

## **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: 11 Pages

To: San Mateo County Board of Supervisors  
County Government Center, Hall of Justice & Records  
400 County Center, Redwood City, CA 94063  
(650) 363-4653 Phone - (650) 599-1027 Fax

Dear President Gordon, Vice-President Hill, Supervisors Church, Jacobs Gibson and Tissier;

As the elected representative body of the 11,000 residents of the Unincorporated MidCoast Communities, and as the designated advisory council of those residents to your Board, the MidCoast Community Council (MCC) would like to submit our comments on the latest staff report for the MidCoast Local Coastal Plan Update for your consideration.

The latest staff report for the your scheduled LCP Update hearing contained 23 items, many with new recommendations and subjects that had not been covered before. Because there were only 3 weeks to review this material and to hold public discussion meetings (which concluded only last week) and a major holiday occurred within this period, we worked until early this morning to document our reactions to this report.

We feel that the recommendations put forth in the staff report by your Board's Subcommittee deserve to be fully addressed, but in summary, the MidCoast Community Council still supports the recommendations of your Planning Commission with a few minor exceptions, and urges that your Board adopt those recommendations. These were arrived after a five year, fully-inclusionary public process. We believe they best represent the views, beliefs and needs of our community, and are the best plan for the progress and growth of the Unincorporated Midcoast.

We feel that the Planning Commission proposal is also best reflective of the comprehensive vision for the Coastal areas of California as set forth in the Findings, Intent, and Purpose of the Coastal Act. As the LCP is a local expression of the Coastal Act. we have always held that these should be the guiding principles of this process.

We believe many of the recommendations from the Board Subcommittee within the staff report may run contrary to these principles, and at time seem to be at odds even with the principles adopted earlier by your Board. There are many items, detailed below, that we think the Board should not even take action on, because they have received so little consideration, review, and analysis. Our issue-by-issue response follows.

## Key Issues 1 & 2: Residential Buildout Estimate & Number of Substandard Lots

The MCC agrees with the Board's previous actions on these issues, which are in line with the recommendation of your Planning Commission.

## Key Issue 3: Infrastructure Demand at Buildout

The MCC agrees with the Board Subcommittee recommendations 1 – 4, which are in line with the recommendation of your Planning Commission, and urges the Board to adopt the Commission's recommendation to "... plan growth to the level that resources can support."

Regarding the Subcommittee's recommendation 5, we do not believe this is necessary as there is nothing in Policy 2.50 or any other policy or part of the Coastal Act prohibiting the expansion of Highway 1 to four lanes within the urban Midcoast when needed. This has, in fact, already been done where necessary at signaled intersections such as at Capistrano Road in El Granada.

There has yet to be a traffic and circulation study of Highway 1 within the Midcoast area, and the need to establish a specified preference for highway expansion has no background of analysis or study beyond the determination that certain "Levels Of Service" exist at certain times. The impacts of changes to other LCP policies regarding the location and level of development, both residential and commercial, will certainly have an impact on traffic levels and patterns that have yet to be determined. With these considerations, we can see no reason to attempt to change this policy.

We also would like clarification that it is within the Board's ability to amend this Policy: "Section 7. Amendment" of Measure T, which set the current wording for Policy 2.50b which addresses Highway 1 capacity, states that "This ordinance shall not be repealed or amended except by a majority of the voters of San Mateo County."

## Key Issue 4: Residential Growth Rate Limit

The MCC supports the recommendation of your Planning Commission to set a 1% growth limit for residential development within the Midcoast. The Subcommittee recommendation is nearly twice that, conflicting with other suggested changes and existing policies calling for coordinated planning of infrastructure with the City of Half Moon Bay and the Special Districts and other agencies (such as Caltrans) that cross the boundaries of the two jurisdictions.

We see no reason, and see no rationale or analysis presented in the staff report, for not implementing this growth rate limit. We do not understand how this plan, and the accompanying distribution of allowed development through the communities, does not respect property rights, as there is no explanation for this assumption in the staff report. And, as noted above, the issue of this process is local implementation of Coastal Act, and the resultant protection of coastal resources, communities, and visitor-serving facility.

The exemption for units for people with disabilities, though a good idea, is problematic in this implementation. This item was not part of the process that went through review at the Planning Commission, and only has had the limited public review and no real public discussion. Accompanying

ordinances and changes will need to be implemented, and a requirement for legal dedication for the life of the project (50 years) is needed. This will make the proposed exemption more in line with the one for affordable housing, but not necessarily consistent with the Coastal Act.

