers who are
waging a war of attrition in our neighborhoods by trying to find every
loophole in the LCP and push this construction through, to try and get
over the hill at rush hour. Then let them imagine what it would be like
in an emergency with another few thousand people thrown into the
mix.

Very truly yours,
Lorraine Feather

Tony Morales and
Lorraine Feather
El Granada

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JUN 16 2001

CALIFORNIA
COASTAL COMMISSION
RECEIVED

JUN 26 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

1019 Columbus Street po box 2794

El Granada, CA

e-mail: plume@gcc.net

PH: 650.712.1972

pager: 800.590.7370

Exhibit 9

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**FINAL SCOPE OF STUDY
MIDCOAST LCP UPDATE PROJECT - PHASE ONE**

1. Recalculate LCP residential buildout based on existing LCP policy. Include single family units, multiple family units, second dwelling units, and caretakers quarters.
2. Determine the number of non-conforming parcels in the project area based on a reliable count rather than a sampling method.
3. Recalculate the transportation and infrastructure capacity (roadway, water, sewer, schools, etc.) necessary to serve existing buildout using the most current demand data.
4. Reevaluate whether the annual residential growth rate limit (125 dwelling units/ year) should be lowered, and develop alternatives as necessary. Clarify that the limit applies to number of dwelling units, rather than number of building permits.
5. Evaluate the adequacy of existing controls on non-conforming parcel development. Prepare and assess alternatives, to the extent allowed by law. Consider the following options: (a) merge non-conforming parcels, (b) prohibit exemptions to development standards, (c) establish disincentives for development on non-conforming parcels, and (d) allow development of non-conforming parcels only as a last resort.
6. Revise design review criteria to complement the new house size limits, perpetuate the coastal and nautical character of non-residential areas, and promote the preferred scale and character of the community. Consider the following options: (a) required landscaping, (b) improved sign design, (c) required underground utilities, and (d) light and noise standards.
7. Develop traffic mitigation requirements for new development that are derived from the C/CAG Congestion Management Program - Land Use Component Implementation Guidelines.
8. Evaluate the opportunities for, and the impacts from, increasing/expanding commercial and office development in the project area. Emphasize sites at Princeton and beside Half Moon

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Bay Airport. Consider (a) traffic and coastal dependent use (e.g. fishing and boating) impacts, (b) wetlands constraints, (c) options within the Airport Overlay (AO) zone, (d) opportunities to re-designate an expanse of vacant residential land for office development, and (e) implication of the Half Moon Bay Airport Master Plan.

9. Evaluate: (a) whether permitted residential units for the C-1 and CCR zoning districts should be limited to mixed use development, (b) whether permitted residential units for the W zoning district should be limited to caretaker quarters (20%), or expanded to allow mixed use development and caretaker quarters (>20%), and (c) whether residential units should be prohibited by the COSC zoning district. Consider each Midcoast community separately.
10. Evaluate: (a) methods to increase the protection of land designated Open Space (RM/CZ) and Agriculture (PAD) located in the urban Midcoast, (b) the appropriateness of the existing LCP and zoning controls for land designated Very Low Density Residential (RM/CZ) located outside the urban Midcoast, i.e the Rural Residential/Portola Estates area, and (c) whether properties designated Park should be designated Open Space.
11. Evaluate opportunities to: (a) re-designate the CalTrans Devils Slide bypass right-of-way to a very low intensity use, e.g. park, trail, open space or resource preserve, watershed recharge area, etc., (b) add remaining segments to the Coastal Trail, and (c) establish a parallel trail within the Highway 1 right-of-way.
12. Revise LCP Sensitive Habitats maps to: (a) correct identified omissions, (b) incorporate information attained from site specific biological reports, (c) reflect changes in endangered species listings, and (d) reconcile with other adopted maps. Also, resolve conflicts in the definition of wetland, and clarify who enforces wetland violations.
13. Resolve LCP policy conflicts and clarify ambiguous provisions. Where conflicts and ambiguities occur, retain the most restrictive or protective policy/provision. Where possible, develop objective, rather than subjective zoning standards.
14. Identify the Midcoast related responsibilities assigned to the County by the LCP, Montara, Moss Beach, El Granada Community Plan, and other applicable documents, e.g. Coastal Commission groundwater monitoring requirements. Determine the status of,

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and evaluate the County's effectiveness in, meeting those responsibilities.

- 15. Consider adopting Coastal Act Sections 30210-30264 as LCP policy.
- 16. Prepare a strategy for acceptance of any outstanding offers to dedicate shoreline access.
- 17. Update LCP policies to control nonpoint source surface runoff.

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CHAPTER 4. ZONING NONCONFORMITIES

SECTIONS:

- 6130. PURPOSE
- 6131. APPLICATION
- 6132. DEFINITIONS
- 6133. NON-CONFORMING PARCELS
- 6134. NON-CONFORMING USES
- 6135. NON-CONFORMING STRUCTURES
- 6136. NON-CONFORMING SITUATIONS

SECTION 6130. PURPOSE. The purpose of this Chapter is to regulate zoning nonconformities, which are defined as any legal parcel, use, building, structure or other situation that does not conform with the current zoning regulations. The general intent of this Chapter is to (1) allow residential zoning nonconformities to continue, and (2) phase out non-residential zoning nonconformities. This approach implements General Plan policy to maintain and preserve the existing housing stock and existing residential areas.

