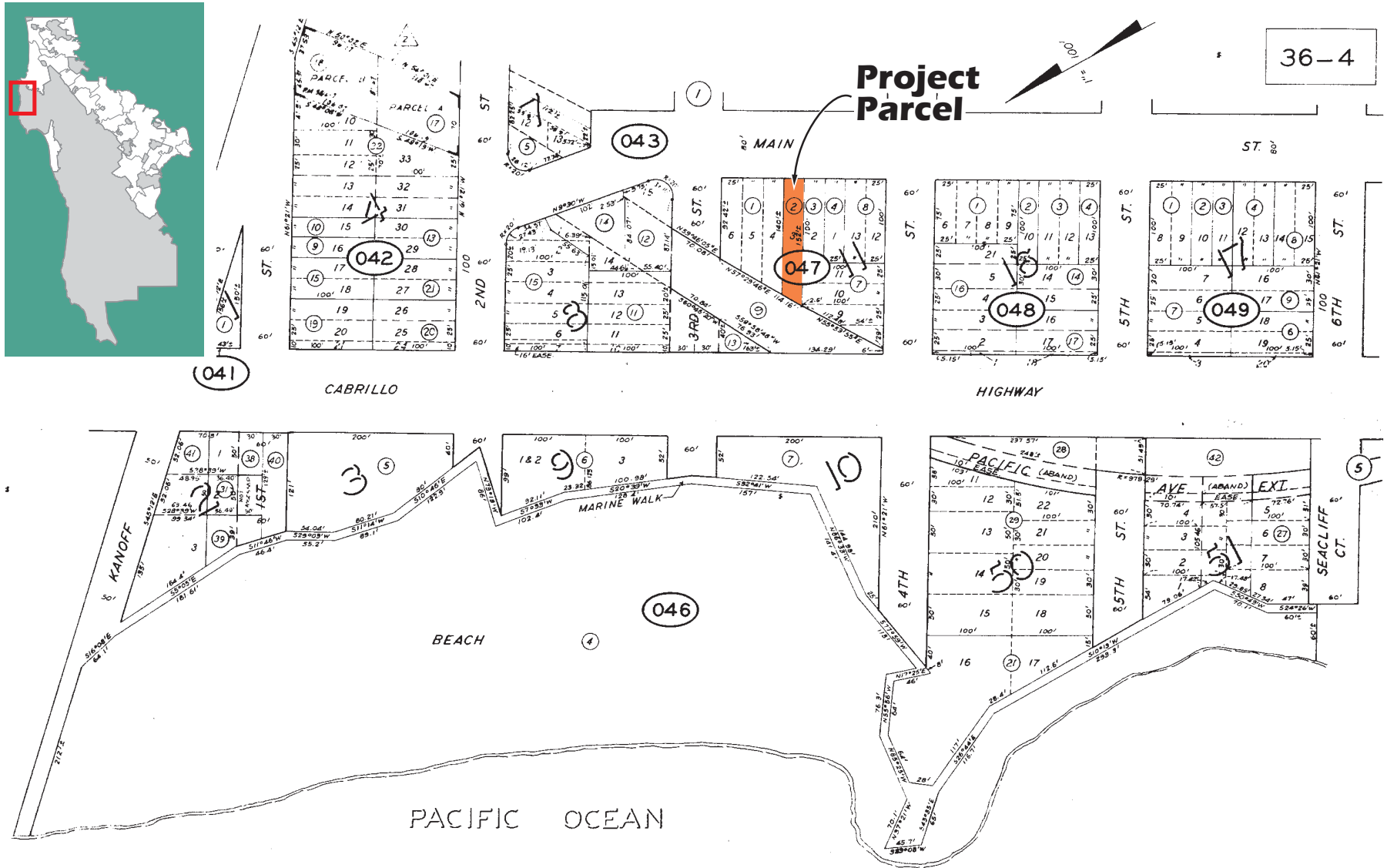




**County of San Mateo - Planning and Building Department**

# **ATTACHMENT B**



## Vicinity Map

### San Mateo County Board of Supervisors Meeting

Owner/Applicant:

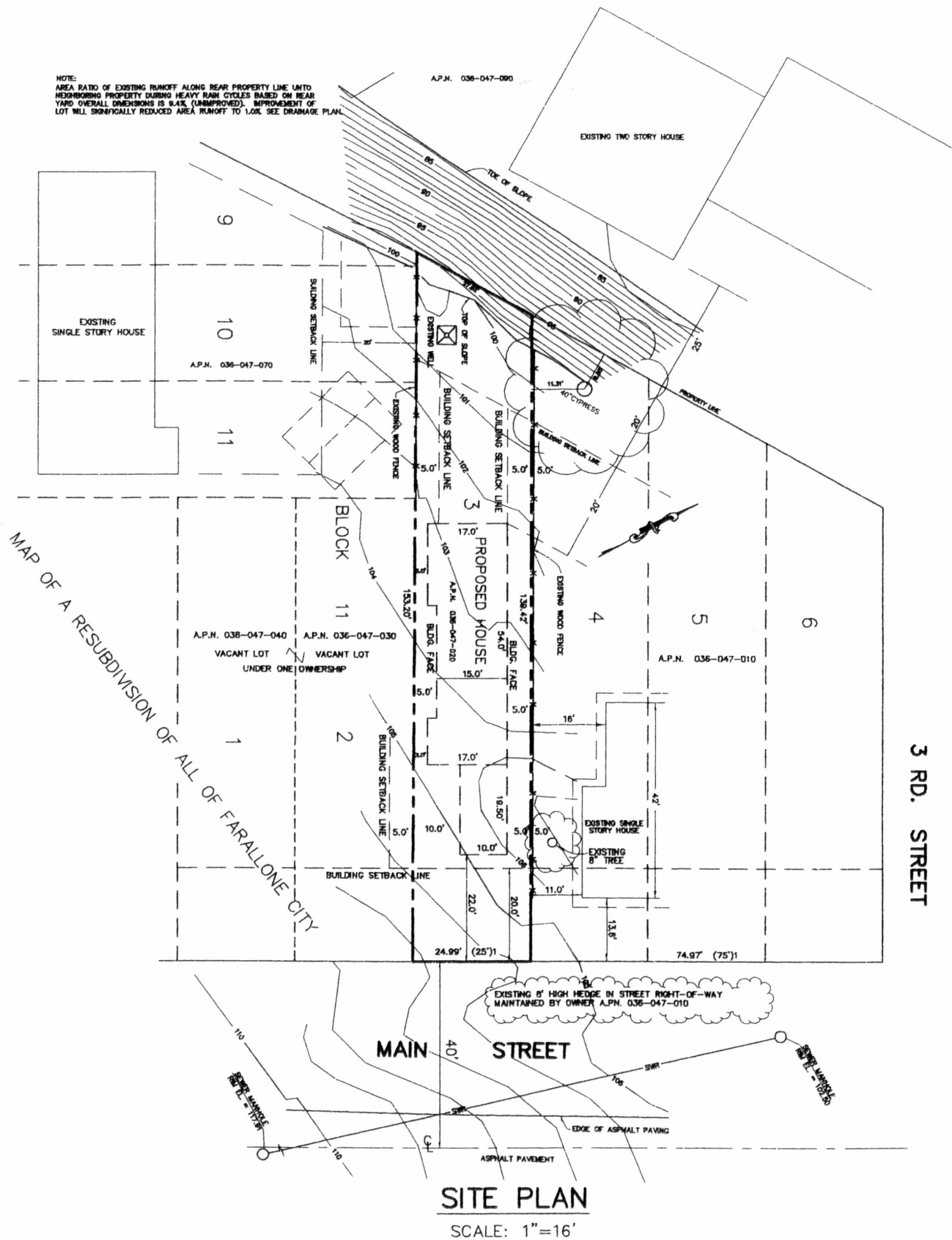
Attachment:

File Numbers:



**County of San Mateo - Planning and Building Department**

# **ATTACHMENT C**



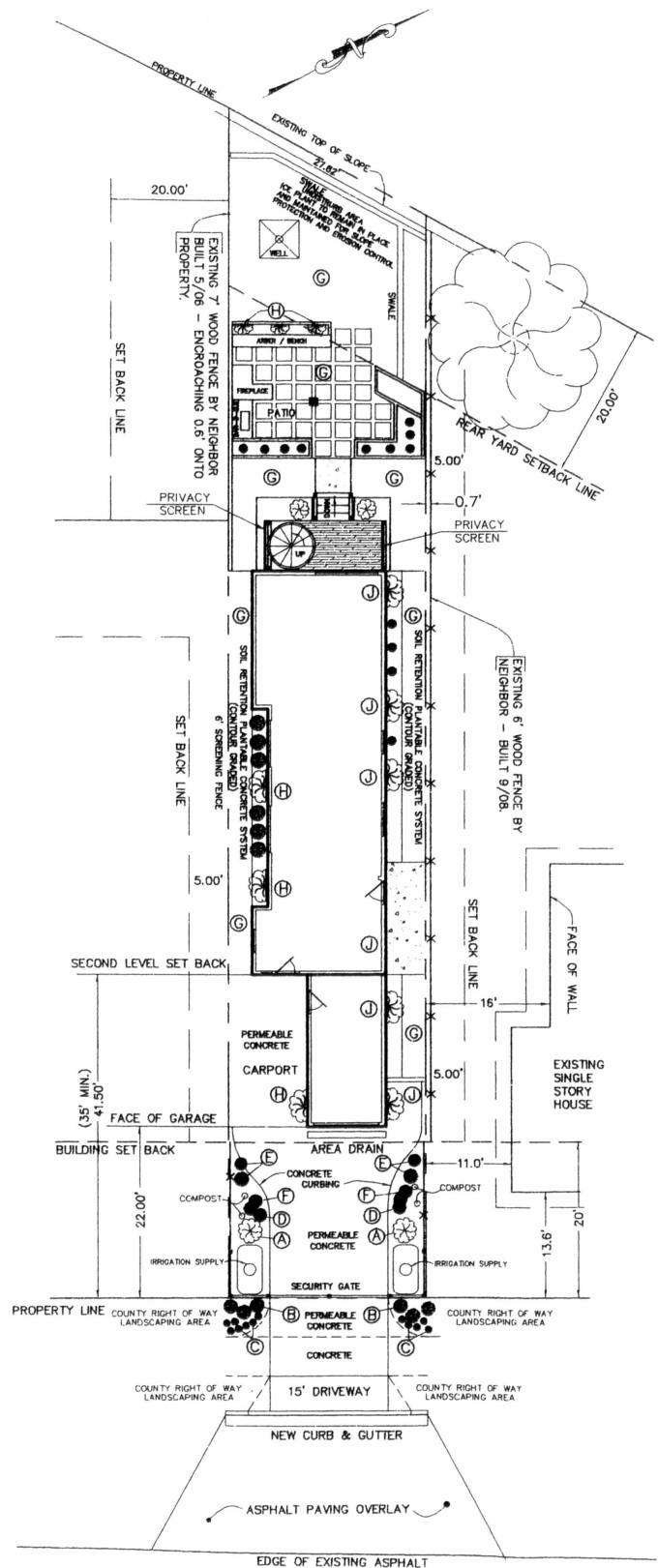
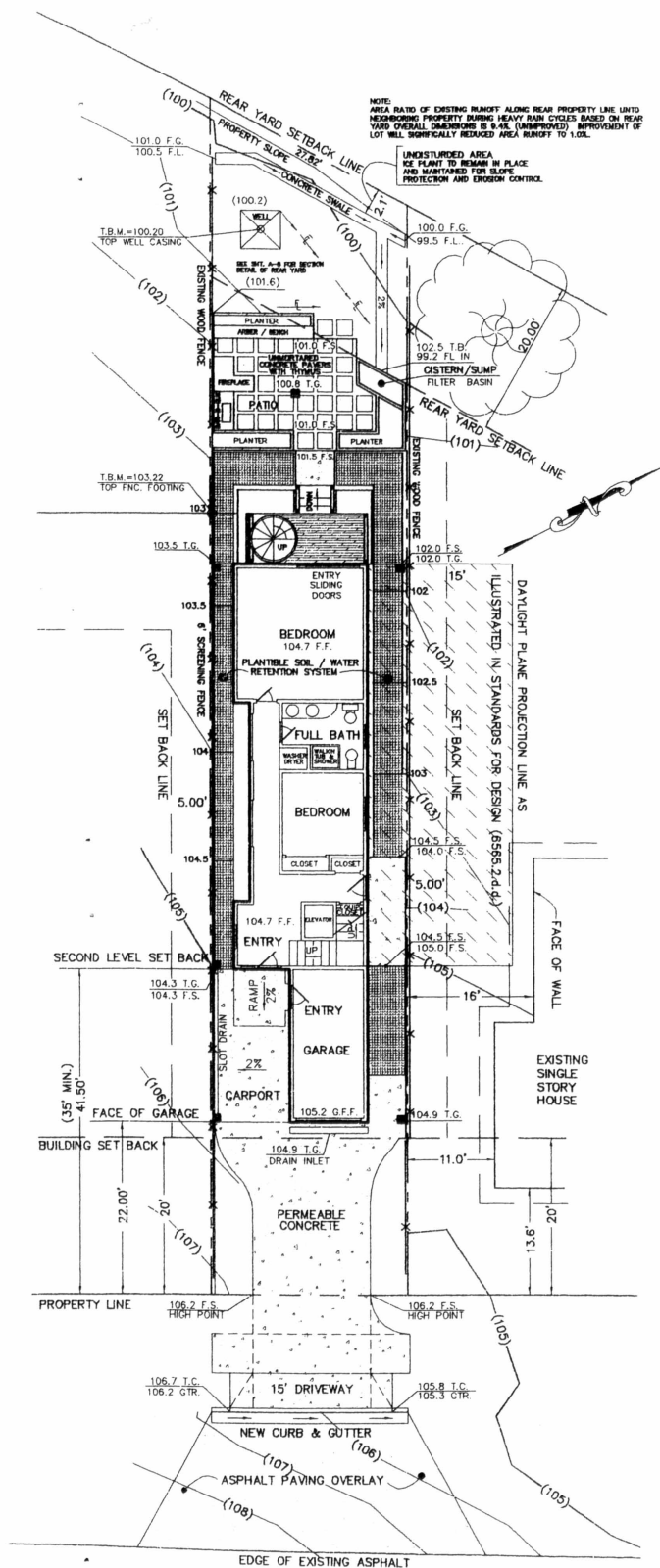
## San Mateo County Board of Supervisors Meeting

Owner/Applicant:

Attachment:

File Numbers:



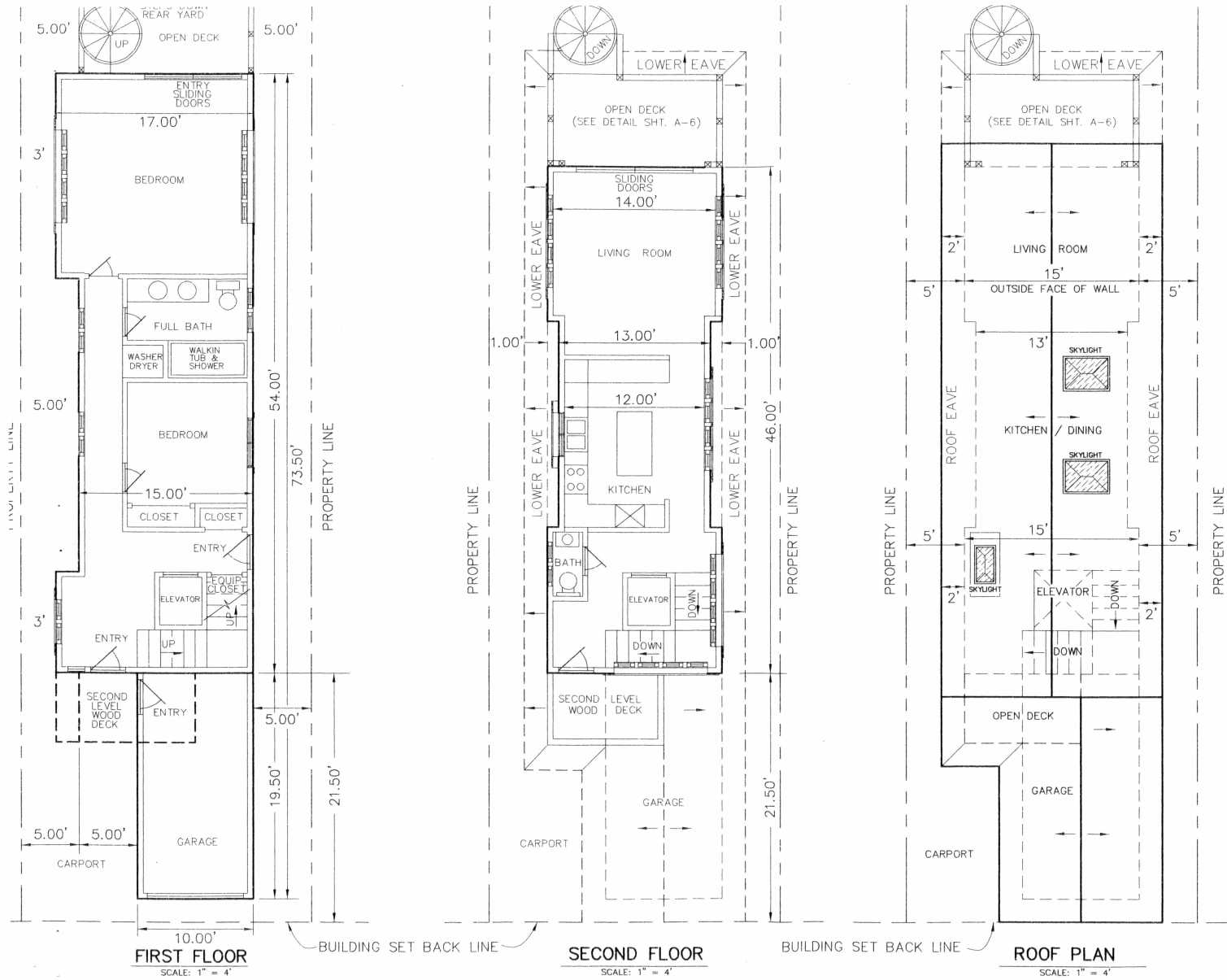


# San Mateo County Board of Supervisors Meeting

Owner/Applicant:

