

Midcoast Community Council

An elected Municipal Advisory Council to the San Mateo County Board of Supervisors

Serving 12,000 coastal residents

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<http://mcc.sanmateo.org>

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November 1, 2011

President Carole Groom and Members,
San Mateo County Board of Supervisors
400 County Center
Redwood City, CA 94063

Subject: BoS Agenda Item 8 & 9 (11/1/11) – Appeal of the Planning Commission’s decision to approve the Hodge and County Parks project, consisting of: (1) an “After-the-Fact” Coastal Development Permit, and (2) certification of a Mitigated Negative Declaration, to legalize land clearing on two parcels, located at Magellan and Alameda Avenues in the Miramar area (File Number: PLN 2009-00358) and appeal of the Planning Commission’s decision to deny the Hodge project, consisting of a certification of a Mitigated Negative Declaration and a Variance, Coastal Development Permit and Coastside Design Review, for a new 2,692 square foot single-family residence with attached two-car garage, located at 97 Alameda Avenue, in unincorporated Miramar. (File Number: PLN 2009-00380)

Honorable Board of Supervisors,

On behalf of the Midcoast communities, the Midcoast Community Council (MCC) is requesting and recommending that the Board uphold the Planning Commission’s decisions and deny both of the appeals referenced above dealing with the illegal lot clearing of natural habitat environs and the variances for the proposed single family residence.

On the matter of the illegal lot clearing, the community feels forced to accept the decision of the Planning Commission because it is our understanding that this procedure is the only mechanism to ensure that the natural habitat is restored. We would like to point out to the Board that prior to purchase, there were numerous warnings to the property owners that the parcels were constrained by protected sensitive habitat areas and that they may *not* be buildable:

- On 1/22/07 County Parcel Record noted *“There is both wetland & riparian area encumbering this parcel, as mapped by biologist in conjunction with adjacent County park property to north; see PLN2005-00078 for full map & bio report. Given these resources, it's likely that any proposed development would run contrary to applicable LCP policies. The risk is considerable for someone to even apply & would may [sic] likely only be decided before Coastal Commission.*

- On 4/30/08 the Applicants signed a Disclosure that stated: ***“Coldwell Banker has no knowledge regarding this lot except that it is not currently buildable.”***
- The listing of the lot stated: ***“The lot is in a wetlands/riparian corridor....may not be buildable.”***
- The reduced price of the parcel for that area was a tipoff to the issues stated above and the Hodges have built in Miramar before so they were fully aware.

The Planning Commission’s approval of the after-the-fact permit for the illegal grading is the only way to ensure that the site is restored and we applaud the Planning Commission’s expedient decision and ask that the Board support it. In addition, the Board should take into consideration this blatant disregard for both County regulations and State laws, and view this decision as an example for future developers who would flaunt the rules and community standards.

On the matter of the variances for setbacks on the single-family residence, we ask the Board to enforce all aspects of the rules on Variance, Coastal Development Permit and Coastside Design Review, pursuant to Sections 6531, 6328.4 and 6565.1, respectively, of the San Mateo County Zoning Regulations, and certification of a Mitigated Negative Declaration, pursuant to the California Environmental Quality Act (CEQA) as they apply here in the unincorporated Midcoast. The MCC, as a general rule, opposes ALL setback variances in the unincorporated Midcoast because of the negative effect it has on the valuation of neighboring property, the effect on privacy, and view corridors between properties. In particular, as the MCC stated to the Planning Commission in our letter of April 11, 2011, the community is opposed to the Alameda Ave. Project, as it is currently proposed, for the following reasons:

1. The odd “U” shaped lot, while causing some design challenges, could be made to work without the need for changing setbacks by reducing the footprint size of the house.
2. Likewise, a smaller footprint size for the house could be done to avoid encroaching on the 50 ft setback from the edge of the riparian vegetation.
3. On 1/23/07 the County planner entered the follow warning note into the Parcel Information: ***“There is both wetland & riparian area encumbering this parcel, as mapped by biologist in conjunction with adjacent County park property to north; see PLN2005-00078 for full map & bio report. Given these resources, it's likely that any proposed development would run contrary to applicable LCP policies. The risk is considerable for someone to even apply & would likely only be decided before Coastal Commission”.***
4. The property is situated in close proximity to the entrance to a county park/California Coastal trail segment (Mirada Surf). The outline of the proposed development obstructs the hill top views and breaks the ridge line view for those entering the Trail south entrance to Mirada Surf. (See LCP Policy 8.5)
5. The project obstructs views of the ocean from Highway 1 and breaks the hill top views from the California Coastal Trail as it traverses Magellan and enters Mirada Surf, a recognized county facility prior to the initiation of this project. (See LCP Policy 8.13a & 8.13c)
6. The owners were aware of all LCP issues and other constraints on development at the time of purchase.

Again, the MCC on behalf of the Midcoast communities requests that the Board support the Planning Commission's decision and deny this appeal for variances on the single-family residence. We applaud the planning commission's excellent work on this matter.

Finally, we suggest that the Board encourage the builder to work actively with the appropriate departments to provide this property to the County, at cost, as a critical cornerstone addition to Mirada Surf West . In particular this would enable the County to move the restroom further away from the riparian area, and also use some portion of this parcel for trail-head parking which is very much needed.

[SIGNED]

Len Erickson
Chair, Midcoast Community Council

Cc:
MCC Members