SECTION 6131. APPLICATION.

1. The provisions of this Chapter shall apply to all zoning nonconformities.
2. When multiple zoning nonconformities occur, all provisions related to each nonconformity shall apply.
3. Where provisions of this Chapter conflict with each other, the most limiting provision shall take precedence.

SECTION 6132. DEFINITIONS.

1. **Abandoned.** The voluntary termination of a land use or use of a building or structure for a period of at least 18 months. The inability to operate through no fault or intent of the owner, e.g., unsuccessful attempts to sell/lease property or litigation constraints, shall not be considered voluntary termination or constitute abandonment.
2. **Demolished.** The state of a structure after it has been voluntarily torn down, razed or otherwise completely eliminated. Demolition of a building or structure that has been destroyed shall not be considered "demolished."
3. **Destroyed.** The state when reconstruction, repair or replacement of a building or structure, required because of an act of nature or other event unintended by the property owner, e.g., fire or earthquake, amounts to 50% or more of its value, as

determined by the most current Building Valuation Data published by the International Conference of Building Officials.

4. Enlarged. The state of a land use or structure after it has been expanded to cover more land area, consume more air space, or increase its intensity on the site.
5. Improved Parcel. Any parcel developed with a building or structure to serve the principal use of the parcel, e.g., a parcel in a residential district developed with a dwelling.
6. Legal Building or Structure. A building or structure either (1) constructed in accordance with a building permit issued by the County, (2) constructed prior to the date that the County began issuing building permits, or (3) legalized through an official County action.
7. Legal Land Use. A land use either (1) established in accordance with the applicable County zoning requirements at the time the use was established, (2) established prior to the date of the County's zoning authority, or (3) legalized through an official County action.
8. Legal Parcel. A parcel created by (1) a subdivision approved by the County, (2) a land division which was exempt from subdivision regulations, (3) a land division predating the County's authority over subdivision, July 20, 1945, provided the parcel in question has subsequently remained intact, (4) recording of a Certificate of Compliance or a Conditional Certificate of Compliance, or (5) other means but subsequently developed with a building or structure to serve the principal use of the parcel, for which a valid building permit was issued.
9. Major Repair, Remodel or Upgrade. Any combination of activities intended to repair, rehabilitate, upgrade or otherwise extend the usable life of an existing structure that amounts to 50% or more of the structure's value, as determined by the most current Building Valuation Data published by the International Conference of Building Officials.
10. Minor Repair, Remodel or Upgrade. Any combination of activities intended to repair, rehabilitate, upgrade or otherwise extend the usable life of an existing structure that does not exceed 50% of the structure's value, as determined by the most current Building Valuation Data published by the International Conference of Building Officials.
11. Non-Conforming Parcel. Any legal parcel with an area, width and/or frontage that does not conform with the minimum building site area, width or frontage required by the zoning regulations currently in effect, i.e., a substandard parcel.

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12. Non-Conforming Structure. Any legal building or structure that does not conform with the development standards required by the zoning regulations currently in effect including, but not limited to, density (number of dwelling units per parcel area), setback, height, floor area, daylight plane, and lot coverage requirements.
13. Non-Conforming Use. Any legal land use that does not conform with the uses permitted by the zoning regulations currently in effect. A non-conforming use includes the area devoted to the use, the structure(s) housing the use, and all use related activities.
14. Non-Conforming Situation. Any zoning nonconformity that is not a non-conforming parcel, non-conforming use or non-conforming structure. Examples include non-conforming parking, landscaping, or signs.
15. Principal Use. The primary or predominant use of any parcel.
16. Residential Use. One-family dwellings, two-family dwellings, multiple-family dwellings, second dwelling units, and residential accessory uses, buildings or structures.
17. Unimproved Parcel. Any parcel that is not developed with a building or structure to serve the principal use of the parcel, e.g., a parcel in a residential district not developed with a dwelling unit.
18. Zoning Nonconformity. Any legal parcel, use, building, structure, or other situation that does not conform with the zoning regulations currently in effect.
19. Zoning or Building Code Regulations Currently in Effect. Those regulations in effect at the time when final approval is given to an entitlement under this Chapter. Final approval does not occur until all administrative appeals are exhausted.

SECTION 6133. NON-CONFORMING PARCELS.

1. Continuation of Non-Conforming Parcels. A non-conforming parcel may continue as a separate legal parcel, subject to the merger provisions of the County Subdivision Regulations, and compliance with all other provisions of this Chapter.
2. Enlargement of Non-Conforming Parcels. A non-conforming parcel may be enlarged through the addition of contiguous land by lot line adjustment, lot consolidation, merger, or resubdivision, provided that the enlargement does not create nonconformities on adjoining property.