Attachment:

File Numbers:

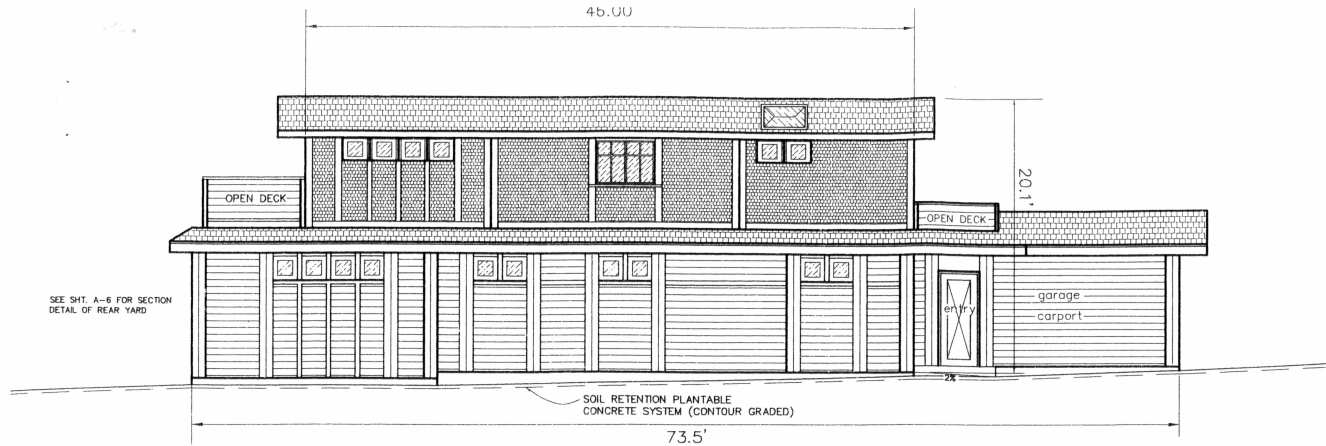


## San Mateo County Board of Supervisors Meeting

Owner/Applicant:

Attachment:

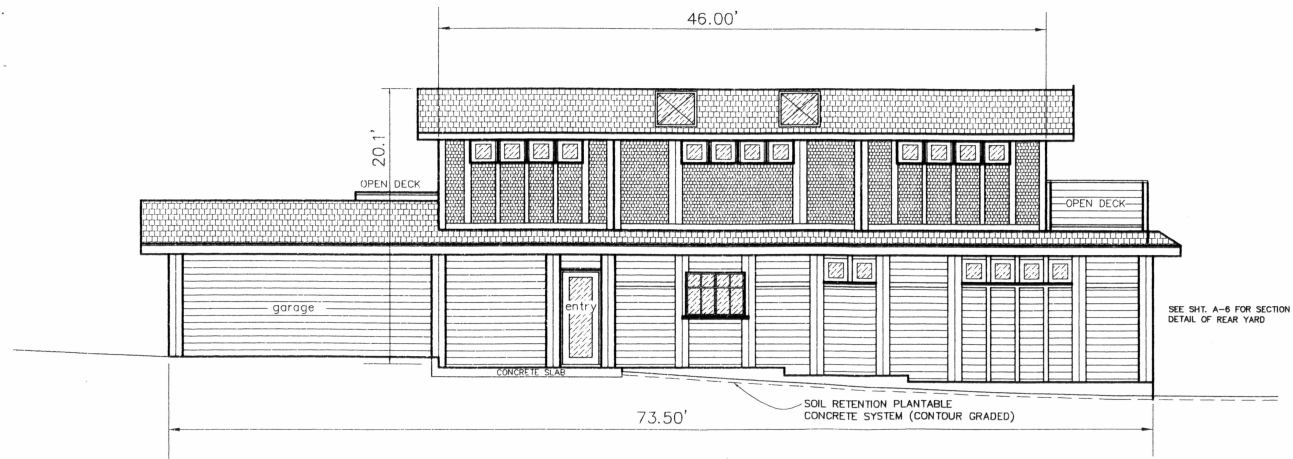
File Numbers:



SIDE VIEW FACADE / LOOKING NORTH

SCALE: 1" = 4'

NOTES:  
SEE FLOOR PLAN FOR FIRST AND SECOND FLOOR FACADE ARTICULATION  
SEE PROFILE PLAN FOR BUILDING CROSS SECTION  
SEE LANDSCAPE PLAN FOR SELECTED TRELLIS PLANTS



SIDE VIEW FACADE / LOOKING SOUTH

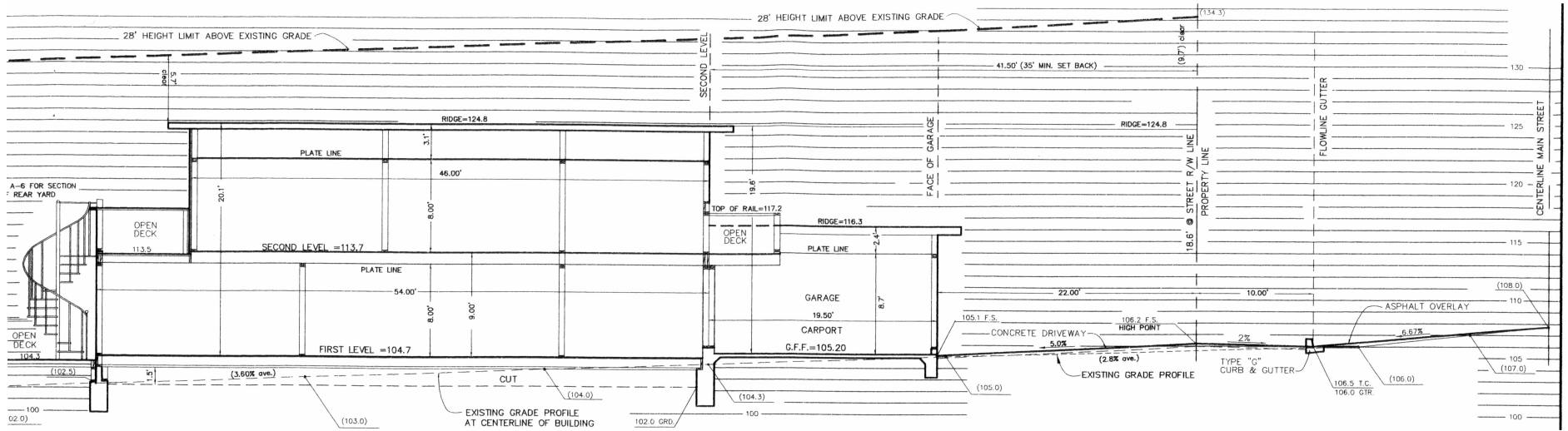
SCALE: 1" = 4'

## San Mateo County Board of Supervisors Meeting

Owner/Applicant:

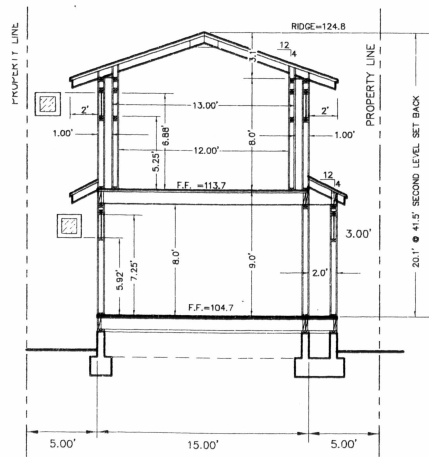
Attachment:

File Numbers:



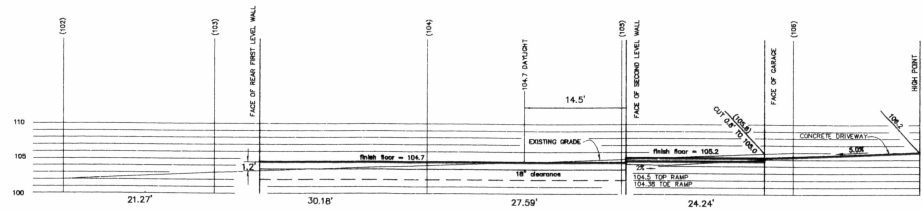
SECTION PROFILE / CENTER OF BUILDING / LOOKING NORTH

SCALE: 1" = 4'



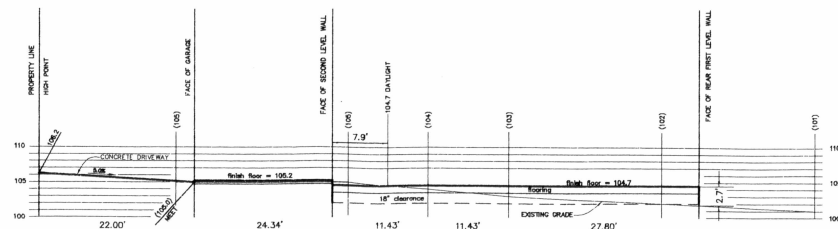
SECTION PROFILE / LOOKING EAST

SCALE: 1" = 4'



LOOKING NORTH / PROFILE ALONG SOUTH PROPERTY LINE

SCALE: 1" = 8'



LOOKING SOUTH / PROFILE ALONG NORTH PROPERTY LINE

SCALE: 1" = 8'

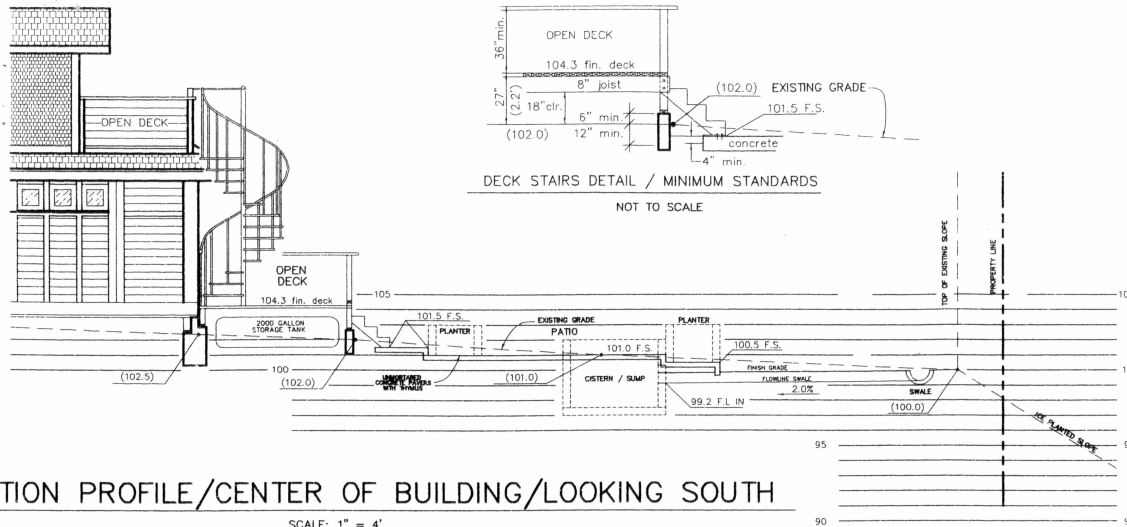
## San Mateo County Board of Supervisors Meeting

Owner/Applicant:

File Numbers:

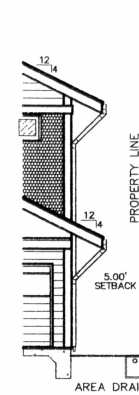
Attachment:





SECTION PROFILE/CENTER OF BUILDING/LOOKING SOUTH

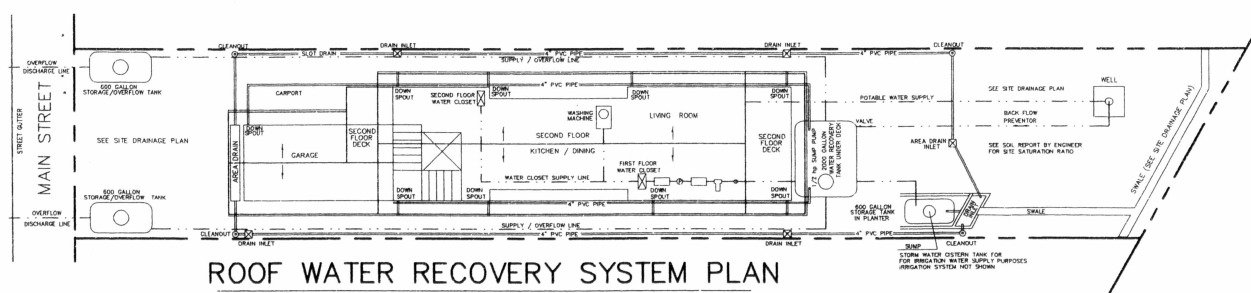
SCALE: 1" = 4'



ROOF WATER RECOVERY SYSTEM

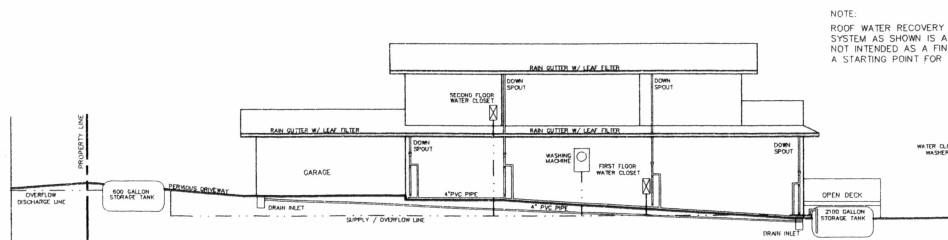
EAVE- GUTTER DETAIL

NOT TO SCALE



ROOF WATER RECOVERY SYSTEM PLAN

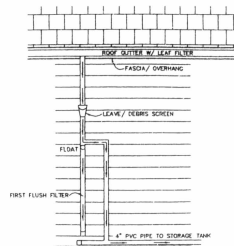
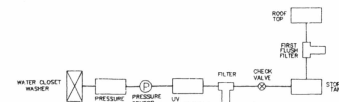
NOT TO SCALE



PROFILE ROOF WATER RECOVERY SYSTEM

NOT TO SCALE

NOTE:  
ROOF WATER RECOVERY SYSTEM AND DRAINAGE MANAGEMENT SYSTEM AS SHOWN IS A DESIGNED SCHEMATIC PLAN AND IS NOT INTENDED AS A FINAL DRAWING AND IS TO BE USED AS A STARTING POINT FOR THE NEXT STAGE OF ENGINEERING DESIGN.