Although the staff report does say these types of facilities are allowed in all zoning districts, the County does have specific Land Use Designations for such facilities, in this case, “Institutional.” If there are specific areas where this sort of facility is desired, then there should be an appropriate rezoning and re-designation of the Land Use of the land in question, and the suitability for the special needs of the residents, including full time, year round access for public transportation, emergency access, and clearance from hazard zones should be fully analyzed.

That this particular recommendation is driven by the lobbying efforts of proponents of a project proposal that has not received any level of public hearing or even standard administrative review makes its specific influence of this update, which is built upon full public review and participation as directed in the Coastal Act, highly inappropriate. We believe the Board should hold off on action on this item until full research has been done and public notice given of its intent and impacts.

The MCC has offered to begin public review, maintain our community planning directions and help build support for this project, but has received no response or referral from the County at this time. The Council’s interest and offers remain in place, and we believe that this would be the most appropriate approach for a facility so valuable to our community.

#### Key Issue 5: Merge Residential Substandard Lots

The MCC supports the recommendation of your Planning Commission that the County comprehensively and proactively merge all applicable residentially zoned substandard lots up to 5,000 sq. ft. or the zoning minimum parcel size.

We do not believe that the voluntary and incentive-based program suggested by the Subcommittee will work, and will probably result, within the ample 18 month tie-frame, of a checkerboard pattern of ownership of substandard, much as we saw happen in the Miramar area when merger was proposed there.

We also do not agree with all of the incentives proposed:

- The 250 ft. floor area “bonus” is identical to the gain realized under the existing FAR regulations when going from a nonconforming parcel development (48% FAR) to a conforming parcel development (53%).  $5\% \text{ of } 5,000 \text{ sq ft} = 250 \text{ sq ft}$ . Would this “bonus” be in addition to the existing bonus, thus allowing house sizes to exceed the existing community-supported FAR limits? If the “Proportionality Rule” recommended by your Planning Commission were adopted, it would supply a built-in incentive would be even more pronounced and effective.
- We do agree that a reduction in building permit fees is a good incentive.
- We do not agree in any exemptions from parking requirements – many of our streets are developed only to the minimal standards and afford no or very limited street parking, and this condition would be aggravated by this exemption.

- For affordable units, we do not agree with the bonus floor area or reduced parking for the reasons stated above. The Staff Report offers no analysis as to why these exemptions and bonuses would not create negative impacts on our neighborhoods. The obtaining of priority utility connections should be from within the currently allotted priority connections for affordable housing, and not from visitor-serving or other coastal-dependent sectors. We do agree with waiving fees and expediting permit processing, within the limits described below in Key Issue 6.

#### Key Issue 6: Nonconforming Parcel Development Controls

The MCC supports the original recommendation of your Planning Commission of reducing the floor area according to the “Proportionality Rule”, limiting house size proportionate to the degree of parcel nonconformity, as detailed in Attachment 3 of the Staff Report.

The presented examples of “acceptable” house designs within the 48% FAR limit is puzzling – especially the second one, which was proposed on Sonora Ave in El Granada, not Coronado Ave as stated in the Staff Report. The MCC did not support the design of this house, and there were complicating issues beyond the design concerning common ownership of adjacent parcels. The permit application for the development was eventually denied by the Zoning Hearing Officer. There have been many designs with a 48% FAR within the four-year period mentioned, and these two are a very limited example.

We do not agree with all of the Subcommittee’s proposed incentives to promote affordable housing on substandard lots:

- We do not understand why there would be a bonus of 200 sq ft of garage area AND a reduction of the requirement for covered parking. Which seems like it would result in 200 sq ft of extra space that could (would) be used for living area and would result in exceeding the set FAR limits as well as adding to parking congestion on our streets.
- Regarding the priority utility connections and waiving of fees/expediting, please see our comments in Key Issue 5 above.
- We agree with the effort to help affordable housing builders with loans and finding qualified buyers.
- Please see our comments regarding design and design review in Key Issue 23.

#### Key Issue 7: Residential Uses in the C-1 (Neighborhood Commercial) District

The MCC supports the recommendations of your Planning Commission to (1) limit residential use to above the first floor, (2) limit residential floor area not to exceed the commercial floor area, and (3) reduce the building height limit to 28 feet.