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3. Development of Non-Conforming Parcels

a. Development Not Requiring Use Permit

- (1) Unimproved Non-Conforming Parcel. Development of an unimproved non-conforming parcel may occur without the issuance of a use permit when any of the following circumstances ((a), (b), (c), or (d) below) exist:

<u>Required Minimum Parcel Size</u>	<u>Actual Non-Conforming Parcel Size</u>
(a) 5,000 sq. ft. (area)	≥3,500 sq. ft. (area)
(b) 50 ft. (width)	≥35 ft. (width)
(c) >5,000 sq. ft. (area)	≥5,000 sq. ft. (area)
(d) ≥50 ft. (width)	≥50 ft. (width)

Proposed development on the unimproved non-conforming parcel shall conform with the zoning and building code regulations currently in effect.

- (2) Improved Non-Conforming Parcel. Development of an improved non-conforming parcel may occur without requiring the issuance of a use permit provided that the proposed development conforms with the zoning and building code regulations currently in effect.

b. Development Requiring a Use Permit

(1) Unimproved Non-Conforming Parcel

- (a) Development of an unimproved non-conforming parcel shall require the issuance of a use permit when any of the following circumstances ((a), (b), (c), or (d)) exist:

<u>Required Minimum Parcel Size</u>	<u>Actual Non-Conforming Parcel Size</u>
(a) 5,000 sq. ft. (area)	<3,500 sq. ft. (area)
(b) 50 ft. (width)	<35 ft. (width)
(c) >5,000 sq. ft. (area)	<5,000 sq. ft. (area)
(d) ≥50 ft. (width)	<50 ft. (width)

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3. Abandonment of Non-Conforming Situations. If a non-conforming situation is abandoned, it may be reestablished provided all other provisions in this Chapter are met.
4. Enlargement of Non-Conforming Situations. A non-conforming situation may be enlarged provided that the enlargement conforms with the zoning regulations currently in effect, e.g., parking and sign regulations.
5. Major Repair, Remodel or Upgrade of Non-Conforming Situations. Major repairs, remodel or upgrade of a non-conforming situation is permitted, providing that the resultant situation conforms with the zoning and building code regulations currently in effect.
6. Destruction, Demolition and Removal of Non-Conforming Situations. If a non-conforming situation is destroyed, demolished or removed from the site, it shall only be replaced by a situation that conforms with the zoning and building code regulations currently in effect.

SECTION 6137. EXCEPTIONS.

1. The Planning Commission, at a public hearing, may grant a use permit to except any provision in this Chapter which restricts the continuation, enlargement, re-establishment or replacement of a non-conforming use, structure or situation. The use permit shall be processed in accordance with the procedures and requirements of Section 6503.
2. The Planning Director may grant an administrative exception to any provision of this Chapter when it conflicts with another government mandated requirement.

(Section 6142 - Added by Ordinance No. 2549 - December 5, 1978)
 (Section 6136.5 - Added by Ordinance No. 2813 - December 7, 1982)
 (Sections 6137 and 6138 - Amended by Ordinance No. 3002 - July 3, 1984)
 (Section 6137 - Amended by Ordinance No. 3299 - March 12, 1991)
 (Section 6138.1 - Added by Ordinance No. 3322 - April 29, 1991)
 (Chapter 4 - Repealed by Ordinance No. 3592 - September 20, 1994)
 (Chapter 4 - Added by Ordinance No. 3593 - September 20, 1994 - Non-Coastal Areas)
 (Chapter 4 - Enacted by Ordinance No. 3672 - September 12, 1995 - Countywide)

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 (7/12/99)

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(d) Drainage of Premises

The finished excavation shall, in all cases, be graded in such a manner as to prevent the accumulation of storm waters or natural seepage.

(e) Maintenance and Operation

1. The premises of the topsoil site shall be maintained at all times in a neat and orderly manner.
2. The operation of the topsoil site shall be conducted in such a manner as to obviate excessive dust and noise. The operator shall maintain haulage roads in a dust-free condition providing such surfacing or other treatment deemed necessary by the Planning Commission.

SECTION 6503. PROCEDURE. Applications for any use permit permissible under the provisions of this Chapter, except as otherwise provided for quarry and topsoil sites, shall be made in writing to the Planning Commission on forms provided by said Commission. Applications shall be signed and verified by the owner of the land involved or by his authorized agent and shall be accompanied by a plan of the proposed development. If application is made by a person other than the owner, written authorization to act on behalf of the owner shall be submitted with such application. Applications may also be made on behalf of one who is or will be plaintiff in an action in eminent domain to acquire the premises involved.

Upon receipt of any such application, the Planning Commission may hold a public hearing or public hearings thereon, if it deems such hearings necessary. If a hearing or hearings are held, notice shall be given by:

- (a) One (1) publication in a newspaper of general circulation in the county, within ten (10) days next preceding the date of said hearing; and
- (b) Posting notices in the same manner as set forth in Chapter 27 for a proposed amendment; or
- (c) Mailing a postal card notice not less than ten (10) days prior to the date of the hearing to the owners of property, as shown on the last equalized assessment roll, within three hundred (300) feet of the exterior limits of the property or properties which is the subject of the application for the use permit.