ROOF WATER FILTER SYSTEM

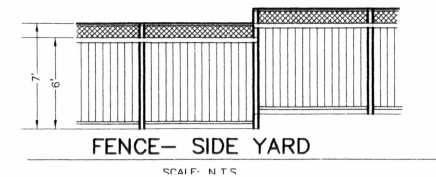
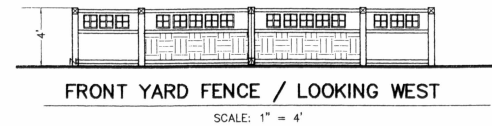
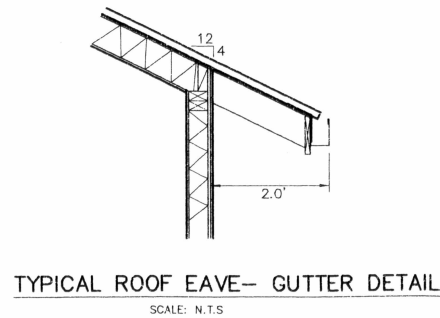
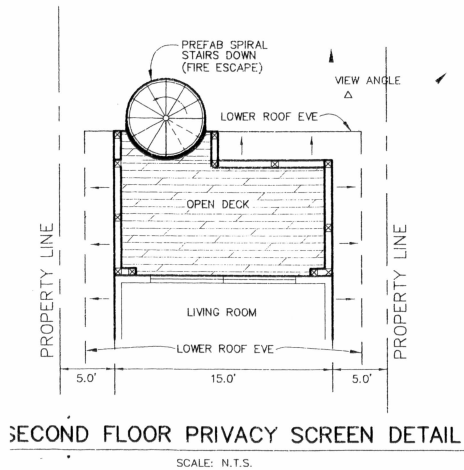
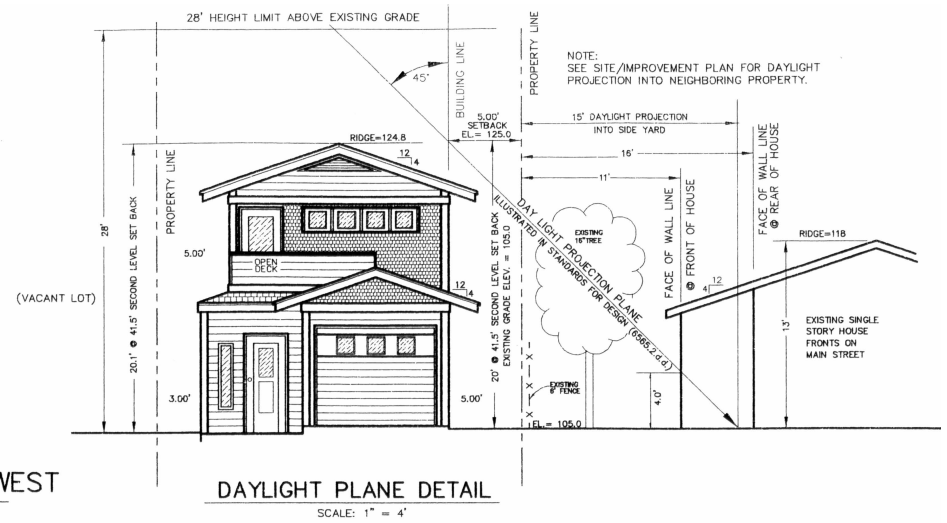
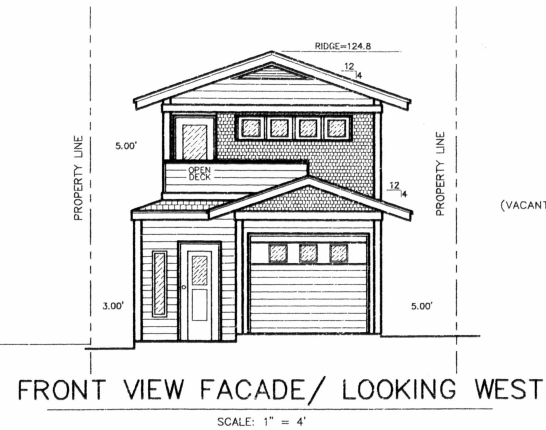
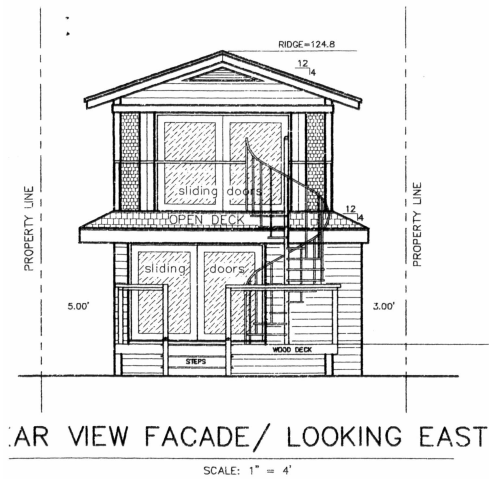
NOT TO SCALE

## San Mateo County Board of Supervisors Meeting

Owner/Applicant:

File Numbers:

Attachment:



## San Mateo County Board of Supervisors Meeting

Owner/Applicant:

Attachment:

File Numbers:



**County of San Mateo - Planning and Building Department**

# **ATTACHMENT D**

**Application for Appeal RECEIVED**☐ To the Planning Commission☒ To the Board of Supervisors

APR 09

San Mateo County  
Planning and Building**Board of Supervisors Meeting****PLN 20\$\* -001) )**

Case

**8**

Attachment

Name: Oehlert, Mitchell, Salvador,  
Smith, et.al. (see attached list)

Phone, W: 650-728-0739 H: 650-728-0739

Address: See Attached Signature List

Zip:

Permit Numbers involved:

PLN2006-00155 (Peterson)

I have read and understood the attached information  
regarding appeal process and alternatives.☒ yes☐ no

I hereby appeal the decision of the:

- ☐ Staff or Planning Director  
☒ Zoning Hearing Officer  
☒ Design Review Committee  
☒ Planning Commission

Appellant's Signature:

See Attached Signature List

Date: 04/07/2012

made on March 28, 2012 to approve/deny  
the above-listed permit applications.

Planning staff will prepare a report based on your appeal. In order to facilitate this, your precise objections are needed. For example: Do you wish the decision reversed? If so, why? Do you object to certain conditions of approval? If so, then which conditions and why?

**Major points of appeal for PLN 2006-00155. (See attached document for details.)**

- 1) The Planning Commission at its 10/26/11 hearing continued the project so that the applicant could address "issues related to project redesign, including...mass and bulk and conformance with the existing topography." These issues were inadequately addressed (03/28/12 Planning Commission hearing) by slightly lowering the house and modifying the roofline but the basic dimensions were unchanged: the structure's 73-ft length and 46-ft second story on a 25-ft lot (with 3-ft and 5-ft setbacks) make it non-compliant with design guidelines and non-complementary with smaller 1-story houses in the same block. The Planning Commission voted 2-1 to approve.
- 2) The house would be the only 2-story house in all Montara on a lot only 25-ft wide. All other such lots have 1-story houses; all 2-story houses are on much larger lots. Approval sets a precedent for over-building that has serious implications for development in this Midcoast community.
- 3) The house would be in a much-traveled Montara area within the part of the Highway 1 scenic corridor that the State of California defined as a "coastal zone of particular interest". This recognizes heightened sensitivity to visual quality Coastside, raising the standard to the highest compliance level. Increased rigor was needed to mitigate the project's impacts. Yet CDRC, in approving it, ultimately dismissed the very design standards cited in its original denial of approval.
- 4) This project needs a separate CDP and lot legalization and must maximize consistency with LCP resources protection policies.



List of Appellants to San Mateo County Board of Supervisors

RE: Kendal Peterson Project, Main St., Montara, PLN2006-00155

Name: JOAN & BETH OEHLERT

Street: 1198 MAIN ST.

Signature: [Signature] Beth Oehle City, St, Zip: MONTARA, CA 94037-1142

Name: Shelly Smith

Street: 1200 Main St

Signature: Shelly Smith

City, St, Zip: Montara, CA 94037-1251

Name: KATHRYN SLATER CARTER

MAIL  
Street: PO 370321

Signature: Kathryn Slater Carter

City, St, Zip: Montara, CA 94037

Name: DAVID ANDREASSON

Street: 175 4th Street

Signature: [Signature]

City, St, Zip: MONTARA CA 94037

Name: LUDMILLA TICHY

Street: 1221 MAIN STREET

Signature: Ludmilla Tichy

City, St, Zip: MONTARA, CA 94037

Name: Jack Salvador

Street: 1225 Main St.

Signature: Jack Salvador

City, St, Zip: Montara, CA 94037

Name: Constance Mitchell

Street: Owner 605 Main St

Signature: Constance Mitchell

City, St, Zip: Montara Ca 94037

Mailing address 190 Almondral Ave  
Alberton Ca 94027

Name: \_\_\_\_\_

Street: \_\_\_\_\_

Signature: \_\_\_\_\_

City, St, Zip: \_\_\_\_\_

April 8, 2012

San Mateo County Board of Supervisors  
Hall of Justice  
400 County Center  
Redwood City, CA 94063

To: Supervisor Adrienne Tissier, President  
Supervisor Don Horsley, Vice-President  
Supervisor Dave Pine  
Supervisor Carole Groom  
Supervisor Rose Jacobs Gibson

Re: Appeal of PLN2006-00155 (Peterson; Main St, Montara, APN-036-047-020)

We are requesting the Board of Supervisors deny the above referenced project.

The Planning Commission's 2-to-1 vote on 03/28/12 in favor of the revised project in effect upheld the Zoning Hearing Officer's approval of plans submitted to him. We are appealing the Commission's determination, and also the approvals of the project by the CDRC and the Zoning Hearing Officer. Despite the Commission's October directive (see attachment) to **reduce mass/bulk** of the house this was not done effectively for the following reasons

a) **Project retains its 73-ft overall length and 46-ft long 2<sup>nd</sup> story--dimensions identical to those presented to CDRC in 2008 and to the Commission in October 2012.** That leaves its adverse impacts of mass and bulk largely unmitigated.

b) Building height (ridge) in the previous design was 22 ft. The 2nd floor walls were and still are set back 5 ft from the property line. Due to the 2-ft overhang, roof eave at the fascia is only 3 ft from the fence. Top of the fascia was at elevation 121.6--19.6 feet above existing grade at the rear of the house--resulting in a 19.6-ft high, 46-ft long obstruction only 3 ft away--a significant impact on the neighborhood. It definitely did not conform to guidelines. The revised proposal reduced ridge height an average of 2 ft, and dropped the rear fascia, lowest of the three, to elevation 119.7, 1.9 ft lower, resulting in a height of 17.7 ft above existing grade. This almost 18 ft high obstruction is still only 3 ft away--an inadequate remedy. The issues of mass/bulk are not solvable by slightly lowering the house into the existing grade. The 2nd floor still extends nearly to the rear corner of the property to the south, blocking almost all light and air its rear yard would have had from the north and blocking other neighboring properties to varying degrees. To mitigate this effectively, we proposed shortening the 2<sup>nd</sup> floor so the rear of the house is only 1-story, softening impacts on neighbors and sculpting the profile to descend gently in the direction of the natural topography as seen from Main Street and Highway 1. This plea was ignored; the staff report does not even discuss it.

Mass/bulk issues for the house are egregious as it is 2 stories on a 25-ft wide lot with minuscule setbacks **No other 2-story house in all Montara is on a 25-ft lot; all other such lots have 1-story houses.** At its present unreduced size it totally violates the stated purpose of the guidelines, namely, "to encourage single-family homes and additions that have their own individual character, while ensuring that they are complementary with neighboring houses, the neighborhood character of each Midcoast community, and the surrounding natural setting." The house is not complementary to the adjacent 1-story house



and other 1-story houses on the block--and its unique size and scale for such a narrow lot make it totally atypical for this Midcoast community. A more modest 2-story house or a 1-story house could be a harmonious addition to the town and compatible with the neighborhood.

The problems are of particular concern because:

(1) The County identified Cabrillo Highway (State Route 1) as a County Scenic Corridor through Montara.

(2) The State of California defined a coastal zone area of particular interest—between the first public road and the ocean or within 300 feet of a beach, mean high tide, or bluff edge. This is a small part of the Highway 1 scenic corridor and recognizes a heightened sensitivity to the visual quality Coastside, raising the standard to the highest compliance level. Due to this structure's location in this 300 ft zone, mitigation of adverse impacts—including those associated with the many variances it received—should exceed that for other parcels in the corridor but not in this zone. Thus, increased rigor is needed, not CDRC's ultimate dismissal of design standards cited in its original denial of approval to the project and its subsequent approval, upheld by the Zoning Hearing Officer. Overbuilding this 25-ft lot with a 2-story 73 ft long structure would be especially obvious due to its location on Main Street between 3<sup>rd</sup> and 4<sup>th</sup>, an area highly traveled by residents and visitors.

The applicant--referring to the house presented to the Commission in October as Plan A, and changes described above as Plan B--said he now had Plan C in mind and gave Commissioners a copy that we had no opportunity to examine. This last-minute development represents a further reason to deny approval to this house.

At the hearing a commissioner stated in support of the project that "this is the smallest house I have seen." This ignores house size relative to lot size—its floor area is only 1% less than the allowable maximum--and the fact that it is larger in square footage than 3 of 4 of the other houses on the block and larger than all 4 in the context of lot size (see graph). Moreover, despite much larger lots, they are all 1-story (except for one set so far down into the terrain that a 1-story house overlooks it). The Peterson house is thus clearly out of scale with its neighbors.

In Summary:

a) A 73-ft long structure with a 46-ft 2<sup>nd</sup> story represents overbuilding on a 25-ft-wide lot with 3-ft and 5-ft setbacks. It would set an unfortunate precedent for Montara where 25-ft lots have **always** been more appropriately developed with 1-story homes.

b) This project requires a separate Coastal Development Permit for lot legalization. It must maximize consistency with the Local Coastal Plan and conform to all policies of the Local Coastal Program and the California Coastal Commission. We do not believe these requirements have been appropriately addressed.

Attachments:

Notice of Planning Commission Hearing Continuance 11/1/11

Graph of House Size vs Lot Size (Peterson block)



County of San Mateo

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**Planning & Building Department**

455 County Center, 2nd Floor  
Redwood City, California 94063  
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122

plngbldg@co.sanmateo.ca.us

[www.co.sanmateo.ca.us/planning](http://www.co.sanmateo.ca.us/planning)

---

November 1, 2011

Kendal Peterson  
2030 Carriage Lane  
Arroyo Grande, CA 93420

Dear Mr. Peterson:

Subject: **PUBLIC HEARING CONTINUANCE**  
File Number: PLN2006-00155  
Location: Main Street, Montara  
APN: 036-047-020

On October 26, 2011, the San Mateo County Planning Commission considered a Use Permit, a Coastal Development Permit, Design Review, Certificate of Compliance (Type B), pursuant to Sections 6133.3b, 6328.4 and 6565.20 of the San Mateo County Zoning Regulations, and Section 7134.2 of the San Mateo County Subdivision Regulations, respectively, to construct a new 1,517 sq. ft. single-family residence with a 195 sq. ft. one-car attached garage on a 3,650 sq. ft. non-conforming parcel, including a proposed combined side setback of 8 feet, where 15 feet is the minimum required and one covered parking space where two covered spaces are the minimum required, located on Main Street in the unincorporated Montara area of San Mateo County (Appeal of Zoning Hearing Officer's approval of August 27, 2010).

Based on information provided by staff and evidence presented at the hearing, the Planning Commission continued this project to the Planning Commission meeting of January 11, 2012 in order to allow the applicant time to address issues relating to project redesign, including but not limited to mass and bulk and conformance with the existing topography.

Kendal Peterson  
November 1, 2011  
Page 2

If you have questions regarding this matter, please contact Dennis Aguirre,  
Project Planner, at 650/363-1867.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosario Fernandez". The signature is fluid and cursive, with the first name "Rosario" written in a larger, more prominent script than the last name "Fernandez".

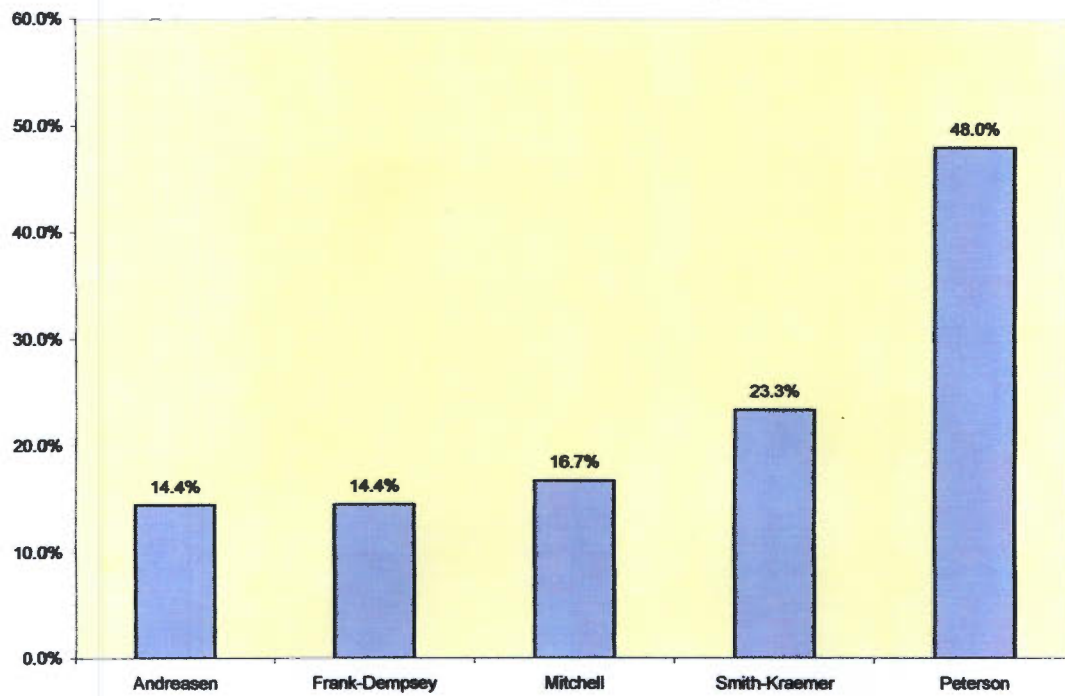
Rosario Fernandez  
Planning Commission Secretary  
pcd1026V\_rf (Peterson cont).doc

cc:

Constance Mitchell  
Melanie Barrett  
John Oehlert  
Karen Wilson  
Eric Jacobsen  
Beth Oehlert  
Robert Johnson  
George Tway  
Jim Tway



**Peterson Block**  
**House Size (sqft) / Lot Size (sqft)**





**County of San Mateo - Planning and Building Department**

# **ATTACHMENT E**



County of San Mateo

**Planning & Building Department**

455 County Center, 2nd Floor  
Redwood City, California 94063  
650/363-4161 Fax: 650/363-4849

**Board of Supervisors Meeting**

**PLN 20\$\* -001) )**

Case

**9**

Attachment

March 29, 2012

Kendall Peterson  
2030 Carriage Lane  
Arroyo Grande, CA 93420

**PROJECT FILE**

Dear Mr. Peterson:

Subject: **LETTER OF DECISION**  
File Number: PLN2006-00155  
Location: Main Street, Montara  
APN: 036-047-020

On March 28, 2012, the San Mateo County Planning Commission considered, pursuant to Sections 6104(j), 6328.16 and 6565.9 of the Zoning Regulations, the appeal of the Zoning Hearing Officer's issuance of a Use Permit, Coastal Development Permit, Design Review and Certificate of Compliance (Type B), pursuant to Sections 6133.3.b, 6328.4 and 6565.7 of the San Mateo County Zoning Regulations, and Section 7134.2 of the San Mateo County Subdivision Regulations, respectively, to construct a new 1,517 sq. ft. single-family residence with a 195 sq. ft. one-car attached garage on a 3,650 sq. ft. non-conforming parcel, including a proposed combined side setback of 8 feet, where 15 feet is the minimum required and one covered parking space where two covered spaces are the minimum required, located on Main Street in the unincorporated Montara area of San Mateo County. The project is appealable to the California Coastal Commission.

