

# MidCoast Community Council

An elected Municipal Advisory Council to the San Mateo County Board of Supervisors  
*Serving 11,000 coastal residents*  
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Via Email & Fax: 8 Pages

To: San Mateo County Board of Supervisors  
County Government Center, Hall of Justice & Records  
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Dear President Gordon, Vice-President Hill, Supervisors Church, Jacobs Gibson and Tissier

As the elected representative body of the 11,000 residents of the MidCoast Communities, and as the designated advisory council of those residents to your Board, the MidCoast Community Council (MCC) would like to submit our initial comments on the MidCoast Local Coastal Plan Update. This letter is a finalized version of the one we sent on Monday, January 17, 2005. Any significant changes are **highlighted**.

The MCC has been involved in this process from the very beginning, even actively lobbying the Coastal Commission to help establish the base funding for the update. We have attended and fully participated in every workshop, hearing, and work group meeting that has been held in this process since the initial scoping sessions in 2001. Beyond this, the MCC held a series of public meetings to collect the community's positions and ideas on the wide range of subjects. These were compiled into our final position letter of July 29, 2003, and we have submitted a number of follow-up letters to the Planning Commission during the course of their hearings. These are available upon request.

We believe the package compiled by the Planning Commission is the best expression of our individual rights, community rights, and property rights – the rights to retain the value and character of our communities through reasonable development controls, preservation of open space, environmental sensitivity, and respect of precious coastal resources. These recommendations are very inter-related, which we hope the following narrative will show. We recommend that the proposal be adopted as it is presented in its entirety.

## **The Public Hearing Process**

The MCC submitted its original comments in July of 2003, and our position has remained consistent throughout. We were very impressed with the professional and inclusive manner in which staff prepared and presented their recommendations during the hearing. As with all other representative bodies and member organizations, we did not have the flexibility of an individual to react to changes or new ideas as they developed, but we always had active representation at the hearings to participate in the discussion and evaluation of the proposals as they occurred. Other organizations concerned with the proper representation of their ideas had the same opportunity. We see no reason to delay a vitally needed update to our Local Coastal Plan to accommodate poor preparation on the part of others.

After the Planning Commission hearings had brought to light new ideas and data, we adapted our final recommendations to reflect that process - as you can see, not all of the Planning Commission's recommendations agree with our original set, yet we have voted to fully support the package as it is as the best expression of the update hearing process and the give-and-take of the community members and organizations who *actively* participated in it.

As noted, the MCC has voted to support the full set of recommendations from the Planning Commission. The following is a summary of the MCC's positions and comments on the various components of the LCP Update.

### **1 – Residential Build-out**

The MCC supports the numbers derived by staff as an accurate picture of build-out under current LCP policy. The recommended merger policy (#4 below), as well as other decisions made within this process, will affect the final number under the new LCP policies. We would like to stress that this number is a product of the calculated potential build-out size, and not a goal to be strived towards without proper accompanying planning for infrastructure capacity and environmental/coastal resource protections.

The MCC supports the idea of an amnesty program to facilitate legalization of second units. We had originally suggested the idea in our letter to the Planning Commission of September 20, 2004. We think the programs enacted in other parts of the County, specifically San Carlos and Daly City, would be good starting examples for developing our own locally-appropriate program after proper review, analysis, and modification.

### **2 – Infrastructure Demand**

The MCC supports the acceptance of the staff-derived data, while noting that the studies show that water supply and traffic capability are inadequate to support current rates and amount of growth. We agree with the Planning Commission recommendation to “ ... plan growth to the level that the available resources can support.”

### **3 – Annual Growth Limit**

Given the limitations of infrastructure, and the need for comprehensive protections for environmental & coastal resources, the MCC supports the Planning Commission recommendation to adopt the 1% growth rate with the exemptions for second units, units at designated affordable housing sites, and mixed-use and caretaker's quarters in Princeton. This is nearly identical to the historic and current rate of new units per year, and the number per year will increase as the population increases. The number provided by the San Mateo County Association of REALTORS® (SAMCAR) of taking 76 to 86 years to reach build-out is incorrect as it fails to take into account the yearly population increases which increase the number of units allowed to be built.

A 1% rate will give the County, special districts and other governments with jurisdiction in the area adequate time to wisely plan needed infrastructure expansions and protection of environmental and coastal resources. There is no substantial data we know of to support the claim that building more houses more rapidly within the MidCoast will alleviate any sort of short-term or long-term housing crisis in the County, especially when we do not have the infrastructure or protections in place to support such a rate of growth.