At such hearings the applicant may present testimony and other evidence in support of his application, and other interested persons may be heard and/or present evidence on the matter.

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In order to grant the use permit as applied for or conditioned, the findings of the Planning Commission must include that the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

In order to grant a use permit for development of a non-conforming parcel (as defined in Section 6132.10), the following findings must also be made:

- (a) The proposed development is proportioned to the size of the parcel on which it is being built,
- (b) All opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven to be infeasible,
- (c) The proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible, and
- (d) Use permit approval does not constitute a granting of special privileges.

In approving the granting of any use permit, the Planning Commission shall designate such conditions in connection therewith, as will, in its opinion, secure substantially the objectives of this Part as to light, air, and the public health, safety, morals, convenience and general welfare. Such Commission shall require such evidence and guarantees, including bonds, as it may deem to be necessary to obtain compliance with the conditions designated in connection therewith.

In any case where a bond to secure the faithful performance of conditions designated by the Planning Commission has been posted, and the Commission has reasonable grounds for believing that the conditions of said bond have not been complied with, the Commission may hold a hearing to determine whether there has been a non-compliance with the conditions or any part of them. Notice of the time and place of such hearing shall be served upon the person posting said bond by registered mail or by personal service at least ten (10) days prior to the date set for said hearing. If at said hearing the Commission finds that the conditions of the bond or any part of them have not been complied with, it may declare all or part of said bond forfeited. In the event the determination is to declare all or part of said bond forfeited, the person posting said bond may appeal said decision to the Board of Supervisors in the same manner as provided for appeals taken on the application or revocation of use permits. When such forfeiture has been declared and the determination has become final by failure to file an appeal within the time prescribed or otherwise, the Planning Commission may request that the County Counsel take the steps necessary to make such forfeiture effective.

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RICHARD GORDON

Board of Supervisors
County of San Mateo

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JUN 01 2001

May 30, 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Sarah J. Wan, Chair and Members of the Commission
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105-2219

Dear Chair Wan and Members of the Commission:

SUBJECT: San Mateo County LCP Amendment 3-00 - Mid-Coast House Size Limits

The purpose of this letter is: (1) to endorse your staff's recommendation to certify the subject LCP amendment, and (2) to respond to the main points raised in letters from certain Half Moon Bay Council Members and the Granada Sanitary District Board President.

Background

In recent years, a number of Coastal Development Permit decisions have been appealed to the Coastal Commission for reasons related to house size. The Coastal Commission has in the past also requested that the County evaluate its policies governing residential development on non-conforming parcels.

In 1999, the Board of Supervisors authorized the Mid-Coast LCP Update Project. This project involves: (1) preparing more restrictive Mid-Coast house size limits, (2) revising Mid-Coast design standards, (3) updating LCP policies to avert future permit appeals, and (4) evaluate the role of non-conforming parcels in providing affordable housing.

In 2000, the County approved the subject house size amendments (1, above). This involved a lengthy participatory process that included adopting an urgency interim ordinance, convening a representative 12-member task force, and holding multiple public hearings of the Mid-Coast Community Council, Planning Commission and Board of Supervisors. The subject amendments reduce the building height limit and establish floor area controls that favor conforming parcel development. As indicated, the Coastal Commission staff recommends that you certify this LCP amendment request.

County Government Center
401 Marshall Street
Redwood City, CA 94063



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The County considered the "proportionality rule" at each level of the legislative process, but instead favored the proposed amendment. The Half Moon Bay approach may be appropriate for that City. However, the locally elected Mid-Coast Community Council developed the proposal before you which (1) limits floor area more restrictively for non-conforming parcels than conforming parcels, (2) requires houses that are scaled to the size of their parcel, (3) resulted from an inclusive legislative process, and (4) is consistent with the Coastal Act.

Granada Sanitary District Letter

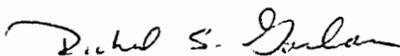
The Granada Sanitary District Board President asserts that the tract maps which created the substandard lots in the Mid-Coast may not be considered to have created legal parcels for land use planning purposes. The court case cited in the letter involves a subdivision that predated the State's first law regulating subdivision (1893). Unlike that pre-1893 subdivision, the Mid-Coast subdivisions were created between 1906 and 1910, in accordance with State subdivision laws then in effect. Also unlike the cited subdivision, the Mid-Coast communities shown on these maps have developed over the years, and the roads shown were dedicated and accepted by the County, and developed as public roads.

Most importantly, this issue is not germane to the subject LCP amendments under consideration. The proposal involves placing more restrictive development standards on parcels which do not meet the current minimum parcel size. The amendment does not address the issue of parcel legality.

In closing, I urge your Coastal Commission to certify the subject LCP amendment as consistent with the Coastal Act.