**The Planning Commission voted 2 to 1 in favor of the revised project presented to the Commission at the March 28 meeting, but by failing to have at least three votes, the effect of the vote is that the Commission took no action on the appeal. Accordingly, the action of the Zoning Hearing Officer approving the plans submitted to Zoning Hearing Officer was upheld by the Planning Commission's failure to take effective action to overturn it.**

Any interested party aggrieved by the determination of the Planning Commission has two options:

1. File an appeal to the Board of Supervisors within ten (10) business days from such date of determination. An appeal is filed by submitting an appeal



Kendall Peterson  
March 29, 2012  
Page 2

application form and the appeal fee of \$639.83 at the San Mateo County Planning and Building Department located at 455 County Center, Redwood City. The appeal period for this matter will end at **5:00 p.m. on April 11, 2012**. If the Board of Supervisors ultimately approves the project, that decision is then appealable to the California Coastal Commission.

2. This project is appealable directly to the California Coastal Commission. Any aggrieved person may appeal this decision to the California Coastal Commission within 10 working days following the Coastal Commission's receipt of the notice of Final Local Decision. Please contact the Coastal Commission's North Central Coast District Office at 415/904-5260 for further information concerning the Commission's appeal process. The County and Coastal Commission appeal periods are sequential, not concurrent, and together total approximately one month. A project is considered approved when these appeal periods have expired and no appeals have been filed.

If you have questions regarding this matter, please contact Dennis Aguirre, Project Planner, at 650/363-1867 or Email: [daguirre@smcgov.org](mailto:daguirre@smcgov.org).

Sincerely,



Rosario Fernandez  
Planning Commission Secretary  
Pcd0328\_rf (Peterson)

Enclosure: San Mateo County Survey - An online version of our Customer Survey is also available at: <http://www.co.sanmateo.ca.us/planning/survey>

cc: Department of Public Works  
Building Inspection Section  
Environmental Health Division  
CALFIRE  
County Assessor  
Robert Johnson  
John Oehlert  
Constance Mitchell  
Jack Salvador  
Karen Wilson  
Eric Jacobsen

County of San Mateo  
Planning and Building Department

**FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2006-00155

Hearing Date: March 28, 2012

Prepared By: Dennis P. Aguirre, Project Planner    Adopted By: Planning Commission

**FINDINGS**

Regarding the Environmental Review, Found:

1. That the proposed project is categorically exempt pursuant to Section 15303, Class 3, of the California Environmental Quality Act related to new construction of small structures, including single-family residences in a residential zone.

Regarding the Coastal Development Permit, Found:

2. That the project, as described in the application and accompanying materials required by Zoning Regulations Section 6328.4 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 (LCP) based on compliance with parcel legalization policies, visual resources policies, Coastsides Design Review Standards, maintenance of site topography and the structure's height reduction to 20 feet.
3. That the project conforms to specific findings required by policies of the San Mateo County Local Coastal Program since it complies with the Locating and Planning New Development and Visual Resources Policies. The parcel configuration will not have any substantial adverse impacts on coastal resources. Also, the project will not be visually obtrusive when viewed within the neighborhood vicinity from the scenic highway.

Regarding the Design Review, Found:

4. That with the conditions of approval recommended by the Coastsides Design Review Committee at its meeting of April 8, 2010, the project is in compliance with the Design Review Standards for the Coastsides including:
  - a. The installation of recessed downward exterior lighting fixtures.
  - b. Submittal of manufacturer's lighting cut sheets for said fixtures.
  - c. Replacement of originally proposed "Fremontodendron" plant to a more suitable coastal species.

Regarding the Certificate of Compliance (Type B), Found:

5. That the processing of the Certificate of Compliance (CoC) (Type B) is in full conformance with the County Subdivision Regulations Section 7134 (*Legalization of Parcels; Certificate of Compliance*) particularly Section 7134.2(a), (b), and (c).
6. That the processing of the Conditional CoC (Type B) is in full conformance with Government Code Section 66499 et seq.

Regarding the Use Permit, Found:

7. Pursuant to Section 6133.3.b(3) of the San Mateo County Zoning Regulations:
  - a. That the proposed development is proportioned to the size of the parcel on which it is being built. The total lot coverage of the proposed development of 29% (1,069 sq. ft.) is below the maximum allowable of 35% (1,279 sq. ft.), while the total floor area proposed of 47% (1,724 sq. ft.) reduces potential mass and bulk for the proposed structure based on the placement of the two-story residence further down into the topography, lot coverage and floor area reductions, stepped down roof configuration, enhanced side façade articulation, and the rear hip roof redesign. The structure is still adequately proportioned to accommodate a larger first floor area of 1,069 sq. ft. and a 655 sq. ft. second floor area.
  - b. That 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. Upon investigation of potential properties available for purchase, the applicant determined



that there were none available and, therefore, was unable to further mitigate the parcel size non-conformity via parcel mergers.

- c. That the proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible. The proposed development conforms with the existing zoning regulations in as many ways as possible for the development of such a small parcel and all non-conformance is addressed as prescribed in the County's Policy on Use Permits for Construction on Non-Conforming (25-foot wide) Residential Parcels.
- d. That the establishment, maintenance, and/or conducting of the proposed 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. The proposed height reduction to 20 feet, the improved first floor exterior articulation and proposed adequate setbacks bring the structure into scale with the established neighborhood design context.
- e. That the use permit approval does not constitute a granting of special privileges. The use permit would allow the use of this parcel for residential development in keeping with the rest of the parcels in this residential neighborhood.

### **CONDITIONS OF APPROVAL**

#### **Current Planning Section**

1. The project shall be constructed in compliance with the plans approved by the Zoning Hearing Officer. Any changes or revisions to the approved plans shall be submitted to the Design Review Officer for review and approval prior to implementation. Minor adjustments to the project may be approved by the Design Review Officer if they are consistent with intent of and are in substantial conformance with this approval. Alternatively, the Design Review Officer may refer consideration of the revisions to the Coastside Design Review Committee, with applicable fees to be paid.
2. Prior to Planning approval and issuance of a building permit, the Certificate of Compliance (Type B) shall have been recorded.

3. A County-improved roadway providing access to the parcel already exists, as does a main sanitary sewer trunk line within the roadway, as does a County-approved well for the provision of a domestic water source. The applicant shall be responsible for a sanitary sewerage lateral connection and power connection at the time of a building permit submittal for the residence, with all cited services and improvements confirmed prior to the Building Inspection Section's final inspection approval of the building permit.
4. The applicant shall include the approval letter on the top pages of the building plans. This would provide the Planning approval date and its contents on the on-site plans.
5. The applicant shall submit the following items and/or indicate the following on plans submitted for a building permit, as stipulated by the Coastside Design Review Committee.
  - a. Recessed downward exterior lighting fixtures.
  - b. Manufacturer's lighting cut sheets for said fixtures.
  - c. Replacement of originally proposed "Fremontodendron" plant to a more suitable coastal species.
6. The applicant shall provide "finished floor elevation verification" to certify that the structure is actually constructed at the height shown on the submitted plans. The applicant shall have a licensed land surveyor or engineer establish a baseline elevation datum point in the vicinity of the construction site.
  - a. The applicant shall maintain the datum point so that it will not be disturbed by the proposed construction activities until final approval of the building permit.
  - b. This datum point and its elevation shall be shown on the submitted site plan. This datum point shall be used during construction to verify the elevation of the finished floors relative to the existing natural or to the grade of the site (finished grade).
  - c. Prior to Planning approval of the building permit application, the applicant shall also have the licensed land surveyor or engineer indicate on the construction plans: (1) the natural grade elevations at the significant corners (at least four) of the footprint of the proposed structure



- on the submitted site plan, and (2) the elevations of proposed finished grades.
- d. In addition, (1) the natural grade elevations at the significant corners of the proposed structure, (2) the finished floor elevations, (3) the topmost elevation of the roof, and (4) garage slab elevation must be shown on the plan, elevations, and cross-section (if one is provided).
  - e. Once the building is under construction, prior to the below floor framing inspection or the pouring of the concrete slab (as the case may be) for the lowest floor(s), the applicant shall provide to the Building Inspection Section a letter from the licensed land surveyor or engineer certifying that the lowest floor height--as constructed--is equal to the elevation specified for that floor in the approved plans. Similarly, certifications on the garage slab and the topmost elevation of the roof are required.
  - f. If the actual floor height, garage slab, or roof height--as constructed--is different than the elevation specified in the plans, then the applicant shall cease all construction and no additional inspections shall be approved until a revised set of plans is submitted to and subsequently approved by both the Building Official and Community Development Director.
7. During project construction, the applicant shall, pursuant to Section 5022 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site into storm drain systems and water bodies by:
- a. Using filtration materials on storm drain covers to remove sediment from dewatering effluent.
  - b. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15.
  - c. Removing spoils promptly, and avoiding stockpiling of fill materials, when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
  - d. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to the storm drain system or water body.
  - e. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.

- f. Limiting and timing applications of pesticides and fertilizers to avoid polluting runoff.
- 8. The applicant shall include an erosion and sediment control plan on the plans submitted for the building permit. This plan shall identify the type and location of erosion control devices to be installed upon the commencement of construction in order to maintain the stability of the site and prevent erosion and sedimentation off-site.
- 9. All new power and telephone utility lines from the street or nearest existing utility pole to the main dwelling and/or any other structure on the property shall be placed underground.
- 10. The applicant shall apply for a building permit and shall adhere to all requirements from the Building Inspection Section, the Department of Public Works and the respective Fire Authority.
- 11. No site disturbance shall occur, including any grading or tree removal, until a building permit has been issued, and then only those trees approved for removal shall be removed.
- 12. To reduce the impact of construction activities on neighboring properties, comply with the following:
  - a. All debris shall be contained on-site; a dumpster or trash bin shall be provided on-site during construction to prevent debris from blowing onto adjacent properties. The applicant shall monitor the site to ensure that trash is picked up and appropriately disposed of daily.
  - b. The applicant shall remove all construction equipment from the site upon completion of the use and/or need of each piece of equipment which shall include but not be limited to tractors, back hoes, cement mixers, etc.
  - c. The applicant shall ensure that no construction related vehicles shall impede through traffic along the right-of-way on Main Street. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on Main Street. There shall be no storage of construction vehicles in the public right-of-way.
- 13. The exterior color samples submitted to the Design Review Committee are approved. Color verification shall occur in the field after the applicant has

applied the approved materials and colors but before a final inspection has been scheduled.

14. Noise levels produced by the proposed construction activity shall not exceed the 80-dBA level at any one moment. Construction activities shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction operations shall be prohibited on Sunday and any national holiday.
15. Installation of the revised landscape plan is required prior to final building permit inspection.
16. Installation of pervious pavers for driveway and parking areas is required prior to final building permit inspection.
17. Prior to Planning approval of the building permit, the applicant shall record a Deed Restriction, to the satisfaction of County Counsel and the Planning and Building Department, that requires the applicant and any successor in interest to abandon all on-site existing wells, in a manner consistent with Environmental Health requirements and connect to the public water system (Montara Water and Sanitary District (MWSD)) within 90 days of date on which a connection becomes available.
18. Prior to the issuance of a building permit, water connection plans and a description of the availability of a water connection shall be included as part of a building permit application. In the event that a water connection from MWSD is available, the following requirements apply:
  - a. If a domestic well has been approved for this project, but not yet installed, the applicant and any successor in interest shall discontinue all applicable Building and Environmental Health well permit/certification applications, and forgo construction of the well.
  - b. Alternatively, if a domestic well already exists on-site, the applicant and any successor in interest shall be required to abandon the well, consistent with Environmental Health requirements and connect to the MWSD's water system.



Building Inspection Section

19. Prior to pouring any concrete for foundations, written verification from a licensed surveyor will be required confirming that the setbacks, as shown on the approved plans, have been maintained.
20. An automatic fire sprinkler system will be required. This permit must be issued prior to or in conjunction with the building permit.
21. If a water main extension, upgrade or hydrant is required, this work must be completed prior to the issuance of the building permit or the applicant must submit a copy of an agreement and contract with the water purveyor that will ensure the work will be completed prior to finalizing the permit.
22. A site drainage plan will be required that will demonstrate how roof drainage and site runoff will be directed to an approved location.
23. Sediment and erosion control measures must be installed prior to beginning any site work and maintained throughout the term of the permit. Failure to install or maintain these measures will result in stoppage of construction until the corrections have been made and fees paid for staff enforcement time.
24. This project shall comply with the Building Inspection Section's most current version of its Green Building Regulations.

Department of Public Works

25. Prior to the issuance of the building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance No. 3277.
26. No proposed construction work within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued.
27. The applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed development and submit it to the Department of Public Works for review and approval. The drainage analysis shall consist of a written narrative and a plan. The flow of the stormwater onto, over, and off the property being subdivided shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage.

Post-development flows and velocities shall not exceed those that existed in the pre-developed state. Recommended measures shall be designed and included in the street improvement plans and submitted to the Department of Public Works for review and approval.

The analysis shall also address mitigation measures to avoid potential flooding to nearby properties which may be caused by failure of pump and/or storage systems.

Environmental Health Division

28. Prior to the building final, the applicant shall obtain a permit to operate the well as a domestic water source.

Coastside Fire Protection District

29. The applicant shall comply with all conditions required by the Coastside Fire Protection District.

Montara Water and Sanitary District

30. Prior to the building final, the applicant shall obtain a sewer permit from Montara Water and Sanitary District.



**County of San Mateo - Planning and Building Department**

# **ATTACHMENT F**

**DEVELOPMENT OF SUBSTANDARD  
RESIDENTIAL PARCELS IN THE  
URBAN MID-COAST**

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**A STUDY PREPARED BY THE  
SAN MATEO COUNTY PLANNING AND BUILDING DIVISION**

**MARCH, 1998**

***Board of Supervisors Meeting***

**PLN 20\$\* -001) )**

Case

:

Attachment

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## **BACKGROUND**

There have been three previous studies of substandard lots in the Mid-Coast. County Planning staff completed a study in 1993 to help the Board decide whether to undertake merger of substandard lots in the Mid-Coast. The Board decided against such action. In 1996, Paul Perkovic, a member of both the Montara Sanitary District Board of Directors and the Mid-Coast Community Council, completed an analysis of this issue to help the Montara Sanitary District evaluate its policies regarding sewer capacity and service. In late 1997, knowing this issue was resurfacing as part of the Coastal Protection Initiative, staff completed additional analysis of recent development on Mid-Coast substandard lots. We will refer to these three studies as the 1993 County Study, the Perkovic Study and the 1997 County Study.

## **KEY ISSUES**

### **1. The Basis of the Mid-Coast Plan**

Before discussing substandard lots, let us briefly review the basis for the Montara, Moss Beach, El Granada Plan, developed in the late 1970s and incorporated into the County Local Coastal Program (LCP) in 1980 (Attachment A). This is an infill plan which limits new residential development (with the exception of three affordable housing sites) to lots which were already in existence at that time. It makes virtually no accommodation for the creation of new lots or the subdivision of raw land. Unsubdivided lands within the urban-rural boundary were placed in open space or agricultural zoning.