The growth rate should not be allowed to be increased at any time. This will allow a predictable and constant rate of growth that is conducive to good planning practices and coordination between all jurisdictions and agencies involved. SAMCAR notes that the urban area is designated for higher *density* growth – this is true but it has no relevance to an argument for a higher *rate* of growth. The density is achieved regardless of growth rate.

The growth rate should be determined by the number of housing units – each unit is more of a load on our water and sewer systems, traffic capability, schools and parks. Therefore, the MCC agrees with the Planning Commission recommendation to count by residential units, and not building permits, as a single building permit can cover multiple units in some instances. An example would be single building permit that covers a 12 unit apartment house in the multi-family zoning district.

#### **4 – Merge Substandard Residential Lots**

**THIS WAS PREVIOUSLY #5 IN OUR INITIAL LETTER – WE HAVE RENUMBERED IT TO CORRESPOND WITH THE STAFF REPORT.**

The MCC supports the Planning Commission recommendation for a comprehensive merger policy. There is nothing unfair in requiring property owners to abide by the laws and regulations regarding development in the community. The “tradition” of subdividing property down for future family members, which SAMCAR postulates as a reason for not requiring merger, does not exist, and never has, within an urban area.

If the identified 1,605 unmerged & undeveloped parcels were developed, that would be:

- 800 more water connections we do not have
- 1,600 more cars on roads that cannot handle them
- 1,100 more children for schools & recreation facilities that cannot accommodate them

There is a serious lack of coordinated planning by the County, our school district, Caltrans, our utility districts, and the Cities of Half Moon Bay and Pacifica. It would also present a very dangerous precedent for the individual development of the remaining 3,294 unmerged but developed parcels, if the economic incentive is to demolish one house and build 2 or more in its place.

Many property owners have merged their parcels to develop their property within the framework of existing zoning regulations and community standards. To allow others to avoid this simple responsibility and develop at 2 – 4 times the designated density would be insulting and damaging to the individual property rights of those who have chosen to obey the law.

The County has a history of policies and practices in place that require substandard lot merger when property is developed. This change simply codifies the process and avoids any potential failures/errors that could undermine the planning process. The LCP already requires lot merger in the Seal Cove and Miramar areas. Merger of substandard parcels in both the urban and rural districts of the coast is essential to controlling our development density and keeping access to the coast available to all citizens of California as well as encouraging a healthy visitor serving economy.

## 5 – Nonconforming Parcel Development Controls

**THIS WAS PREVIOUSLY #4 IN OUR INITIAL LETTER – WE HAVE RENUMBERED IT TO CORRESPOND WITH THE STAFF REPORT.**

The MCC agrees with the Planning Commission to adopt the “proportionality rule” for the 5,000 s/f minimum parcel size residential district (R-1/S-17), and the modified versions for the other, larger sized residential zoning districts. We believe that this is a fair approach that presents a beneficial use of property by encouraging more-appropriate sized development of smaller entry-level or retirement homes for that segment of the community which cannot afford the larger houses currently being built.

This will compensate for the negative impact of substandard parcels adding unplanned increased density and number of units/residents in each zoning district. It will protect residential property values for current residents while encouraging good design, implementation, and sustainability. Half Moon Bay has successfully used this type of rule for some years now.

The claim by SAMCAR, that this rule has caused 1400 homes in Half Moon Bay to become considered “substandard” is **not true.** That designation was the result of a zoning change that did not properly account for lot dimensions in relation to actual area – the proportionality rule has had no effect on any property’s designation in Half Moon Bay as substandard, and it will have no effect of that sort on any property within the MidCoast.

## 6 – Residential Uses in the C-1 (Neighborhood Commercial) District

The Neighborhood Commercial districts were created to encourage local and resident-serving businesses in a convenient and centralized area for each community. The trend toward exclusively-residential development of these properties has created a shortage of space for local businesses and a loss of local jobs. This only worsens our traffic situation when people have to commute to jobs over the hill and/or drive outside the community to go to a store or obtain services. This is a historic problem throughout the state when long-term planning is neglected for the immediate gains from residential growth.

The Commercial/Residential mix and height limitation proposed in the Planning Commission recommendation presents a proven community-friendly formula that provides more affordable housing and helps maintain neighborhood compatibility and continuity. Community retail sections should be harmonious with the size and scale of their surrounding neighborhoods, and not overpower or overshadow them with larger and taller buildings.