The proposed house size limits are just a part of the County's broader commitment to protect the character of this coastal community, and future such amendments are expected as the Mid-Coast LCP update project proceeds.

Sincerely,



Richard S. Gordon
Supervisor, District 3

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SMC-MAJ-3-cc(A)
PR 2018 California Coastal Commission

RICHARD GORDON

Board of Supervisors
County of San Mateo

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JUN 01 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

May 30, 2001

Sarah J. Wan, Chair and Members of the Commission
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105-2219

Dear Chair Wan and Members of the Commission:

SUBJECT: San Mateo County LCP Amendment 3-00 - Mid-Coast House Size Limits

As the San Mateo County Supervisor whose district includes the Mid-Coast community and who has worked very closely on the development of the subject LCP amendment, I support the Coastal Commission staff recommendation and urge you to certify this proposal.

The amendment establishes more restrictive house size controls to stem the recent trend of large residential development. The proposed floor area and height limits are the outcome of a lengthy process that involved adopting an urgency interim ordinance, convening a 12-member task force, and multiple public hearings of the Mid-Coast Community Council, Planning Commission and Board of Supervisors.

The proposal is just one element of our current LCP update project, which also includes revising design review standards and reviewing LCP policies to reduce permit appeals. As part of this effort, the County will (1) recalculate LCP residential buildout, (2) further evaluate existing controls on non-conforming parcel development, (3) consider whether to merge substandard lots into conforming size parcels, and (4) evaluate the role of non-conforming parcels in providing affordable housing.

In the attached letter, I have prepared detailed responses to the points raised in letters to your Commission by members of the Half Moon Bay City Council and the Granada Sanitary District Board President. The main point for each letter is discussed below:

Half Moon Bay Letter

Half Moon Bay Council members recommend that your Commission deny the proposed floor area limit for non-conforming parcels and require replacement with the regulation used in Half Moon Bay, known as the "proportionality rule."

County Government Center
401 Marshall Street
Redwood City, CA 94063



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Since 2000, the County has formed a Mid-Coast Design Review Committee to assist in preparing updated design standards (2, above), and your Commission has approved a grant for the Mid-Coast LCP policy review and update (3, above). The scope of study for this in-progress policy review is attached.

Half Moon Bay Letter

A letter dated May 2, 2001, was sent to the Coastal Commission from certain Half Moon Bay City Council and Planning Commission members. The letter included recommendations and comments as discussed below:

1. Require Half Moon Bay's "Proportionality Rule"

Comment: Deny the proposed non-conforming parcel floor area limit, and replace it with the "proportionality rule" used in Half Moon Bay.

Response: The County proposal limits maximum floor area to 0.53 (parcel size) for conforming parcels and **0.48 (parcel size)** for non-conforming parcels. This approach is more restrictive for non-conforming parcels, and provides an incentive for owners to combine lots into conforming parcels. It represents a 20%-24% decrease in house size for non-conforming parcels over what is currently permitted by the certified LCP.

Half Moon Bay limits maximum floor area for non-conforming parcels by a factor proportionate to the extent of parcel nonconformity. For example, if a non-conforming parcel is $\frac{2}{3}$ the minimum parcel size and the standard floor area limit is 0.53 (parcel size), the limit for this non-conforming parcel would be $(\frac{2}{3}) 0.53$ or **0.35 (parcel size)**.

The Mid-Coast Community Council (MCCC), the locally elected advisory council, developed the County's proposed floor area limit. The MCCC, Planning Commission, and Board of Supervisors considered Half Moon Bay's "proportionality rule" at numerous public hearings, but concluded that the 0.48 (parcel size) limit is the preferred approach.

In summary, the proposed LCP amendment: (1) is the result of a broad and inclusive local legislative process, (2) will result in houses that are scaled to the size of their parcel, and (3) has received Coastal Commission staff recommendation that it be certified as consistent with the Coastal Act.

2. Thousands of Substandard Lots Will Be Developed

Comment: There will be future development on thousands of substandard lots.

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Response: Between 1906 and 1910, much of the Mid-Coast was subdivided into residential tracts, with 2,500 sq. ft. (25' x 100') the predominant lot size. Most of the lots have been combined into conforming parcels.

Among the tasks of the in-progress Mid-Coast LCP Update Project are to determine the number of non-conforming parcels, and consider whether to merge the substandard lots into conforming size parcels.

Recent counts indicate that there are (1) approximately 550 vacant conforming parcels which contain multiple substandard lots, and (2) approximately 225 vacant non-conforming parcels comprised of a single substandard lot. Should the Board of Supervisors authorize a comprehensive lot merger program, only the 225 vacant single lot non-conforming parcels would be available for future development. Development of these 225 parcels would be subject to the proposed 0.48 (parcel size) floor area limit, which is a 20%-24% more restrictive than the County's existing zoning regulations governing non-conforming parcels.

3. Non-Conforming Parcel Development Will Exceed LCP Planned Densities

Comment: Allowing development on non-conforming parcels will result in densities that will exceed the amount allowed by the LCP.