Most of the residential subdivisions in the Mid-Coast date from the early decades of this century prior to County regulation of subdivision and land use. Since zoning was established, it has generally specified a 5,000 sq. ft. minimum parcel size for most residential areas of the Mid-Coast. That standard was carried forward in the Mid-Coast Plan and LCP, with the exception of portions of Miramar and Seal Cove, where the minimum parcel size was increased to 10,000 sq. ft., and 20,000 sq. ft., respectively, and the Rural Residential Area, outside the urban-rural boundary, which is in lower density zoning.

This report focuses on the single-family residential areas with a 5,000 sq. ft. minimum parcel size, which is most of the Mid-Coast. We briefly discuss the Miramar, Seal Cove and Rural Residential areas separately toward the end of this report.

### **2. Definition of Substandard Lot**

A substandard lot is any lot whose area does not meet the minimum parcel size for its zoning district. Thus, where the zoning requires 5,000 sq. ft., a 4,999 sq. ft. parcel is technically substandard.

The County does not treat all substandard lots alike, however. When adopting the zoning Non-Conformities Chapter of the Zoning Regulations a few years ago, the County set 3,500 sq. ft. as the standard below which development on substandard parcels requires a conditional use permit to assure that it is proportionate to the lot and does not create significant adverse effects. Provided they conform with all other zoning requirements, houses on parcels greater than 3,500 sq. ft. may proceed without a use permit.

In the remainder of this discussion, we will distinguish between "technically substandard" lots (those between 3,500 and 5,000 sq. ft.) and "substantially substandard" lots (those below 3,500 sq. ft.). When we simply use "substandard," it means all lots below the standard.

### 3. **Merger**

Merger is a process authorized under State law whereby adjoining lots can be merged into a single parcel by action of the local government, thereby reducing the number of buildable lots. If carried out in accordance with State law, merger is not a taking of private property because the owner still has reasonable use of his or her property.

The County Subdivision Regulations, adopted in 1992, reflect State Subdivision law. They allow your Board to merge lots that are contiguous and in common ownership if at least one lot is undeveloped and the merger follows the minimum parcel size standard. Thus, two 2,500 sq. ft. lots in common ownership may be combined to create one 5,000 sq. ft. parcel. Or, three may be combined to create a 7,500 sq. ft. parcel. But four would be combined into two 5,000 sq. ft. parcels.

There were changes in merger law in the mid-1980s which severely limit the County's ability to merge to a standard greater than 5,000 sq. ft. (not really an issue in the urban Mid-Coast where the prevailing standard is 5,000 sq. ft.). More importantly, revisions in the procedures for merger provide greater opportunities to owners who wish to avoid merger by segregating properties into separate ownership before the process is initiated.

Lots may be merged in a comprehensive, areawide manner, or on a case-by-case basis when property owners act to develop their property. The County's prior experience has been with comprehensive, areawide merger in areas where the minimum lot size is greater than 5,000 sq. ft. (in Emerald Lake Hills, the Skyline area and the Miramar and Seal Cove areas of the Mid-Coast). All were before the changes in merger law. We found these mergers to be a difficult, controversial and inherently inequitable process which creates clear winners and losers and seems to create substantial bitterness on the part of those property owners who see it as unfair. It remains, however, the only real tool available to reduce the number of substandard lots.

**4. Density: How Many Substandard Lots Are There and What Are Their Impacts?**

Issues relating to the development of substandard lots can be broken into three categories: density (How many substandard lots are there?), development standards (How big should a house on a substandard lot be?), and design (How should a house on a substandard lot look?). Let us take density first.

The Perkovic Study (Attachment E) concluded that there are about 4,500 substandard lots in the Montara Sanitary District. On that basis, the Perkovic Study may be adjusted to conclude that there are 6,200 undeveloped, substandard residential lots for the entire Mid-Coast where 5,000 sq. ft. is the minimum parcel size.

The 1993 County Study concluded that there are approximately 2,000 substandard lots in the Mid-Coast, about 1,666 of those are undeveloped residential lots and that about 1,444 of those could be subject to merger through about 794 merger actions. That leaves about 222 undeveloped substandard residential lots in isolated single ownership which could not be merged and most likely would develop separately under any scenario. The map in Attachment B shows where substandard lots are concentrated in the Mid-Coast.

The Perkovic Study defined several possible scenarios for the future development of substandard lots. It concluded that the preferred outcome would be that only the 222 or so undeveloped substandard residential lots in isolated single ownership would develop separately; the rest would be consolidated with adjoining property to achieve standard or near-standard development. **Staff concurs with that objective.**

Where we part company with Mr. Perkovic and others in the Mid-Coast is the necessity of a comprehensive, areawide merger program to attain that objective. A related issue is whether the development of substandard lots is compromising estimates of residential buildout contained in the LCP and upon which the capacity of infrastructure improvements was based.

To determine what is actually happening with regard to development of substandard lots, the 1997 County Study (Attachment F) evaluated all single-family homes built in the Mid-Coast from 1995 through 1997. There were 112 new houses, 20 of which were on substandard lots (below 5,000 sq. ft.), but only five of which were on substantially substandard lots (below 3,500 sq. ft. and thus requiring use permits). Each of those five substantially substandard lots was in isolated ownership and could not have been merged (merger would not have prevented their development).

LCP buildout was predicated on an average residential lot size of 5,000 sq. ft. for single-family areas subject to that minimum parcel size (i.e., substandard lots were combined into 5,000 sq. ft. parcels). The 1997 County Study shows that the average lot size for the 112 houses built between 1995 and 1997, including the 20 substandard lots, was



about 5,900 sq. ft. Apparently, for each substandard lot being developed, there are one or more lots in excess of the standard being developed.

**Our conclusion is that the market avoids the separate development of substantially substandard lots, except where there is no choice, and a comprehensive, areawide merger program is not necessary to achieve the preferred outcome stated in the Perkovic report.**

**We also conclude that the development of substandard lots is currently not compromising LCP buildout calculations and that they remain conservative. Staff proposes that your Board authorize us to annually determine the average parcel size of new single-family residential development in Mid-Coast areas with a 5,000 sq. ft. minimum parcel size. Should the average parcel size for new development drop below 5,000 sq. ft. for two consecutive years, staff would report this finding to your Board at a public meeting, including our analysis of whether the circumstances at that time would warrant your Board initiating a comprehensive, areawide merger program.**

**5. Where Case-by-Case Merger May Be Justified**

Although the market avoids the separate development of substantially substandard lots when they are in common ownership with adjacent property, staff believes that it may be beneficial to merge such lots at the time of development in order to prevent the possible, though not probable, situation where either (1) separate lot development is being proposed, or (2) separate lot development might be proposed after removal of an existing house that effectively combines the substandard lot with adjacent property in common ownership. It also would be beneficial to merge such lots when a new house or enlargement of an existing house is proposed that effectively combines the substandard lots.

This case-by-case merger approach would be incremental rather than comprehensive, though it is not difficult, expensive or time consuming. Its limitations are (1) that parcel merger can be avoided if informed landowners transfer contiguous lots into different ownership prior to submitting development plans, and (2) that uninformed landowners may consider the merger as unfair because they are being singled out, particularly if some pre-development expenses have been incurred.

Although it may not be the most effective or fair, staff supports this merger method because (1) it promotes the existing 5,000 sq. ft. minimum parcel size requirement, (2) it supports the required use permit finding that "all opportunities to acquire additional land have been proven infeasible," and most importantly, (3) it assures that development will occur on substantially substandard lots only where there is no alternative to avoid it, i.e., only when small isolated lots are in separate ownership.

Therefore, we recommend that your Board authorize staff to initiate a case-by-case merger process, in accordance with Subdivision Regulations Chapter 9, when a development application has been submitted to either construct a new house, enlarge an existing house, or demolish an existing house when such house is located in part or wholly on a substandard lot that is less than 3,500 sq. ft., and contiguous with another property in common ownership.

**6. Development Standards: How Big Should Houses on Substandard Lots Be?**

We believe it is safe to say that all parties to this debate agree that houses should be proportionate to their lot size. Big lot, big house; small lot, small house. The rub comes in deciding what is proportionate and how that relates to an owner's right to reasonable use of his or her property.

The County last revised its development standards for construction on 25-foot wide lots (the prevailing situation in the Mid-Coast) in 1992, following extensive hearings and debate. The resulting policy, which appears in Attachment C, provides setback encroachments to allow for a 1,494 sq. ft. house on a typical 2,500 sq. ft. parcel. This equates to a 60% floor area ratio (FAR).

This issue was explored again when developing the Non-Conformities Chapter of the Zoning Regulations in 1994-1995. The Coastal Protection Initiative then proposed that the standards be augmented with a 50% floor area ratio limiting houses on substandard parcels to a floor area (including garage space) not exceeding one-half the parcel area.

After extensive debate on this issue, the Planning Commission believed that the 50% FAR was too restrictive and proposed 60% instead. Ultimately, this amendment was not certified by the Coastal Commission because they viewed the 60% standard as too lenient and they desired additional solutions to the substandard lot issue.

The community has expressed two general proposals for regulating the size of houses on substandard parcels. One is to require a 50% FAR. The other is to require that houses on substandard parcels not get any breaks with regard to setbacks, lot coverage, etc., i.e., that they comply with all of the requirements applicable to standard parcels. Both of these may discourage the development of these lots and assure that, if they are developed, the end result will be a house more in proportion with its lot size and its surroundings.

There are floor area ratio regulations currently in effect in Emerald Lake Hills, Palomar Park, Devonshire, West Menlo Park and Menlo Oaks, and generally these range from 26% to 56%. They typically involve some sort of sliding scale, however, so that smaller lots get a higher FAR or a specified minimum house size which is allowed on any lot, no matter how small.

Although a floor area ratio is not in effect in the Mid-Coast, development built to current zoning setback, height and parcel coverage standards would result in a maximum FAR of about 70% on a standard 5,000 sq. ft. parcel. Houses built to the Planning Commission's current policy (with setback encroachments) on a substandard 2,500 sq. ft. parcel would result in a maximum FAR of 60%. It would appear that the proposal to require a 50% FAR on substandard lots would put these lots at a disadvantage relative to standard lots. FAR regulations usually take a different approach, either applying a uniform standard to all parcels or allowing an increased FAR as parcel size decreases so as to allow a practical house size even on smaller parcels. Alternatively, a 50% FAR may be viewed as providing an added incentive for property owners to voluntarily combine substandard lots that are in common ownership.

Regarding other development standards, such as setbacks and parcel coverage, it is important to note that "technically substandard" lots (those between 3,500 and 5,000 sq. ft.) already must comply with the requirements applicable to standard lots, unless the builder applies for a use permit, which is discouraged.

Regarding "substantially substandard" lots (those less than 3,500 sq. ft.), we believe that the reason those are given the benefit of reduced side yard setbacks and increased parcel coverage is to (1) allow a reasonable minimum house size (typically about 1,500 sq. ft. on a 2,500 sq. ft. lot) and (2) assure that the house is reasonably proportionate to houses on nearby standard parcels in addition to being proportionate to its own lot. For example, if a two-story house on a 25-foot lot were required to comply with the normal Mid-Coastside setbacks (15 feet total), it would be only 10 feet wide, an odd duck at best. The present County policy for development of substandard parcels allows that same house to be 17 feet wide (8-foot total side setbacks), somewhat more normal.

**Our conclusion is that the development standards for substandard lots have been debated at length in the past, most recently as part of the review of the CPI amendments, that the Planning Commission in particular has given this issue careful consideration, and that the current standards represent a reasonable balance between the use of a substandard lot and neighborhood preservation.**

**Should the Mid-Coast Community Council build significant community support to establish a FAR standard or revise other zoning "bulk" regulations to be more restrictive than existing County policy, staff is prepared to provide the necessary technical support to facilitate such an effort.**

#### **7. Design: How Should Houses on Substandard Lots Look?**

The Mid-Coast is subject to design review. All new development goes through that process, regardless of the size of the lot. Design review in the Mid-Coast is an administrative process handled by staff. A notice is posted and a 10-day comment period runs prior to a staff decision. There is then a 10-day appeal period during which the staff

decision may be appealed to the Planning Commission (whose decision can be appealed to your Board).

Among the requirements of the Mid-Coast design review are:

- a. Relate structure size and scale to adjacent buildings and to the neighborhood in which they are located.
- b. Use simple structural shapes to unify building design and maintain an uncluttered community appearance.
- c. Design structures which fit the topography on the site.
- d. Use natural materials and colors which blend with the vegetative cover of the site.
- e. Use pitched, rather than flat roofs that are non-reflective.

While the design of some residences on substandard parcels has been an issue in the past, it is staff's opinion that the focus in these cases has been more on whether the lot should be developed at all (Issue 4, above) and how big the house should be (Issue 6, above). The appeal rate for houses on substandard parcels has not been appreciably different than for standard size parcels (very low for both). Dissatisfaction with the design of small houses on substandard parcels occurs as often as with the design of larger houses on larger lots; design issues seem to cut across the full spectrum of development.

For that reason, we recently suggested to the Mid-Coast Community Council that, if they are dissatisfied with the current administrative design review process, they could seek establishment of a design review committee such as that which operates in Emerald Lake Hills, Palomar Park and Devonshire. We have advised the Council that it would be important to involve all segments of the community in developing such a proposal, including real estate and development interests who would be regulated by it (which are a more significant part of their community than in the other areas subject to single-family residential design review). We have also reminded them that design review is about how to build, not whether to build, and must be based on predefined standards.

**Our conclusion is that design of residences on substandard lots should be regulated by the same methods which apply to all residential development in the Mid-Coast. If the community does not find the current process satisfactory, it might seek to establish a design review committee. Staff is prepared to provide technical support to such an effort but we believe that it is the Mid-Coast Council's responsibility for to build community support for such a change.**

## **8. Miramar and Seal Cove**

Portions of both Miramar and Seal Cove were rezoned to larger minimum parcel sizes as part of the adoption of the LCP in 1980. Merger programs (which would not be possible under today's merger laws) were then undertaken in those areas to reduce the number of buildable lots. While separate parcels which are substandard to the new zoning remain in those areas, they tend to be substantially larger than substandard parcels elsewhere in the Mid-Coast.

**Our conclusion is that development of substandard lots should not be a significant issue in these areas inasmuch as the lots there have already been consolidated to the degree possible.**

## **9. City of Half Moon Bay's Approach to Regulating Substandard Lots**

On December 9, 1997, your Board requested that this study be augmented to include discussion of Half Moon Bay's approach to regulating development on substandard lots. The following is a summary of Half Moon Bay's regulations, and includes a comparison with applicable County regulations.

### **a. Substandard Parcels That Are At Least 85% Minimum Parcel Size**

Half Moon Bay's regulations require Administrative Variance approval for the development of a single-family residence on a substandard parcel that is at least 85% of the required minimum parcel size (area or width). For example, where the required minimum parcel area is 5,000 sq. ft., an Administrative Variance would be required for development on a substandard parcel that is at least 4,250 sq. ft. in area. Administrative Variance approval requires that all other zoning development standards are met (setbacks, lot coverage, floor area ratio, height and parking), and the Architectural Review Committee endorses the project.

San Mateo County's regulations allow for the development of a single-family residence on a substandard parcel that is at least 3,500 sq. ft. in area without discretionary permit approval, providing that all other zoning development standards are met, including Design Review approval.

### **b. Substandard Parcels That Are Between 50% and 85% Minimum Parcel Size**

Half Moon Bay's regulations require Use Permit approval for the development of a single-family residence on a substandard parcel that is between 50% and 85% of the required minimum parcel size, providing that all other zoning development standards are met, and the Architectural Review Committee endorses the project. When relief from the zoning development standards is sought, the City's regulations require Variance approval in addition to the Use Permit.

San Mateo County's regulations require Use Permit approval for the development of a single-family residence on a substandard parcel that is less than 3,500 sq. ft. in area. The regulations allow relief from zoning development standards, subject to a set of Use Permit findings, including "that the proposed development is proportioned to the size of the parcel on which it is built." Design Review approval is required.

c. Substandard Parcels That Are 50% or Less Minimum Parcel Size

Half Moon Bay's regulations require Use Permit approval for the development of a single-family residence on a substandard parcel that is 50% or less of the required minimum parcel size, providing that a specific set of development standards are met, and the Architectural Review Committee endorses the project. When relief from the zoning development standards is sought, the City's regulations require Variance approval in addition to the Use Permit.

San Mateo County's regulations require Use Permit approval for the development of a single-family residence on a substandard parcel that is less than 3,500 sq. ft. in area, subject to the set of findings indicated above. In addition, Planning Commission policy establishes a specific set of development standards applicable to new houses on 2,500 sq. ft. substandard parcels. Relief from these standards is not generally available. Design Review approval is required.