Well-planned and well-conceived architecture and design practices naturally aim toward this level of community integration. There is no reason to see this as any sort of restrictive limitation. There is also no substance to SAMCAR’s claim of discrimination against any disabilities, or else this formula would be illegal in the countless other communities that use it, including many in unincorporated San Mateo County. There is plenty of housing available in the single-family and multi-unit residential areas to accommodate anyone with disabilities, and even at that, the residential development which has occurred in the C-1 district has always included elevators. Any builder that wishes to have an attractive set of apartments to rent out would put them in as a matter of course. For these reasons, the MCC supports the Planning Commission’s recommendation on this issue.

## 7 – Residential Uses in the W (Waterfront) District

The MCC supports the Planning Commission’s recommendation on this issue. It is not in agreement with our original recommendation, but we understand the desires of the Princeton community for more housing opportunities. We would like to note that this will cause an increase in the projected build-out numbers and the accompanying increased demand on the infrastructure. Because of this already increased impact, we recommend that any further increase in the size or number of units beyond the proposed amounts not be allowed.

Many of the caretaker units already built, and probably many of those to follow, are anything but affordable housing. They are being marketed as mixed-use units with price tags **in excess of 1 Million Dollars**, and there is no monitoring that they remain as harbor/aquatic-related uses. As they have no sort of designation, on-going oversight, or control to ensure affordability, they should never be considered as a reliable source of affordable housing, as SAMCAR suggests.

## 8 – Residential Uses in the COSC (Community Open Space Conservation) District

Historically, single-family residences were not allowed in the COSC. This use was a later addition after the first LCP for San Mateo County was certified. The proposed change does not deny a reasonable economic use of property, and is in conformance with the stated purpose of the COSC to provide appropriately-sized and community-friendly open space and agricultural uses while protecting scenic and view corridors. There is a significant difference between a local nursery operation in these areas and a gated-off private residence. The MCC supports the Planning Commission recommendation of not allowing single-family residences in the COSC District.

Few of the COSC parcels meet the minimum size designation for the planned density of this area, and the development potential should be clarified by the adoption of this recommendation. The COSC district should be protected for future uses such as infrastructure relief and facilities that benefit both the community and visitors. The properties and their use relate to the build-out numbers from item #1, as well as the potential for increased commercial and employment activities, traffic impacts, and pedestrian improvements as outlined in #'s 9, 11, and 17 below. In particular, it is closely tied to #16, which is the proposal to change the Zoning of the old Bypass ROW to COSC.

## 9 – Increasing Commercial and Employment Activities

Working with permitted land uses in the Princeton area is frustrating, especially when there is the potential for such disruption of any planning (however good-intentioned) by possible reconfiguration of the uses and flight patterns at Half Moon Bay Airport. It is hard for owners to know what their property’s development potential is, and yet we cannot make unilateral decisions that could threaten and endanger the health and safety of residents, workers and visitors. For this reason, we agree with the Planning Commission’s recommendation to make no changes to uses in this area until the Half Moon Bay Airport Master Plan Update is completed.

This underscores the *critical* need to prioritize the completion of HMB Airport Master Plan Update as immediately as possible.

The MCC also agrees with the recommendation to not make any changes within the Waterfront district, and for more than the above reason regarding the airport. Although there may be some short-term

economic gain to be realized from an expansion of uses, the long-term effect would be the loss of valuable space for harbor-related businesses. There is no reliable forecast as to what the future of the fishing and aqua-culture industries will be, and new technologies in these fields could well expand their economic viability in the very near future. For this reason, as well as basic consistency with the California Coastal Act, we believe the area should not have any expanded uses.

## **10 – Development Controls in the AO (Airport Overlay) District**

**THIS WAS PREVIOUSLY #11 IN OUR INITIAL LETTER – WE HAVE RENUMBERED IT TO CORRESPOND WITH THE STAFF REPORT.**

Please see discussion in #9 above – though not in agreement with our original recommendation for no change in the AO district, we agree with the Planning Commission’s recommendation.

## **11 – Traffic Mitigation Requirements**

**THIS WAS PREVIOUSLY #10 IN OUR INITIAL LETTER – WE HAVE RENUMBERED IT TO CORRESPOND WITH THE STAFF REPORT.**

The MCC supports the recommendations of the Planning Commission, even though it is not in agreement with our original recommendation, for reason of supporting the entire package as a proper representation of the community’s participation in the process. We particularly encourage that serious effort, in coordination with the City of Half Moon Bay and the Bayside cities, be devoted to the expansion of shuttle and transit services between the MidCoast and the Bayside.