Response: For 1995-2000, the average parcel size for new housing in Mid-Coast areas where 5,000 sq. ft. is the minimum parcel size was 5,900 sq. ft. **This indicates that non-conforming parcel development is not causing Mid-Coast development densities to exceed planned LCP levels.** Non-conforming parcel development is a small percentage of new housing development. For each non-conforming parcel developed, a conforming parcel larger than 5,000 sq. ft. was also developed, thereby maintaining the LCP's density limits.

4. Limited Consideration of Lot Consolidation

Comment: The County has never seriously pursued requiring lot consolidation.

Response: In 1980, the County comprehensively merged substandard lots in Miramar and the Seal Cove area of Moss Beach to the minimum parcel size of 10,000 sq. ft. and 20,000 sq. ft., respectively. Merger laws changed Statewide in the mid-1980s. Current County merger regulations allow merging substandard lots that are contiguous and in common ownership if: (1) at least one lot is undeveloped and (2) the merger is based on a 5,000 sq. ft. minimum parcel size.

In 1993, the Board of Supervisors considered whether to authorize a comprehensive Mid-Coast lot merger program. After thorough evaluation, the Board chose not to, and

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preferred to continue the existing practice of case-by-case discretionary review. Past experience had shown the merger process to be controversial and may produce inequities.

In 1998, the Board of Supervisors considered again whether to authorize a comprehensive Mid-Coast lot merger program. This time, the Board authorized a limited lot merger program whereby substandard lots are consolidated at the time an application has been received to construct, enlarge or demolish a house on the site. Under this program, numerous lot merger actions have occurred.

The Board also indicated that it would consider authorizing a comprehensive Mid-Coast lot merger program if the average parcel size for new housing dropped below 5,000 sq. ft. for two consecutive years. As indicated above, the average parcel size for new Mid-Coast development is 5,900 sq. ft.

Among the tasks of the in-progress Mid-Coast LCP Update Project is to consider whether to initiate a comprehensive Mid-Coast lot merger program. Pending this analysis, it is likely that County staff will recommend that the Board authorize such a program.

In summary, the County has merged substandard lots, continues to merge substandard lots, and likely will expand its lot merger program.

5. Substandard Lots Not Included In Buildout

Comment: Substandard lots have not been counted in LCP buildout.

Response: In 1980, LCP buildout was calculated by combining vacant substandard lots into conforming 5,000 sq. ft. parcels. This methodology did not count single lot non-conforming parcels, e.g., one 2,500 sq. ft. substandard lot, but it did count a 7,500 sq. ft. parcel comprised of three substandard lots as one parcel. Accordingly, LCP buildout may actually be lower than if buildout had been based on every parcel being exactly 5,000 sq. ft. Among the tasks of the in-progress Mid-Coast LCP Update Project is to recalculate LCP residential buildout.

6. Non-Conforming Parcel Policy Unacceptable to Coastal Commission

Comment: The County has not developed a non-conforming parcel policy acceptable to the Coastal Commission.

Response: In 1980, the Coastal Commission certified the County LCP with a case-by-case variance procedure for development on non-conforming parcels.

In 1995, the Coastal Commission certified an LCP zoning amendment to establish the Zoning Nonconformities regulations. This LCP amendment required conditional use

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permit approval for parcels smaller than 3,500 sq. ft., and findings that house size be proportionate to the parcel on which it is built.

In 1997, the Coastal Commission did not certify a proposed LCP amendment to limit non-conforming parcel floor area to 0.60 (parcel size). The Commission's expressed reason for this action was based not on the merits of the proposed floor area standard, but rather process and timing. Specifically, the Commission believed that a comprehensive review of the non-conforming parcel issue should be undertaken before proposing a floor area standard. Subsequently, in 1998 the County reevaluated its policies governing Mid-Coast non-conforming parcels, and currently is proposing a 0.48 (parcel size) standard rather than the earlier 0.60 (parcel size) standard.

Among the tasks of the in-progress Mid-Coast LCP Update Project is to again evaluate the adequacy of existing controls on non-conforming parcel development, including consideration of lot merger, establishing additional disincentives, and precluding zoning exceptions.

In summary, up to 1997, the Coastal Commission has certified the County's non-conforming parcel policy, and in 2000, approved a grant to fund the County Mid-Coast LCP Update Project which will evaluate the adequacy of existing controls on non-conforming parcel development.

Granada Sanitary District Letter

A letter dated May 4, 2001, was sent to the Coastal Commission from the Granada Sanitary District Board President. It asserts that the tract maps which created the substandard lots in the Mid-Coast may not be considered legal parcels for land use planning purposes.