A comparison of Half Moon Bay's and the County's regulations applicable to single-family residential development on a 2,500 sq. ft. substandard parcel may be summarized, as follows:

	Half Moon Bay	San Mateo County
<b>Front Setback</b>	20 ft.	1st story 20 ft. 2nd story 35 ft.
<b>Side Setback</b>	3 ft., 3 ft., or 10% parcel, width, whichever is greater	1st story 5 ft., 3 ft. 2nd story 5 ft., 5 ft.
<b>Rear Setback</b>	20 ft.	20 ft.
<b>Parcel Coverage</b>	1st story 50% 2nd story 35%	1st story 50% 2nd story 35%
<b>Height</b>	One story 16 ft. Two story 28 ft.	28 ft. (two story max.)
<b>Floor Area Ratio (FAR)</b>	50%	None (but conformance with other standards equates to 60%)



There appear to be more similarities than differences in the ways in which Half Moon Bay and the County regulate single-family residential development on a 2,500 sq. ft. substandard parcel. The rear setback, parcel coverage and height standards are basically the same. The County administers more restrictive front and side setback standards, while Half Moon Bay administers an actual FAR standard that is more restrictive than the County's theoretical FAR standard.

#### **10. Transfer of Development Rights**

On December 9, 1997, your Board requested that County staff contact the Coastal Commission staff to discuss that agency's experience with transfer of development rights (TDR) as a regulatory method, and its applicability in the Mid-Coast.

TDR is a zoning technique which attempts to preserve private land for a public purpose by transferring the development rights of that land being preserved to another parcel more suitable for development. TDR can be used to achieve numerous land use goals including preserving and restoring sensitive natural areas, protecting steep hillsides, preserving historic landmarks, and overall growth management.

Through TDR, a community typically prevents development on a site it wants to preserve (known as the sending site) and gains development on a more appropriate site (known as the receiving site). Sending site landowners are able to use their development rights, although the parcel would remain undeveloped, and receiving site landowners are allowed added development, thereby increasing the receiving site density beyond the level otherwise allowed.

San Mateo County currently administers a limited TDR program intended to foster agriculture and protect prime agricultural land in the rural Coastal Zone. Density credits granted for the construction of new agricultural water impoundments or to parcels completely covered by prime agricultural land may be transferred to suitable rural sites located out of scenic corridors.

In 1993, your Board rejected a Planning Commission proposal to establish a broader rural area TDR program that would have allowed density credit transfer from sending sites with natural hazards or natural resource development constraints to receiving sites deemed more suitable for development. The Planning Commission believed that this TDR program offered increased regulatory flexibility, resource protection, and hazard avoidance. Members of the public generally believed that the program was not necessary, that eligible sending and receiving sites were too broadly defined, and the implications of added density on receiving sites had not been adequately analyzed. Your Board ultimately voted not to develop this TDR program further, primarily due to lack of public support and the belief that the existing County policies protect natural resources and direct development away from hazardous areas.

There are various TDR programs being administered in California, including ones that: (1) protect and restore Lake Tahoe's sensitive areas, (2) protect views at Big Sur, (3) protect Oxnard's beach front from development, (4) protect Pacifica's bluffs, (5) protect the Santa Monica Mountains from substandard lot hillside development, (6) protect San Luis Obispo County's erodible coastal slopes from substandard lot development, and (7) protect steep hillsides in Morgan Hill and Belmont.

The success of these and other TDR programs has been mixed. Staff's review of the literature received from the Coastal Commission indicates that the most effective TDR programs occur when: (1) there are regulatory restrictions on the sending site that leave few economic options to the property owner other than transferring development rights, (2) there are regulatory restrictions on the receiving site that may be avoided through transfer, and (3) sufficient economic incentives are provided to encourage transfer.

In particular, the factors that enhance TDR programs and increase their likelihood of success include:

- a. Establishing restrictive land use controls on sending sites, e.g., building size limitations and development quotas and prohibitions.
- b. Establishing restrictive land use controls on receiver sites, but exempting transferred development from such limits, i.e., making additional development only, or primarily possible through TDR.
- c. Granting substantial financial incentives to encourage TDR, e.g., density bonuses, waived development fees/exactions, and variances from development standards.
- d. Designating as receiver sites those areas where both the community and the market want to direct additional development.
- e. Not designating as sending sites those areas that the market finds most attractive for new development.
- f. Not designating as receiver sites those areas where existing constraints make it difficult to achieve the densities allowed by zoning.
- g. Identifying receiver sites in advance and assessing the impacts of future added development on those sites.

Staff does not believe that TDR program would be an effective means to reduce substandard lot development in the Mid-Coast for the following reasons:

- a. The Mid-Coast is an area that the market finds extremely desirable for new development. Thus, as a sending site area, property owners would not likely be motivated to transfer development potential elsewhere.
- b. The rural Coastal Zone does not appear to offer potential as a receiver site area since: (a) existing land use policies discourage increased density for non-agricultural uses, (b) existing constraints also make it difficult to achieve the densities allowed by zoning, and (c) the public has historically not supported designating receiving sites there.
- c. The urban Mid-Coast does not appear to offer potential as a receiver site area. If the Mid-Coast were to be designated both a sending site area (substandard lots) and a receiving site area (other Mid-Coast parcels), overall land use density at buildout would not change. This would not achieve the community's desire to reduce the density associated with substandard lot development. Increasing density at receiver sites would likely meet resistance from nearby property owners.
- d. The Skyline area does not appear to offer potential as a receiver site area since existing constraints also make it difficult to achieve planned densities, and the rate of market driven new development there is low.
- e. Several unincorporated Bayside communities could be designated as receiving site areas, although members of the public would (and have) argued that conventional rezoning is a more appropriate means to increase density if that is the goal. We know of no Bayside community which would likely welcome increased densities.
- f. Placing extremely restrictive land use controls on substandard lot development so as to force transfer of development rights may be regarded as precluding reasonable use of a legally subdivided parcel and lead to taking claims.
- g. Density bonus incentives to increase program attractiveness would not likely to be supported for reasons already discussed, and fee/exaction waivers for new development have not historically been offered by the County and would not likely be significant in relation to the total value of a project.

#### **11. Rural Residential Area**

This is a 233-acre area north and east of Montara that is largely subdivided into small lots but is located on the rural side of the urban-rural boundary. The Rural Residential area is designated by the General Plan and LCP for "Very Low Density Residential" development (one dwelling unit per 5 acres). It is zoned Resource Management/Coastal Zone (RM/CZ), and located within the Montara Sanitary District and Citizens Utility Company service areas. However, much of this area lacks public water supplies, and the entire area lacks sewer lines, so most development relies on on-site wells and septic systems.

The RM/CZ zoning district does not require a minimum parcel size, although at least a 12,000 sq. ft. parcel would be necessary to comply with setback requirements (assuming a 3,000 sq. ft. building "footprint"). The regulations do include a merger provision which states that existing contiguous parcels in common ownership which are less than 5 acres shall be merged into 5-acre parcels. No merger program has ever been undertaken in this area. Changes in State law governing merger make the merger provision of the RM/CZ ordinance obsolete by severely limiting the situations in which local governments can merge to a standard greater than 5,000 sq. ft.

In practice, minimum building site area is governed by the amount of land necessary to accommodate an on-site well and septic system. Conformance with Environmental Health well and septic system setbacks requires a minimum parcel size of about 43,200 sq. ft., or approximately one acre. However, review of Environmental Health well and septic system test results (1980-1997) indicates actual average parcel size is approximately 2.3 acres. Those factors that may affect actual parcel size are: (1) the location of groundwater sources, (2) the percolation characteristics of the site, and (3) the ownership pattern.

Staff has determined that within the Rural Residential area there are 144 parcels on the Assessor's roll (46 parcels are developed, and 98 parcels are vacant).

Twelve of the developed parcels were created through a 1980 merger process (Portola Estates), and are too small for further subdivision under current zoning. In addition, 15 of the developed parcels are not comprised of substandard lots and are also too small to be further subdivided. These 27 developed parcels drop out from further study.

The remaining 117 parcels (98 vacant and 19 developed) may be characterized as follows:

#### Vacant Parcels

Four of the 98 vacant parcels were created by the Portola Estates lot merger. The remaining 94 vacant parcels may be grouped by contiguous, common ownership into 66 discreet properties, as follows:

<u>Number of Properties</u>	<u>Property Size</u>
54 properties	Less than 1 acre
8 properties	1 - 2 acres
3 properties	2 - 4 acres
1 property	8 acres

If public water and sewer services remain unavailable, the 54 vacant properties that are less than one acre in size will not be developed. This leaves the potential for between 12

and 25 houses that could be built on the remaining 12 vacant properties. The maximum of 25 houses would only result if lots were aggregated into one acre parcels and a well source and septic system were approved on each one acre parcel. Including the four Portola Estates parcels, the development potential for vacant parcels is between 16 and 29 houses.

### Developed Parcels

According to the current ownership pattern, all of the 19 developed parcels are in separate ownership and are sized as follows:

<u>Number of Parcels</u>	<u>Parcel Size</u>
8 parcels	Less than 1 acre
6 parcels	1 - 2 acres
4 parcels	2 - 4 acres
1 parcel	4 1/2 acres

If the five developed parcels that exceed 2 acres were aggregated into one-acre parcels and on-site water and sewage disposal could be provided on each parcel, seven new houses would theoretically be possible.

**The 46 existing houses in the 233-acre Rural Residential area equates to one dwelling unit per 5 acres, consistent with the existing General Plan and LCP land use designation. Given this area's existing platting into small lots, the ultimate amount of development will unavoidably be greater than anticipated by the General Plan and LCP.**

**At a minimum, there is a potential for between 16 and 36 additional new houses under the current ownership and service provision conditions. The amount of actual future development will depend to a great extent on the degree to which the Montara Sanitary District and Citizens Utilities Company extend urban level services to this area.**

### OVERALL CONCLUSIONS

Staff supports the preferred outcome described in the Perkovic Study, but believes the market will achieve that result without undertaking a comprehensive, areawide merger program. We believe that such a merger program would prove highly divisive with little benefit, especially given the ability of owners to circumvent merger under existing State law. A comprehensive merger program might even prove counterproductive by driving owners to disaggregate their lots into separate ownerships, increasing the likelihood of separate development of them later. The data does not support the conclusion that development of substandard lots is compromising LCP buildout projections.

However, staff believes that it may be beneficial, at the time of development, to merge substantially substandard lots with adjacent property in common ownership in order to prevent the possible, though not probable, situation where either (1) separate lot development is being proposed, or (2) separate lot development might be proposed after removal of an existing house that effectively combines the substandard lot with adjacent property in common ownership.

Also, staff proposes to annually determine the average parcel size of new Mid-Coast single-family residential development, and should that average drop below 5,000 sq. ft. for two consecutive years, request that your Board reevaluate whether to initiate a comprehensive merger program at that time.

The County is unlikely to come up with standards for the development of substandard lots which improve upon the existing ones, which have been debated at length. The County has sought a middle ground in balancing the need for owners and builders to build a home of reasonable size with the desire of neighbors to minimize or eliminate "substandard" development. Should the Mid-Coast Community Council build significant support for alternative standards, staff will provide the necessary technical assistance.

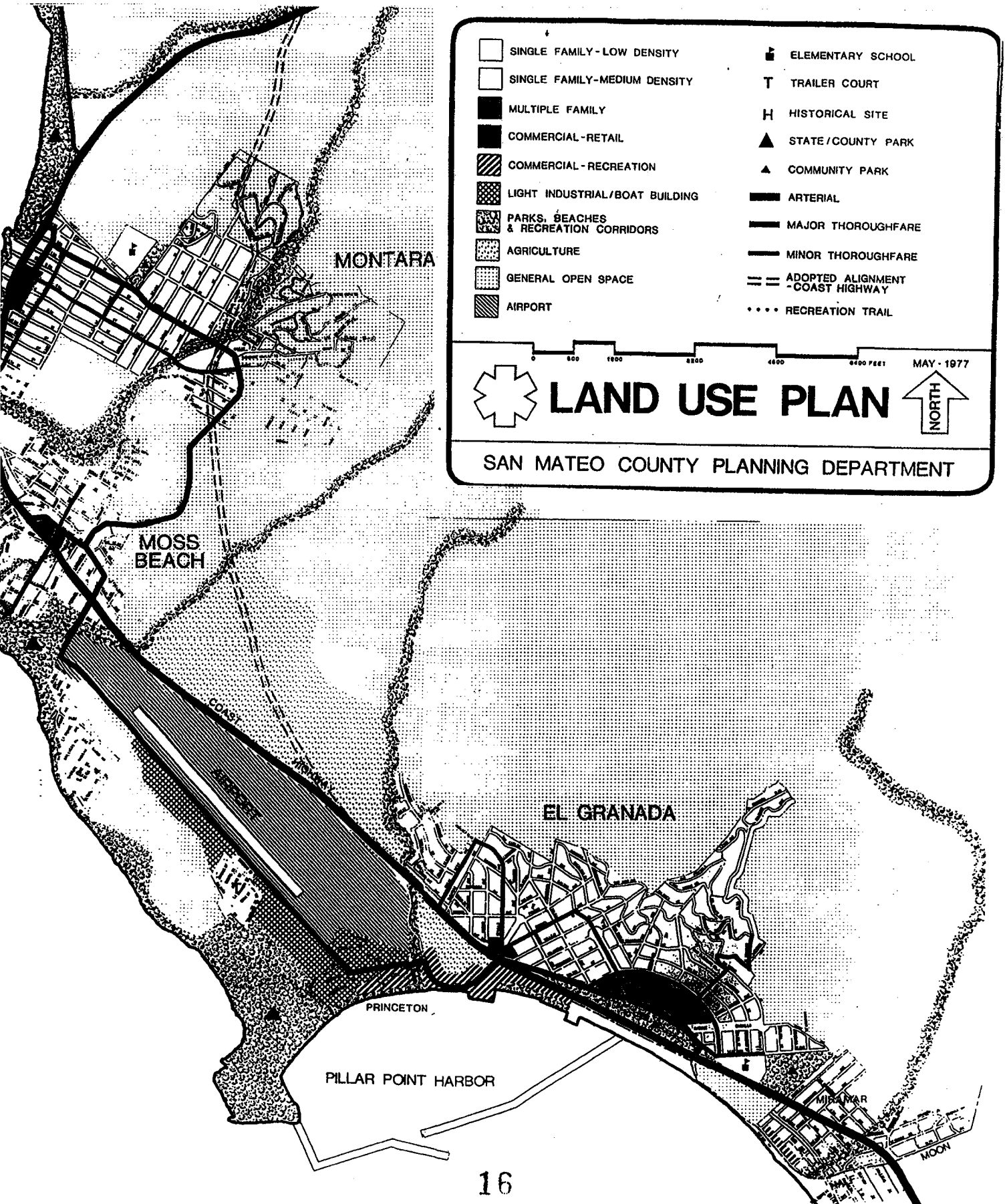
If the community does not find the current administrative design review process satisfactory, it might seek to establish a design review committee like that operating on the Bayside. Again, should the Mid-Coast Community Council build significant support for a design review committee, staff will provide the necessary technical assistance.

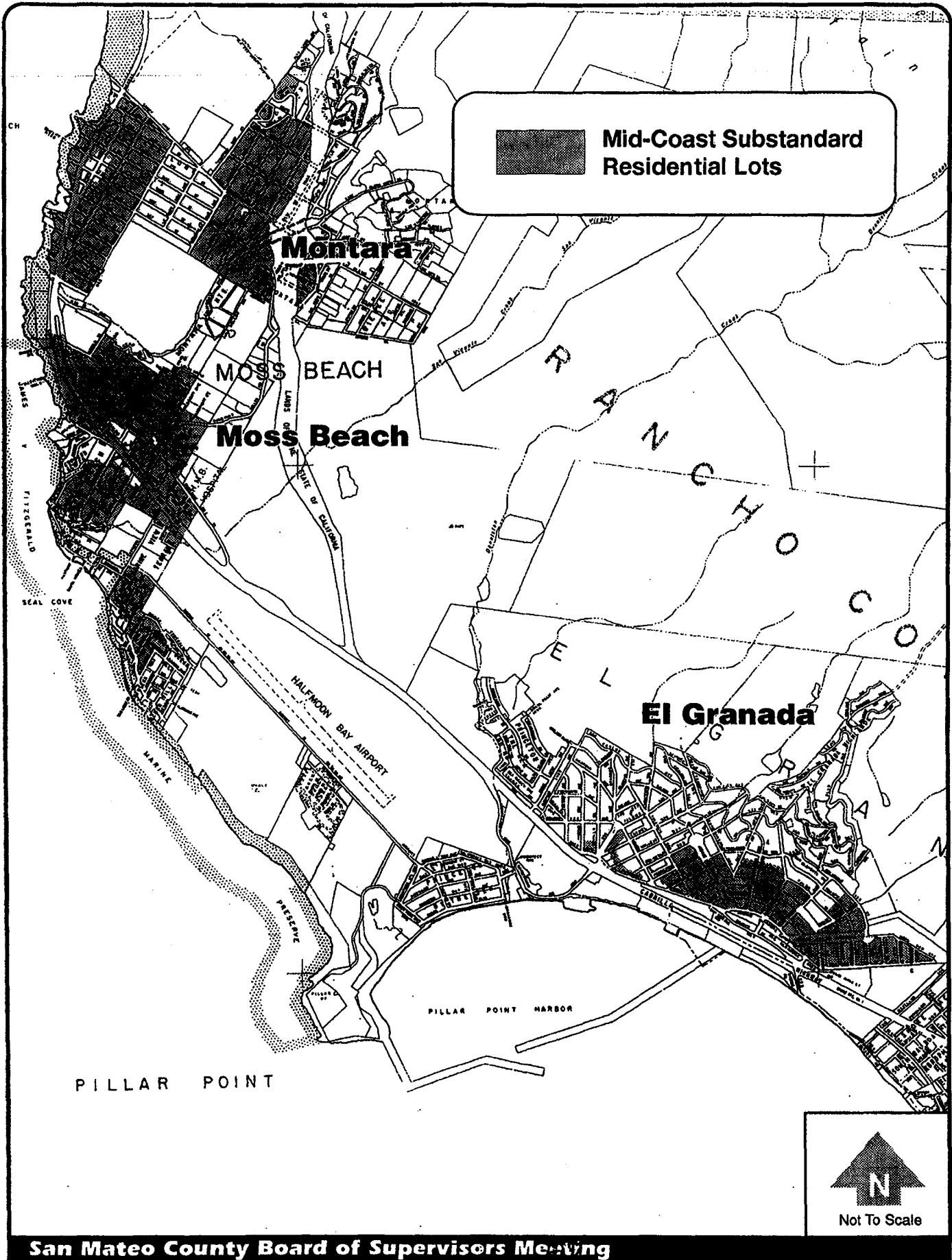
## **ATTACHMENTS**

- A. Mid-Coast Community Plan - Land Use Plan Map.
- B. Map showing concentrations of substandard lots in the Mid-Coast.
- C. Current policy governing development of substandard lots.
- D. Summary of 1993 County study of substandard lots.
- E. 1996 Perkovic study of substandard lots, with a staff prepared cover sheet explaining the differences with the 1993 County study.
- F. Summary of the 1997 County study of substandard lots, including analysis of the five homes built in the Mid-Coast between 1995 and 1997 on less-than-3,500 sq. ft. lots.