We do not think that any of the recommendations from the Subcommittee are applicable for this zoning district:

- There is no proven or demonstrated need for increasing the residential area by any of the methods involved. All the C-1 District areas in our communities are immediately bordered by R-3 or PUD Zoning districts that allow multi-family development at higher densities, and partly by single-family districts that allow second units. Adding more encouragement for residential development only increases the buildout numbers and worsens all infrastructure burdens and impacts.
- Higher percentages of commercial use of the building space should be encouraged to help facilitate expanded business and employment opportunities for the Midcoast communities within the District it was intended to be in. This will take pressure off other lands and zonings for increased commercial development and help alleviate commute and business traffic by keeping businesses within our neighborhood districts.
- Not retaining the front setback WILL present light, air and privacy impacts on neighboring buildings, especially those in residential districts adjacent to the small C-1 districts, where, under these proposals, there would be living areas built to the street at 2<sup>nd</sup> and 3<sup>rd</sup> floor levels staring down into their front sindows.
- The claim that a 32 foot height limit is “consistent” with the zoning in certain residential zoned areas is true but very misleading, as this height limit only applies on the east side of Highway 1 in the Miramar area, which has no adjacent C-1 zoning. All other C-1 zoning is surrounded by 28’ height limit zoning districts, and this height limit would give neighborhood-friendly buildings that would be in scale with the surrounding neighborhoods, and not impact views to the ocean or of the community from the highway.
- As there is no substantial change in the uses of the properties in the district under your Planning Commission’s recommendation, and includes the incentive for fostering increased business and employment opportunities, we cannot see where this would have any affect on property rights. The Staff Report offers no explanation or analysis of why this would have any effect as claimed.

Key Issue 8: Residential Uses in the W (Waterfront) District

The MCC supports the recommendations of your Planning Commission, although they are not in agreement with our original recommendation which was for no change in the number or size of permitted caretaker’s units, and prohibiting such units on nonconforming parcels.

Our original recommendation was for no increase in residential use in the W District, to protect and preserve the are for marine and coastal-dependent uses as intended,

Key Issue 9: Residential Uses in the COSC (Coastside Open Space Conservation) District

The MCC supports the recommendations of your Planning Commission to prohibit single-family residences within the COSC District, as was originally intended for this zoning district.

The recommendations of the Subcommittee would dramatically increase the house sizes allowed on the properties. These development sizes, as figured out by a member of our response committee, are:

Running West ("virtual North", i.e. the Capistrano end) to East ("virtual South", i.e., the Coronado end) in map book 047, block 251:

APN	Width	Depth	Sq ft	COSC 10% limit	COSC bldg envelope	RM/CZ bldg envelope
047-251-150	135	~55	8,500	850 sqft	95* 0 = 0	95* 0 = 0
047-251-140	88	72	6,530	653 sqft	48* 0 = 0	48* 2 = 96
047-251-120	180	89	16,830	1,683 sqft	140* 0 = 0	140* 19 = 2,660
047-251-040	301	133	39,779	3,977 sqft	261* 33 = 8,613	261* 63 = 16,443
047-251-160	181	153	27,693	2,769 sqft	141* 53 = 7,473	141* 83 = 11,703
047-251-060	233	179	46,250	4,415 sqft	193* 79 = 15,247	193*109 = 21,037
047-251-070	109	203	24,920	2,492 sqft	69*103 = 7,107	69*133 = 9,177
047-251-110	142	222	31,524	3,152 sqft	102*102 = 19,584	102*152 = 15,504
047-251-100	150	242	39,690	3,969 sqft	110*142 = 15,620	110*173 = 19,030

Note 1: All parcels are irregular shapes, so width and depth are computed approximations. Depth is average.

Note 2: For vacant parcels, the square footage was taken from the GSD vacant parcel database, supplied by GSD's engineering firm. This may not match the square footage which could be computed from the

approximate dimensions listed; the engineer's number is more accurate.

Note 3: For the 2 developed parcels, square footage was computed from the computed approximate dimensions.

Note 4: The 2 developed parcels must be included in this analysis, since they were developed with the COSC 10% lot coverage restriction but if rezoned to RM/CZ it could become economically viable expand substantially or to demolish and rebuild larger.

Note 5: The building envelopes (computed) assume a rectangular parcel. None of these parcels are rectangular, however this won't change the building envelope by more than a tiny amount in either direction.