The County is aware that there is currently a Statewide controversy surrounding the status of "paper" subdivisions created in the later part of the nineteenth century, before adoption of the first State law regulating the subdivision of parcels in 1893. The now de-published Circle K case, to which the Granada Sanitary District refers in its letter to the Commission, involved such a pre-1893 subdivision. Unlike the subdivision in Circle K, the subdivisions which now comprise the unincorporated Mid-Coast communities of El Granada, Moss Beach, Montara and Princeton were, for the most part, created between 1906 and 1910, in accordance with State subdivision laws then in effect. The communities which now exist have developed over the years largely in the pattern indicated on these maps. Roads offered for dedication on these maps have been accepted by the County, and developed as public roads, and public utilities serve the communities.

The presence of this issue, however, is not germane to the amendments currently before the Commission in any event. The County's proposal involves placing more restrictive development standards on parcels which do not meet the current minimum parcel size. The amendment does not seek to legalize any particular parcel or parcels, or establish any new regulations addressing

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Sarah J. Wan, Chair and
Members of the Commission

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May 30, 2001

the issue of parcel legality. As noted in the Commission staff report dated April 18, 2001, at footnote 1 on page 6, the issue of buildout of substandard lots is beyond the scope of the County's proposed LCP amendment, and this issue will be addressed as part of the LCP update currently being undertaken by the County.

In closing, I urge the Coastal Commission to concur with your staff, and certify the subject LCP amendment as consistent with the Coastal Act.

This amendment to restrict house size and scale is just a part of the County's broader commitment to protect the character of this coastal community, and future such amendments are expected as the Mid-Coast LCP Update Project proceeds.

Should the Commission not certify this proposal, less protective regulatory provisions will continue to have the effect of law.

Sincerely,

Richard S. Gordon

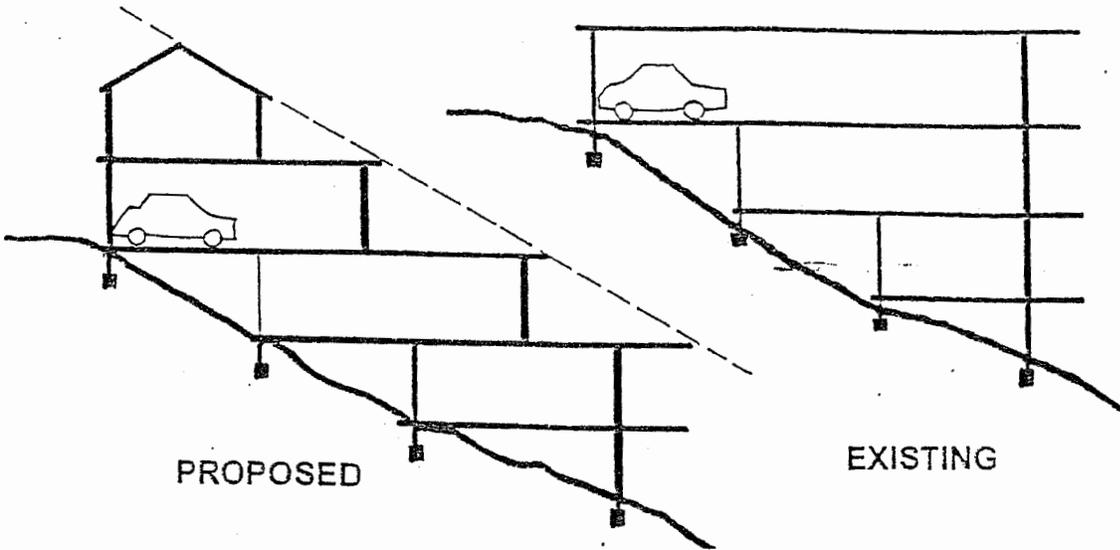
Richard S. Gordon
Supervisor, District 3