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COUNTY OF SAN MATEO

PLANNING AND BUILDING DIVISION

**PLANNING COMMISSION POLICY FOR USE PERMITS  
FOR CONSTRUCTION ON SUBSTANDARD (25-FOOT WIDE) RESIDENTIAL  
LOTS WITHIN THE R-1/S-7 AND R-1/S-17 ZONING DISTRICTS**

**Adopted by the Planning Commission March 25, 1992**

**Revised to reflect ordinance changes adopted by the Board of Supervisors September 12, 1995**

Prior to applying for a use permit to construct on a substandard lot, a property owner shall explore the feasibility of acquiring additional contiguous land or selling their lot to an adjacent property owner.

When applying for a use permit to build on a substandard lot, a key requirement is that the proposed house is proportioned to the size of the parcel on which it is being built. To insure against possible over building, applicants are to observe the following guidelines:

1. Proposed residences may have a maximum of two stories.
2. Building Setbacks
  - a. The first story of proposed residences shall maintain front and rear setbacks as required by the underlying zoning district.
  - b. The second story of residences shall maintain a 35-foot front yard setback.
  - c. Side yard setbacks for the first story shall maintain a minimum of three feet (continuous from front yard to rear yard) on one side and five feet (continuous) on the other side. No architectural projections (chimneys, greenhouses or bay windows) may encroach into any first story setback having a width of less than five feet.
  - d. Side yard setbacks for the second story of residences shall maintain a total of 10 feet. No portion of the second story shall overhang (extend over) the first story.
3. Off-street parking for the proposed residence shall consist of a minimum of one covered parking space and one uncovered parking space. Neither shall be located within the front yard setback. The property owner shall construct minimal width driveway curb cuts and these shall be placed as close as possible to nearby curb cuts so that maximum space is available for street parking.

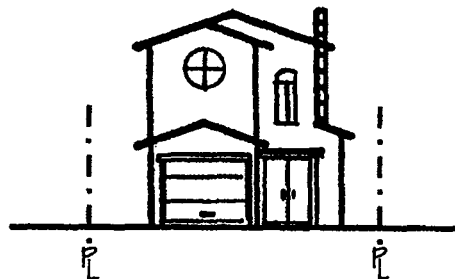
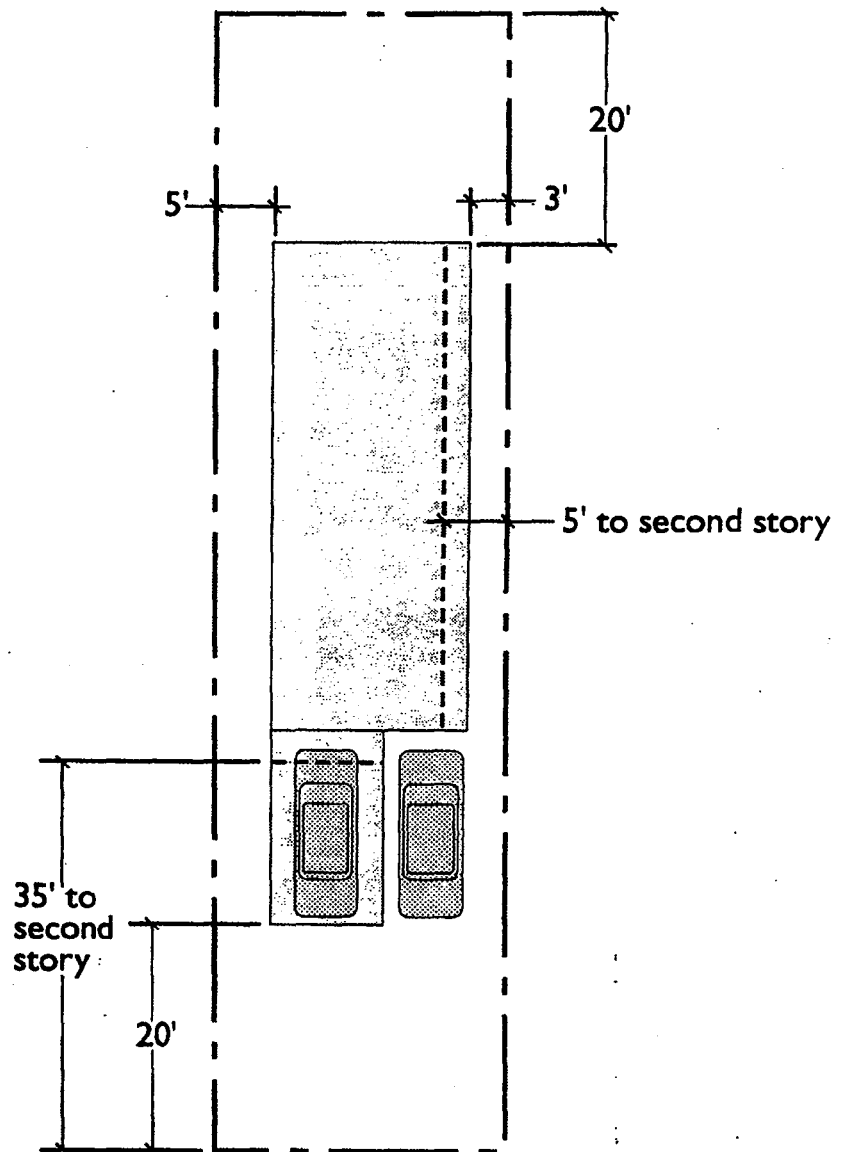
4. Prior to a use permit hearing, plans for proposed residences must receive design review. Final approval of design rests with variance decision-maker. The County Design Review Officer shall evaluate the following and make appropriate recommendations on design to the use permit decision-maker.
  - a. As much as possible, site new buildings on a parcel in locations that: (1) minimize tree removal, (2) minimize alteration of the natural topography, and (3) minimize alteration of streams and natural drainage channels.
  - b. Design buildings with shapes that respect and conform to the natural topography of the site by requiring them to step up or down hillsides in the same direction as the natural grade.
  - c. Design well articulated and proportioned facades by: (1) creating aesthetic and proportioned patterns of windows and shadows, (2) relating the size, location, and scale of windows and doors to adjacent buildings to avoid intrusion into the privacy of adjacent structures, and (3) using trees and shrubs to soften the abrupt wall and rooflines of the residence.
  - d. Design buildings using pitched roofs with architectural styles that blend with the immediate area.
  - e. Make varying architectural styles compatible by using similar materials and colors compatible with the natural setting and the immediate area.
5. A landscaping plan will be submitted if required as a condition of use permit approval. It shall include drought resistant trees and shrubs native to the area. A surety deposit will be required for both installation of landscaping and its maintenance. Maintenance shall be required for no less than two and no more than five years.

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# Side Yard Setback Alternatives

County Non-conforming Lot (25 ft. wide, 2500 sq. ft.) Policy



Residence Area (w/171 sq. ft. garage)	
1st story living (sq. ft.)	688
2nd story living (sq. ft.)	637
<b>Total Living (sq.ft.)</b>	<b>1325</b>

COUNTY OF SAN MATEO  
PLANNING AND BUILDING DIVISION

**SUMMARY OF 1993 MID-COAST SUBSTANDARD LOT STUDY**

In June, 1993, the Board of Supervisors requested that staff evaluate the feasibility of merging undeveloped substandard lots in the urban Mid-Coast. Parcel merger was suggested as a way to prevent the overbuilding of small parcels, and to reduce the number of sometimes troublesome individual development requests. The 1993 Study covered the following topics:

What is a Substandard Lot

A substandard lot is a unit of land legally created by an approved subdivision tract map that does not conform to the minimum lot size required by the current zoning regulations (5,000 sq. ft.).

Why Substandard Lots Occur in the Mid-Coast

Much of the Mid-Coast was subdivided into tracts with 2,500 sq. ft. (25' x 100') the predominant lot size. Many substandard lots have been combined into 5,000 sq. ft. building sites, although many substandard lots remain.

Number of Mid-Coast Substandard Lots

Through a sampling process using the Assessor's maps and related data, staff estimated the number of undeveloped substandard lots in the Mid-Coast communities of Montara, Moss Beach, El Granada, and Princeton to be, as follows:

Number of Substandard Lots that Could be Merged	1,703 lots
Number of Substandard Lots that Could Not be Merged	<u>294 lots</u>
<b>Total Number of Undeveloped, Substandard Lots</b>	<b>1,997 lots</b>
 Number of Potential Merger Actions	 919 mergers

Regulating Development on Substandard Lots

The Zoning Regulations allow substandard lots greater than 3,500 sq. ft. to be developed as a matter of right providing that the development conforms with all other zoning provisions. Substandard lots that are 3,500 sq. ft. or less require discretionary approval at a public hearing. This (formerly variance, and now use permit) review is to assure that the proposed development is proportionate to the lot being built on, and that opportunities to acquire additional land have been investigated.

## What is Parcel Merger

Parcel merger is the combination of two or more contiguous lots in common ownership into a single parcel. A substandard lot may be merged with a contiguous parcel in common ownership if at least one of the properties is undeveloped and does not conform with the 5,000 sq. ft. minimum lot size.

## Parcel Merger Procedure

The steps required for parcel merger involve (1) the County recording a "Notice of Intention to Determine Status," (2) the property owner requesting a "Hearing to Determine Status," (3) the County recording a "Notice of Merger" or releasing a "Notice of Intention to Determine Status," (4) the property owner appealing to the Planning Commission and Board of Supervisors.

## Past Parcel Merger Experience

Between 1978 and 1985, the County comprehensively merged substandard lots in four unincorporated areas: Emerald Lake Hills, Miramar, Seal Cove (Moss Beach) and the Skyline area. Experience indicates that a comprehensive merger program is expensive, time-consuming and controversial.

## Parcel Merger Limitations

Parcel merger is only a partial solution, since it does not apply to isolated substandard lots in separate ownership. Also, parcel merger can be avoided by transferring contiguous lots into different ownership between the initiation of a merger program by the Board and the actual recordation of a Notice of Intent to Determine status.

## Evaluation of Parcel Merger Options

- a. Comprehensive Parcel Merger. This approach is the most thorough and complete approach to parcel merger, but it also the most difficult, expensive, time-consuming and controversial.
- b. Case-by-Case Parcel Merger. Although this approach is incremental or "piecemeal," it is not difficult, expensive or time-consuming. It may be controversial and considered unfair if landowners believe they are being singled out, and pre-development expenses have been incurred.
- c. Parcel Combination for Development Purposes. A de-facto case-by-case merger approach that combines contiguous parcels in common ownership for development purposes. A combined lot may be sold as a separate parcel, but may not be developed as a separate parcel. This approach also targets property owners preparing to develop, and

also is not difficult, expensive or time-consuming, but may be controversial. (This option was subsequently deemed invalid through litigation elsewhere in the State.)

- d. No Change. Continuing case-by-case discretionary permit review of substandard lot development should prevent overbuilding on small lots, but would not eliminate often troublesome individual cases.

#### 1993 Board of Supervisors' Action

Upon consideration of the above alternatives, on July 15, 1993, the Board of Supervisors voted to continue the current practice of case-by-case discretionary permit review.

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SAN MATEO COUNTY  
PLANNING AND BUILDING DIVISION

**THE 1997 PERKOVIC STUDY OF SUBSTANDARD PARCELS  
AND A COMPARISON OF THE PERKOVIC STUDY AND THE  
1993 COUNTY STUDY OF SUBSTANDARD PARCELS**

**I. SUMMARY OF 1997 PERKOVIC STUDY**

In 1997, Paul Perkovic conducted a preliminary study (attached) of the potential impact of substandard lot development on the Montara Sanitary District. The Perkovic Study analyzed Local Improvement District maps and determined four possible build-out scenarios, summarized below:

Scenario I: "Original LCP" - No development allowed on undeveloped substandard parcels less than 5,000 sq. ft.

Scenario II: "Existing Substandard Parcel Ownership Patterns" - Development allowed on 5,000 sq. ft. parcels. Development allowed on existing substandard parcels in isolated ownership. Assumes substandard parcels in common ownership are merged either voluntarily or as required by County-initiated merger program.

Scenario III: "Maximum Dis-aggregated Development on Empty Parcels" - All undeveloped substandard parcels are developed separately, even those vacant substandard parcels in common ownership that could be combined to form larger parcels.

Scenario IV: "Maximum Dis-aggregated Development on All Parcels" - All undeveloped substandard parcels are developed separately, even those that could be combined to form larger parcels. Existing houses on developed substandard parcels in common ownership are demolished, and the lots are then sold and developed separately.

Mr. Perkovic recommended Scenario II, described above, as the desired level of build-out for the Montara Sanitary District and the Mid-Coast. He also recommended that the County undertake a parcel merger program which would ensure that only those undeveloped residential substandard parcels that are currently in isolated ownership would be developed separately.

**II. COMPARISON OF THE PERKOVIC STUDY AND THE 1993 COUNTY STUDY**

**Key Points**

- The two studies are not inconsistent, but had different purposes, used different methodologies, and focused on different geographic areas.

- In many cases, the numbers from the reports are not comparable, because they measure different things (e.g., substandard lots vs. undeveloped substandard lots).
- The build-out scenario recommended by the Perkovic Study (Scenario II) is consistent with County staff's belief that, in all probability, only undeveloped substandard parcels that are owned separately will be developed separately. However, while the Perkovic Study recommends a County-initiated merger program to ensure this build-out scenario, staff contends that the market leads to the same result--i.e., that voluntary merger will occur to achieve the same build-out level.

### **Key Differences Between Perkovic Study and 1993 County Study**

#### **1. Study Goal/Purpose**

The two studies are not inconsistent, just different. Mr. Perkovic was attempting to count the number of potential additional sewer connections in the Montara Sanitary District, while County staff attempted to count the number of potential merger actions for the entire urban Mid-Coast. Staff has determined that the Montara Sanitary District includes approximately 72% of the area subdivided into substandard lots in the urban Mid-Coast. The remaining 28% is in the Granada Sanitary District. As a result, many of the numbers in the reports are not directly comparable. Below are some of the key numbers from the two studies:

#### **Perkovic Study:**

Number of Substandard Lots in Montara Sanitary District (within Urban/Rural Boundary)	4,542
Legal Lots (Standard and Substandard) in Montara Sanitary District	5,043

#### **1993 County Study:**

Number of Undeveloped Substandard Lots in Mid-Coast	1,997
Number of Undeveloped Substandard Lots in Mid-Coast Subject to Merger	1,703
Number of Potential Merger Actions	919
Number of Undeveloped Substandard Lots in Single Ownership	294

#### **2. Methodology**

The Perkovic Study used Local Improvement District 92-1 maps based on County Assessor's maps to estimate the number of substandard parcels. Mr. Perkovic took a sample area and counted the number of substandard parcels within it. He used the Montara Sanitary District records (LID 92-1) to determine which parcels were

developed. The number of undeveloped parcels remaining determined the number of potential future sewer connections.