## **12 – Development Controls in the RM/CZ and PAD Districts**

The MCC supports the recommendation of the Planning Commission. The limited portions of the RM/CZ and PAD districts within the project area that would be affected by these new controls are all immediately adjacent to the residential districts, many have utility services, and none of them is anywhere near 40 acres in size – in fact, many of them are no larger than regular residential lots. The result has been increasingly over-sized houses that contribute far more impact to the infrastructure than the defined density had intended. The severe demarcation of design standards and house size is unsettling and jarring and creates an un-necessary and inappropriate boundary within the community. With this consideration, the need for maintaining scale and character within the larger, inclusive community area that extends into the rural zoning is justifiable. There are no instances of neighbors being “160 acres away” (if such a measurement could be possible anyway) as suggested by SAMCAR. The adoption of the recommendation would be entirely consistent with your Board’s previous action on the house size, scale, and design review regulations for the other residential districts.

## **13 – Rural Residential Designation**

The MCC agrees with the recommendations of the Planning Commission. This would bring consistency to the definition of the area that is designated as Rural Residential, is consistent to the existing policies regarding the Rural Residential as Rural areas where limited urban services have been extended, and restricts water and sewer from being extended into rural areas in conformance to existing LCP policies.

## **14 – Merger of Rural Parcels**

Please see discussion in #4 above. As before, because of the limited area of rural parcels affected within the project area, and the much reduced size of these parcels below the minimum 40 acre density designation, there is no “tradition” of long-time residents that need to subdivide for their families, and any higher density development will only further negatively impact our already over-burdened infrastructure. The proposed 5 acre minimum is consistent with established density designations within the LCP, implements the Land Use Plan density upon which the LCP was originally based, and provides safe and adequate space for wells and septic systems. The MCC agrees with the recommendations of the Planning Commission.

## **15 – Impervious Surface Limit/Winter Grading**

In consideration of the problems we are seeing this winter with increased runoff, erosion, sedimentation, flooding, and creek pollution, the MCC very enthusiastically supports the Planning Commission’s recommendation. Please refer to the January 3, 2005 letter from Karen Wilson and Chuck Kozak.

## **16 – CalTrans’ Devil’s Slide Bypass Property**

The MCC agrees with the Planning Commission recommendation for rezoning and re-designation of the Devil’s Slide Bypass property.

The open space and recreational uses of the Devil’s Slide Bypass property that runs through the back of Moss Beach and Montara has long become part of the character of these MidCoast communities, and are essential to our quality-of-life and maintenance of property values. The antiquated sub-standard lots underlying this property are incompatible with the conforming and larger parcel development that has occurred around them. The property is an excellent opportunity for the development of parks, trails, community recreation facilities, and essential connections to the larger State and County parks of Montara Mountain, and would bring the LCP and the San Mateo County Trails plan into conformance.

Residential development of this property would have a detrimental impact to existing communities while permanently removing the possibility for a park or open space for Montara. There is no demonstrated need for additional housing in this area, and the property is not near any sort of public transit or anywhere remotely near the proposed tunnel as claimed by SAMCAR.

## **17 – Highway 1 Pedestrian Improvements**

The proposal would be consistent with the findings of the MidCoast Recreational Needs Assessment, and would be extremely beneficial in facilitating access to coastal resources. The MCC supports the Planning Commission recommendation.

## **18 – LCP Tasks Assigned to the County**

The MCC supports the Planning Commission recommendation “ ... to complete in a timely manner all partially completed responsibilities assigned by LCP policies ... ”

## 19 – Other Project Tasks

The MCC supports the remaining Planning Commission recommendations for

- trail policies
- the Design Review Standards
- the incorporation of sections of the Coastal Act
- and the correction of errors, conflicts, and ambiguities in the LCP.

Our original recommendation concerning incorporation of the Coastal Act was to incorporate the entire Chapter 3, but information that came to light during the hearings concerning the validity and jurisdictional issues with the Coastal Commission led us to agree with the recommendation of the Commission.

In summary the MCC recommendation is for your Board to expeditiously approve the LCP update as developed by the Planning Commission. Good planning practices and adherence to the requirements for development will not only maintain our long term sustainability, but will substantially cut down the number of appeals and save San Mateo County the endless hours and expenses of dealing with contradicting standards, costs that are carried by all County residents. It will make the policies and practices implementing our Local Coastal Program consistent with coastal resource protection and a healthy, prosperous community. We would especially like to express our appreciation and respect for the hard and diligent work of Project Planner George Bergman and to the members of the Planning Commission for their conscientious and fair deliberation.

Thank you for your time and attention to these important issues – please do not hesitate to contact me for any further information or clarification.

Sincerely,

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Cc: George Bergman, Project Planner  
San Mateo County Planning Commission  
Chris Kern, California Coastal Commission

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