Notice that in every case (except the one that stays at 0), RM/CZ would allow a much larger house than the COSC 10% restriction, and as the parcel sizes go up, the difference becomes huge. The "COSC bldg envelope" is usually meaningless because the COSC 10% lot coverage limit is usually more restrictive, but included here to show the relative increase in buildable area within the defined setbacks by rezoning to RM/CZ.

The recommendation to create a new zoning district does little to change the current situation, as the two parcels recommended for this change are owned by the San Mateo County Harbor District and unlikely to be developed for residential use. This proposal also does not take into account the existing COSC parcel in Montara that is part of the Caltrans ROW or what would happen if that property was rezoned to COSC (see Key Issue 16).

### Key Issue 10: Increasing Commercial and Employment Opportunities

The MCC supports the recommendations of your Planning Commission to defer consideration of new permitted land uses until the Half Moon Bay Airport Master Plan and Airport Land Use Commission aircraft safety zone evaluation are complete. We think the Board's earlier tentative approval of this recommendation is the correct action to take at this time.

We do not agree with the Subcommittee's recommended expanded uses in the W District, as they would be contrary to the intent of keeping the character, tendency, and purpose of the W District in fostering and supporting Marine, Fishery, and Coastal-Dependent uses. The inclusion of these new uses run contrary to the conclusions of the earlier public process, are premature in their definition until the Airport Plans are finished, and would contribute to a general gentrification and commercialization of the Waterfront District. Many of these land uses are already permitted and encouraged in the adjacent CCR District areas, which still has many undeveloped properties.

We also do not agree with the Subcommittee's recommendation for the AC zoning district, specifically because of the lack of research, analysis and background on the areas proposed for this district. The area along Capistrano road is adjacent, if not part of, the wetland and flood zone of Denniston Creek. Development at the area at the north end of the airport may include areas with prime soils, active farmland, and possible disruptions to existing aviation and industrial businesses. We think this proposal needs much more research and public review before your Board could take any action on it. The need for increased commercial and employment opportunities could be met by more purposeful use of the existing C-1 District areas (see Key Issue 7 above).

#### Key Issue 11: Development Controls in the AO (Airport Overlay) District

The MCC supports the recommendations of your Planning Commission to revise the site density limit formula to be fairer to differing sized parcels, and otherwise defer consideration of changes to and in the AO Zone until the Half Moon Bay Airport Master Plan and Airport Land Use Commission aircraft safety zone evaluation are complete. We agree with the Board's current decision to defer any action until these Plans are completed.

#### Key Issue 12: Midcoast Traffic Mitigation Requirements

The MCC supports the recommendations of your Planning Commission to (1) retain local road mitigation fee requirements, (2) retain TDM requirements for projects generating more than 100 peak hour trips, (3) adding TDM requirements for projects generating less than 100 peak hour trips and are not exempt from CEQA, and (4) studying expanding shuttle service.

We also support the Subcommittee recommendation to decrease the TDM threshold to 50 peak hour trips, but for reasons stated above in Key Issue 3, do not support the proposed change to LCP Policy 2.50.

#### Key Issue 13: Development Controls in Midcoast RM-CZ and PAD Districts

The MCC supports the earlier tentative approvals of your Board of the recommendations of your Planning Commission.

#### Key Issue 14: Rural Residential Designation

The MCC supports the recommendations of your Planning Commission to re-designate two sub-areas currently not served by water lines from Rural Residential to Rural.

We do not feel that the limited analysis presented makes any strong argument for a “taking” in this case, as reasonable economic use of the property is not lost or diminished beyond what current zoning, land use designation, and utility service policy presents. The claim of creation of a potential risk from failing wells is at conflict with current County policy, as this is exactly the risk that is run by all the well-dependent development that is currently allowed within the urban area. To claim this is an unacceptable health risk in the rural area means this should be claimed an unacceptable health risk in the urban area, and that is not the current position of the County.

#### Key Issue 15: Lot Merger in Rural Midcoast Areas

The MCC supports the recommendations of your Planning Commission to comprehensively merge all applicable Rural Residential and Open Space parcels with the goal of combining up to at least five acres if possible, with vacant parcels to be merged first.

As the Subcommittee’s rationale and incentive plans are the same as Key Issue 5, so are our reasons for not supporting the Subcommittee recommendations.