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Attachment

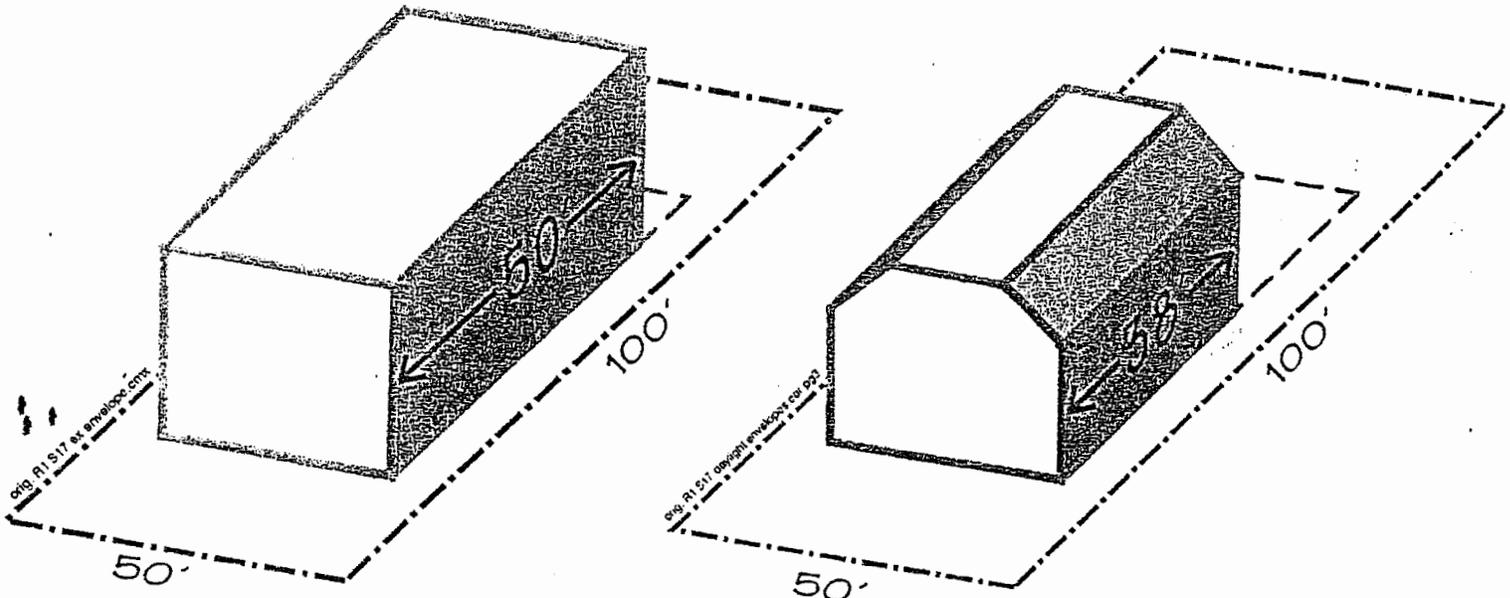
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The proposal would measure height as the vertical distance from any point at natural grade to the topmost point immediately above, hence "actual," not "average" height. This averts looming walls, encourages houses that step down the slope and follow the contours of the land, as shown in the illustration below:



Daylight Plane Option

If the daylight plane option is chosen, it would: (1) be configured as a 20 ft. vertical rise at the setback line, and then inward at a 45° angle, and (2) apply to two opposite sides of the house, as selected by the applicant. Dormers, gables and other architectural features located in the center 60% of the house may extend into the daylight plane, subject to Design Review Committee approval. The combined length on any building side shall not exceed 40% of the length of that building side, if the height of such features does not exceed 24 ft. Also, the combined length on any building side shall not exceed 30% of the length of that building side, if the height of such features does not exceed 28 ft.



Prior Regulations
(3,500 sq ft.)

Proposal
(2,650 sq ft.)

Exhibit 13
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pg 1 of 1

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JUN 05 2001

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MAY 08 2001

Mailing address: Raymond Lavine
Box 796
Pescadero, CA. 94060

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Today's Date: Friday, May 04, 2001

CALIFORNIA
COASTAL COMMISSION

Please Deliver to: California Coastal commission

From: Raymond Lavine

SUBJECT MATTER: Public Hearing to establish more restrictive house sizes, shapes, and design regulations

Number of Pages Sent: 1 - (Normal Delivery)

Message

Dear California Coastal Commission:

The intent of this letter is to write about ideas, and how to think about the issues to be discussed at the May 10, 2001 Public Hearing.

The spirit of America is to think about self-responsibility, family (in whatever way that it may be defined), and where and in what way we work, live, and play.

Rules and Regulations have their purpose in helping people to have guidelines in manners, protocol, and ways that things should be done which benefit the community where people live, work, and play.

In the 4 years we have lived in Pescadero, we have become frustrated and discouraged with the rules and regulations where ideas and concepts change into rigid rules, which are interpreted by few for the many.

Inflamatory words --- mansions, large homes, castles, red-legged frogs, monarch butterflies, open space, rich, poor, middle class, liberal, conservation, and the big one ENVIRONMENTAL.

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California Coastal Commission

The perceptions, real or imagined, have become EITHER/OR. I do not think that is helpful to restrict, inhibit, or restrain **flexible** styles, sizes, shapes, and scale.

In the abstract - we need to always think about our environment, changes in where and how people live, work, and play. Many times ideas move faster than rules and to implement continued restrictive rules may have unintended consequences.

Would it be acceptable to have restrictions on how much someone should weight? Would it be agreeable to limit how much someone should be paid? What about what colors on clothing people may wear?

Does a uniform standard of how people live, work, and play provide flexibility for our 21st Century civilization?

In my opinion, I would recommend that individual communities make a determination of how people, live, work, and play. Depending on the issues there is value for governing bodies to apply general guidelines BUT not arbitrary and specific rules and regulations which are based on the opinion of a few (for example - public safety, human rights where people whose skin color or religion is determinant where they may life). This is not proper public policy and will leave to continued alienation by We The Public towards Elected Officials and Appointed officials of boards and agencies.

Sincerely,

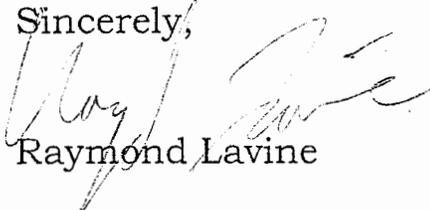

Raymond Lavine

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