

Midcoast Community Council

An elected Municipal Advisory Council to the
San Mateo County Board of Supervisors
Serving 12,000 coastal residents
Post Office Box 64
Moss Beach, CA 94038-0064
<http://www.montara.com>

18 March 1999

Council Members

Paul Perkevic, Chair
(650) 728-9500
perk@montara.com
Mary Hobbs, Vice-Chair
(650) 728-3012
mary@montara.com
Laura Stein, Secretary
(650) 712-0225
laura.mclaughlin@worldnet.att.net
David Spiselman, Treasurer
(650) 728-1714
dave-s@coastside.net
Bill Derow
(650) 712-8185
bill@derow.com
Joe Gore
(650) 726-1550
threezero@aol.com
Ric Lohman
(650) 726-9607
blohman@coastside.net

Standing Committees

Parks and Recreation

Mary Hobbs, Chair

Planning and Zoning

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Public Works

Joe Gore, Chair

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

re: Commission Appeal No. A-1-SMC-99-014, CDP 98-0010
Parcel located at 910 Ventura, El Granada
Applicants: Linda Banks and Judy Taylor

Dear Chair Sara Wan and Honorable Commissioners:

We write to you as the elected representatives of the citizens of San Mateo County's Midcoast Community to protest the County's approval of a Coastal Development Permit for a development that we believe conflicts with the requirements of our Local Coastal Program (LCP). Because the County's approval of projects such as this one threatens to undermine the LCP and silently and unlawfully amend it (Public Resources Code, § 30514, subd. (e)) by excusing compliance with the County's zoning ordinance, we beseech the Commission to disapprove the County's action.

San Mateo County's LCP projects a total population of 15,500 for the Montara - Moss Beach - El Granada Midcoast Community (hereafter M/MB/EG) at complete buildout. As of 1998, the population of this area was estimated to be 12,800. (Association of Bay Area Governments (ABAG) Projections, 1996.) This figure represented a substantial increase over the County's 1990 estimate of 10,222 as the population of not only M/MB/EG but also Princeton and Miramar. In 1990, the County also estimated that there were 3,000 undeveloped parcels in M/MB/EG that met the minimum lot size requirements in the County's zoning ordinance. The average household size in this area was computed by the County in 1990 to be 2.71 persons per household. Based on the County's 1990 figures, the addition of approximately 1948 dwelling units in M/MB/EG after 1990 will constitute full buildout under the LCP. Thus, it is clear that the County cannot permit the development of even two-thirds of the lots which *meet* the requirements of the zoning ordinance without exceeding the full buildout figures set forth in the LCP.

The reason that we are concerned with the instant appeal is that this appeal involves the County's approval of the development of a lot which *does not qualify as a buildable lot* under the County's zoning ordinance. Hence, the County's approval of this development threatens to exacerbate the already serious problem posed by the existence of far more buildable lots than can be developed under the LCP. The LCP's reasonable development restrictions are based on negative impact that population increases beyond full buildout would have on the Midcoast Community. Since the County is required to operate under the strictures of the LCP, it should be encouraging development of only those lots that are in strict compliance with its zoning ordinance rather than permitting development of non-compliant substandard lots. Although precise figures are not available on the total number of substandard lots in existence in M/MB/EG, it has been estimated that there are as many as several thousand substandard lots in this area.

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The property rights of the owners of *buildable* lots are at risk when the County allows the owners of lots which do not qualify as buildable lots to develop their lots. The County is required to limit development under the LCP. As the County will not even be able to permit development of the *buildable* lots in M/MB/EG, it should not be permitting development of lots which *do not comply* with the County's zoning ordinance. Every building permit granted by the County on a non-compliant lot will inevitably preclude development of a compliant buildable lot. This is an untenable situation.

The Commission exercises independent judgment in reviewing the County's approval of this development permit. (*City of Chula Vista v. Superior Court* (1982) 133 Cal.App.3d 472, 489-490.) Consequently, the Commission need not defer to the County's inappropriate conclusion that this non-compliant lot should be developed. The County clearly has the power to deny the owner of a non-compliant lot the right to develop that lot. (*Gisler v. County of Madera* (1974) 38 Cal.App.3d 303, 308-309; see also *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785, 792-798; *Palmer v. Board of Supervisors* (1983) 145 Cal.App.3d 779, 783.) Here, where the LCP limits development and the development of compliant lots alone would exceed those limits, the County *must* exercise its power to deny such owners the right to develop their undevelopable lots unless there are extremely unusual circumstances which justify a rare exception to this rule. No such circumstances are present in this case.

We urge you to protect the integrity of the LCP by disapproving the County's action and prohibiting this development.

Sincerely,

Paul Perkovic
Chair, Midcoast Community Council

cc: San Mateo County Board of Supervisors
San Mateo County Planning Department