#### Key Issue 16: Use of the CalTrans Devil’s Slide Bypass Property

The MCC supports the recommendations of your Planning Commission to revise LCP Policy to support adding the Bypass property to adjoining parklands and to promote low intensity recreational uses by designating the property Open Space, rezoning to COSC, and actively working with Caltrans and other involved agencies.

The County should take advantage of working State Legislators and other agencies and entities to move this property into public ownership. There is no argument presented in the staff report for retaining its residential zoning, and the statement that doing so is “more respectful or property rights” makes little sense when preceding explanations regarding takings seem to indicate that is not an issue with State-owned lands. In this case, the issue raised by the mysterious Mr. Recht, of whether there are uses other than residential that would be more beneficial, is clearly answered by the preservation of this property as public parkland.

#### Key Issue 17: Highway 1 Pedestrian Improvements

The MCC supports the earlier tentative approvals of your Board of the recommendations of your Planning Commission.

#### Key Issue 18: Updating Midcoast Trails Policies

The MCC supports the recommendation of your Subcommittee to adopt the recommendations of your Planning Commission.

#### Key Issue 19: Impervious Surface Limit/Winter Grading

The MCC supports the original recommendations of your Planning Commission without the revision previously added by your Board. The exemption provided by the Planning Commission (which is not specified in the Staff Report) is to allow non-residential properties the options of higher impervious surface percentages provided equivalent drainage and runoff controls were implemented during development. These are standard and common-place technologies, and do not place any undue burden on the development and use of the properties. The revision is unnecessary and would contribute to runoff, erosion, pollution and flooding problems in the Midcoast.

#### Key Issue 20: Codifying Coastal Act Sections

The MCC supports the earlier tentative approvals of your Board of the recommendations of your Planning Commission.

#### Key Issue 21: LCP Tasks Assigned to the County

The MCC supports the earlier tentative approvals of your Board of the recommendations of your Planning Commission.

#### Key Issue 22: LCP Policy Conflicts/Ambiguous Provisions

The MCC supports the earlier tentative approvals of your Board of the recommendations of your Planning Commission.

#### Key Issue 23: New MidCoast Affordable Housing Policy

The MCC does not think that this issue has received the level of public review and analysis necessary for your Board to take any action at this time. This issue was not part of the community-inclusive workshop process or the extensive Planning Commission hearings, and there are many issues surrounding the Subcommittee's recommendation that are not adequately addressed at this time.

The revision of LCP Policies 2.21 & 2.29 regarding allocation of priority water and sewer should be considered in regard to removing those allocations from the existing affordable housing sites if reassigned to individual units. Priority connections for visitor-serving, coastal dependent, and agricultural operations should not be affected by these re-allocations. No analysis of this proposal in light of existing water and sewer resources is presented.

The designation of new second units only as affordable may be legally problematic, and we recommend that County Counsel fully explore that matter. The extra-income from a market-rate second unit is the only way some of our residences can afford to stay here, and some possibility of a percentage or other allocation methods should be explored.

Any plans for preparing and pre-approving a variety of house designs should be done with the full participation and authority of the Coastside Design Review Committee to assure compliance with the Design Review Criteria. No analysis of this process is presented, and there will be many factors to take into consideration, including steep slope lot designs and dealing with other constraints such as reduced setback possibilities and environmental constraints.

Use Permit requirements should not be exempted for any development on substandard lots, as this would be in direct conflict with development policies of the Coastal Act.

The Board may not be in a position to ask the Granada Sanitary District, or any special district which is an independent governmental entity, to do anything about its policies, and we recommend that this issue be fully analysed by County Counsel before any action is taken.

Regarding the proposed “incentives”, please see our comments in Key Issue 6 above.

The question has been raised as to whether this process even belongs within the LCP update process, as it was not part of the original scope of the project as funded by the Coastal Commission, is intended more to satisfy County Housing Requirements rather than local implementation of the Coastal Act. We feel enough opportunistic and special interest influence has crept into this process as it is.

Our Council and many members of the community are very disappointed in the fragmentation and lack of comprehensive and cohesive planning analysis that seems to be developing in the hearings. We are still concerned that your Board is not giving any level of regard for the thought processes and reasoning behind the Planning Commission recommendations, and that the hearings are not giving enough background information, discussion, and history to be working from.

As stated in our earlier letters, 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.

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.

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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MCC/cgk - 12/05/05