In the 1993 County Study, staff used the Assessor's maps and roll to identify areas in the Mid-Coast where substandard lots are located. Staff then calculated the size of these areas in acres. Then a sample area for each community was examined to determine how many parcels are substandard, how many parcels are in single ownership, and how many are developed/undeveloped. Once the number of undeveloped substandard parcels and potential merger actions for each sample area was determined, the number for each Mid-Coast community was estimated (assuming it was proportional). These figures were added to determine the total number of potential merger actions for the Mid-Coast.

If there are any inconsistencies between the numbers presented in the two studies, it may be attributed, at least in part, to a different interpretation of the methodology used in the 1993 County Study. Specifically, the 1993 County Study estimated that 80% of Montara's land area and 76% of Moss Beach's land area have been subdivided into substandard lots; whereas, the Perkovic Study cites the 1993 County Study as having estimated that 80% of the lots in Montara and 76% of the lots in Moss Beach are substandard.

### 3. Geographic Area Covered

As mentioned, the Perkovic Study focussed on the Montara Sanitary District (Montara/Moss Beach), while the 1993 County Study covered the entire urban Mid-Coast, including El Granada and the commercial/industrial areas in Princeton. The 1993 County Study did not include Miramar and Seal Cove, two Mid-Coast areas where merger programs have been undertaken previously and minimum lot sizes exceed 5,000 sq. ft.

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To: Board of Directors, Montara Sanitary District  
From: Paul Perkovic, Director  
Date: 7 August 1997; revised 11 August 1997

Subject: Preliminary Analysis of Potential Impact on Montara Sanitary District of LCP Policy 1.6, "Development of Residential Substandard Parcels in the Urban Mid-Coast" (proposed to be modified as Policy 1.5c by Coastal Commission staff)

Recommended Action: Forward concerns to Coastal Commission for hearing on 14 August 1997

### **Executive Summary:**

County of San Mateo LCP Amendment No. 1-97-C (Coastside Protection Initiative) is currently before the Coastal Commission for certification. Among other provisions, this package of amendments includes changes to development policies for substandard parcels within the service area of the Montara Sanitary District which, absent any safeguards, could allow uncontrolled development far in excess of the "build-out" numbers contained in the LCP and far in excess of the wastewater treatment capacity available to the District.

While recognizing the rights of property owners to develop their parcels, it is imperative that development permitted within the Montara Sanitary District service area allow for fair and equitable usage of limited public resources, particularly sewerage treatment capacity and potential future water capacity. LCP population forecasts and sewer capacity projections were made at a time when the County of San Mateo was enforcing a 5,000 square foot zoning requirement for development in coastal residential areas, which limited construction in the Mid-Coast to parcels comprising two or more small lots in most cases. (Variances were required for smaller building sites or unusual site conditions.)

In 1994, the Board of Supervisors considered a proposal for a lot merger program in the Mid-Coast, but failed to take action to consolidate existing substandard lots in common ownership into larger, conforming parcels. As a consequence, with the recent changes in policy, every legal lot — created by subdivisions now nearly 100 years old — is a potential building site, and the proposed allowable building size is larger than the existing size of many residences within our service area that are on conforming building sites.

The consequence is that our projected future demand estimates of 647 equivalent residential users (derived during the engineering study for expansion to build-out capacity), which were based on existing residences remaining on their current multi-lot parcels and new residences only on existing parcels that met the then-current zoning standard of 5,000 square feet, may be upset by creation of a strong economic incentive for property owners to break up parcels consisting of several substandard lots into multiple substandard building sites, each of which appears to be assured the right to develop under the proposed change in Modified LCP Policy 1.5c.

The level of residential development made possible with the proposed change within the Montara Sanitary District is startling — perhaps as many as 3,257 new residences inside the Urban/Rural Boundary, when LCP build-out allows for approximately 1,330 new users — and would result in development far in excess of LCP projected build-out.



### **Proposed Recommendation to Coastal Commission:**

Before accepting Modified Policy 1.5c, require San Mateo County to conduct a complete study of the cumulative impact of the potential increase in build-out on the other elements of the LCP, particularly roads, sewer, and water, as they affect the Mid-Coast. In order to provide assurance to existing property owners within the District that their opportunity to develop in the future will not be abrogated by County decisions that permit a limited resource to be fully consumed by non-conforming parcels, require a formal opinion from County Counsel that protections currently in place will prevent "runaway build-out."

Require that Modified Policy 1.5c be permitted to apply only to currently identified isolated substandard parcels in continuous ownership as of 4 June 1996, the date the San Mateo County Board of Supervisors adopted Resolution 60232, provided that at no time since that date was the owner of the substandard parcel also the owner of an adjacent parcel with which it could be combined in order to form a conforming parcel. Explicitly prohibit development on any newly-formed substandard parcel created by sale of one or more lots formerly in common ownership, until such time as all conforming parcels have had an opportunity to develop. (It is the potential dis-aggregation of existing conforming parcels made up of underlying substandard lots that poses the greatest threat to the community.)

### **Detailed Background:**

The Montara / Moss Beach communities, which are the service area of the Montara Sanitary District, were subdivided early in this century, predominantly into 2,500 square foot lots. There is quite a mix of lot sizes within our service area; other common sizes for rectangular lots are 3,000 square feet and 3,125 square feet. There are thousands of these lots in the Mid-Coast, most resulting from subdivisions between 1905 and 1908 when land promoters and speculators such as the Shore Line Investment Company subdivided large tracts in conjunction with the construction of the Ocean Shore Railroad. A portion of Montara between Audubon Avenue and East Avenue was generally subdivided into 5,000 square foot lots.

Detailed analysis of the entire District is complicated by the rolling hills and ocean bluffs, which required many roads to curve or follow angles around creeks, and consequently a large number of lots are irregularly shaped, with areas that cannot readily be determined from Assessor's Parcel Maps. Just within the Montara Sanitary District boundaries — encompassing only Montara and Moss Beach — there are more than 5,500 sub-standard lots, and there are thousands more in the other Mid-Coast areas (El Granada, Miramar, Princeton). By actual count using the Assessment District maps from the Local Improvement District 92-1 engineering study, the approximate number of sub-standard lots within the Urban/Rural Boundary is 4,542. Another thousand or so are in the Rural Residential Area just outside our service area.

Existing construction in this area has generally followed prior County zoning policy and occurred only on parcels consisting either of single lots of 5,000 square feet or more, or on parcels in common ownership consisting of several substandard lots that in the aggregate produced a building site of 5,000 square feet or more.

Recently, the County of San Mateo has allowed building on individual substandard lots, and has recently approved building permits for a number of such sites in other areas of the Mid-Coast. (New development in our area is currently limited by lack of water.)

As previously mentioned, the total number of such substandard lots in our service area (within the Urban/Rural Boundary) is approximately 4,542. In 1993, the County Planning Department did a study that estimated that approximately 80% of Montara lots are substandard, and that approximately 76% of Moss Beach lots are substandard. This estimate appears to be too low — an actual count only shows approximately 501 conforming lots in our urban service area. Adding these two numbers together, there are thus approximately 5,043 legal lots within our collection system service area.

At the present time, the Montara Sanitary District serves approximately 1,786 customers (about 1,560 residences). Based on the number of legal lots estimated above, and based on the proposed LCP Policy 1.5c that would entitle each of those individual lots, including substandard lots, to develop at least to a density of 1,500 square feet of housing, there is a potential for 3,257 additional connections if every legal lot is separately developed.

This would be disastrous for our community: It would represent potential build-out more than twice what was previously predicted by the LCP (and used for planning of other services); it would far exceed our sewerage treatment capacity, and it would violate the precepts of the Coastal Act.

An appropriate control should disallow disaggregation of existing multi-lot parcels in common ownership, whether developed or undeveloped, since the exception for substandard lots is portrayed as meeting the need of isolated substandard lots to develop when there is no opportunity to purchase an adjacent lot and thus create a conforming parcel.

Without such a control, and absent a lot-merger policy enforced by the Board of Supervisors, there is the potential for speculators and profiteers to buy up small older homes in the Mid-Coast (which are so crucial to preserving the semi-rural character of the community), raze them, sell off the underlying lots to separate owners, and then invoke the provisions of the LCP policy to demand the right to build on the individual substandard lots. Even if we proceed with the expectation that existing housing will not be destroyed, the approximately 450 parcels that were identified as undeveloped in the LID 92-1 study generally consist of two or more underlying sub-standard lots, and these could easily be dis-aggregated without removing any existing construction, and still produce a demand for sewer capacity far in excess of that currently permitted under Table 2.3 of the LCP.

This proposed condition is one of several that should be considered to prevent this end-run around the County's zoning requirements, the LCP, and the clear intent of the Coastal Act.

### **Build-Out Scenarios:**

The Coastal Commission's staff prepared a thorough and well-documented report that recommends acceptance of modified policies based on the LCP amendments proposed by San Mateo County. One particularly impressive set of scenarios studied potential south coast visitor-serving development based on density credits, and the potential impact on traffic and other limited coastal resources. Assistance of San Mateo County staff in producing this analysis — including the "worst case" scenario — led the Coastal Commission staff to recommend a temporary limit on the number of "bed-and-breakfast" or hotel accommodations (at about the level the County anticipates) until further study can show whether or not the worst case scenario is in danger of realization.

For the proposed LCP policy changes that affect the Mid-Coast, however, there is no similar analysis and no known County study that shows the cumulative potential impacts of full development as permitted under the LCP amendments.

Proposed Policy 1.6 (which is suggested by staff to be replaced by Modified Policy 1.5c) addresses so-called "sub-standard" lots in the urbanized Mid-Coast. These are legal lots that do not conform to the County's current Zoning Regulations. Existing LCP Table 2.3 establishes sanitary sewer requirements for build-out that are sufficient in our service area to accommodate a population of approximately 7,432 persons or 2,891 households. These estimates in the original LCP appear to have been made using the County's then-existing 5,000 square foot residential zoning minimum lot size requirement at the time the County's LCP was first adopted, and never anticipated that additional development would be permitted at the same intensity (or in many cases higher intensity) on sub-standard lots.

As a specific example, under Phase I sewer capacity limits (400,000 gallons per day), our District is able to serve 1,786 customers (including a very small number of institutional and commercial users). The expansion project currently under construction at Sewer Authority Midcoastside is intended to provide our District with "build-out" capacity (800,000 gallons per day). After allowing for Coastal Act priority uses, our District will have capacity remaining for 1,330 additional equivalent residential units. Beginning in 1992, our District analyzed all undeveloped land within our service area as part of an assessment district proceeding, and through a careful engineering study determined that there were approximately 450 parcels of land in individual ownerships (in many cases, consisting of several contiguous sub-standard lots that formed a building site meeting the County's 5,000 square foot minimum lot size) and that, based on their potential conforming building sites, those parcels could result in approximately 647 new dwelling units.

Our District already has obligations to two affordable housing projects to provide connections for up to 346 additional dwelling units, a small portion of which are actually reserved for affordable housing. Together with new single-family homes on conforming parcels, our District would have limited reserve capacity if all of the identified parcels meeting current minimum Zoning Regulations were developed.

As a parallel to the Coastal Commission staff study for the south coast, we can consider a number of build-out scenarios for the Montara Sanitary District urban service area. This is really just an outline of a careful study that should be performed by the County, which of course has access to computerized Assessor's records showing actual lot and parcel sizes, which parcels are developed, etc. However, the numbers shown below are based on preliminary estimates made by spending two days counting parcel maps for a sample of our District, and from District-wide totals known or estimated from current customer Sewer Service Charge rolls or LID 92-1 Assessment rolls.

**Scenario I ("Original LCP"):** Build-out as originally contemplated by the LCP, with 5,000 square foot minimums for residential development. As noted earlier, because the original LCP was internally consistent, the Montara Sanitary District would have sufficient wastewater capacity to serve all existing and reasonably anticipated future residential and commercial users, as well as LCP priority users, within our planned build-out capacity (800,000 gallons per day).

**Scenario II ("Existing Sub-Standard Parcel Ownership Patterns"):** Build-out as originally contemplated by the LCP, with existing APN parcels of 2,500 square feet or more all developed. This is the same as Scenario I, except there would be a relatively small number of existing sub-standard lots in isolated ownership, estimated by the County in 1993 to be about 294 throughout the Mid-Coast and, therefore, somewhat smaller within the Montara Sanitary District boundaries. From a preliminary analysis, it appears that our District could serve these additional sub-standard lots, particularly if many of the existing homes on 10,000 square foot or larger building parcels do not sell off any of their vacant lots for development, but rather retain them for gardening and open space.

**Scenario III (“Maximum Dis-Aggregated Development on Empty Parcels”):**

Retain existing ownership configuration of developed parcels, but permit all undeveloped APN parcels to be dis-aggregated into their underlying sub-standard lots and permit development on each such lot under the Modified Policy 1.5c. This is the most difficult scenario to evaluate without a thorough study, but it appears that our District could be overwhelmed with requests for service for construction on dis-aggregated sub-standard lots such that the entire permitted wastewater capacity for our service area would be exhausted before all parcels had an opportunity to develop. Essentially, if the County and the Coastal Commission permit this kind of unrestricted development, it may constitute a “taking” of the development rights from existing owners of conforming parcels, and a “giving” of those development rights to new owners of dis-aggregated sub-standard lots.

**Scenario IV (“Maximum Dis-Aggregated Development on All Parcels”):** This should also be called the “Runaway Build-Out” Scenario; the consequences were summarized earlier in this report, but are repeated here for consistency. The total number of sub-standard lots in our service area is approximately 4,542. There are approximately 501 conforming lots in our urban service area. Adding these two numbers together, there are thus approximately 5,043 legal lots within our collection system service area. At the present time, the Montara Sanitary District serves approximately 1,786 customers. Based on the number of legal lots estimated above, and based on the proposed LCP Policy that would entitle each of those individual lots, including sub-standard lots, to develop, there is a potential for 3,257 additional connections if every legal lot is separately developed. This is in addition to the LCP Priority parcels which are assured 346 connections, and other LCP visitor-serving priority uses. After deducting priority allocations from the District’s full 800,000 gallon per day build-out capacity, we will have approximately 1,330 remaining equivalent residential connections — far less than the potential demand in this scenario.

The final analysis above is a “worst case” scenario, admittedly. The County assures us that they only expect existing isolated substandard lots — those where there are no contiguous lots in common ownership — to actually develop under this Modified LCP Policy 1.5c. Given the tremendous consequences for our community, including impacts on traffic, schools, sewer, water, and the quality of life, we think it is essential that the Coastal Commission require, as a condition of approval of Modified Policy 1.5c, some guarantee that the number of sub-standard lots that may be developed is kept to the absolute minimum necessary, i.e., at most those isolated sub-standard lots in separate ownership.

Scenario II is the recommended scenario, and would require either a County-wide limitation on sub-standard lots permitted to develop, or a limitation on dis-aggregation of existing multi-lot parcels, in conjunction with the Modified Policy 1.5c.

As part of a thorough study of these possible scenarios, particular attention should be given to implications for water supply. Currently, our service area receives water from a private water company, Citizens Utility Company of California, which is under a new connection moratorium imposed by the Public Utilities Commission because there is inadequate water for the existing users in our community. Nearly all water is drawn from community wells, which draw on the same aquifers as private wells scattered throughout the area (used for both agricultural and domestic purposes). Unless new sources of water can be obtained by Citizens, new development in the Montara Sanitary District service area requires each property to provide its own on-site well. There is a tremendous threat to the public health and safety of over-development threatening the groundwater resources for the entire community, either through depletion or through salt water intrusion. Other communities have experienced loss of portions of their water supply in California, so this is not just an academic or theoretical concern, but an important public policy issue demanding study.

## **Conclusion**

With the formal adoption of Modified Policy 1.5c in its present unrestricted form, it is our understanding that any owner of multiple contiguous sub-standard parcels would be able to deed individual legal lots to new owners, and each new owner would then have the entitlement granted by the County's amended LCP to construct a home of 1,500 square feet or more. There is no clear language in the LCP, as proposed to be amended, that provides assurance that Scenario IV will not be the outcome. Indeed, if past history is used as a guide, every time the County grants an exception or expands a loophole for one developer, it is used as a precedent by other developers and soon becomes the rule, rather than the exception.

It is possible that our Sanitary District Board is mis-informed and unduly alarmed, and that there are existing, foolproof, air-tight laws and LCP policies that would assure us that our "nightmare" scenario is impossible. If this is the case, our Board requests that San Mateo County Counsel deliver a formal opinion, citing all relevant authorities, that show how existing groups of sub-standard lots in common ownership, currently treated as one building site, can never be dis-aggregated or split into their underlying sub-standard legal subdivision lots. This would provide us with the assurance we need to know that we can continue to fairly serve all property owners in our service area, and not find that our limited capacity is exhausted prematurely by conversion of existing conforming parcels (i.e., those comprising two or more sub-standard lots) into separate ownerships. In particular, such an opinion must be based on laws and policies that are at least as difficult to change as the certified County LCP, and not merely on the Planning Department's changing interpretation of what constitutes a suitable building site, or an action that can be taken merely by the Board of Supervisors without review by the Coastal Commission. Further, there must be no opportunity for a variance or exception; otherwise, the protection is not air-tight, and with sufficient economic incentives, creative land use attorneys will find a way around the intended policy.

We understand that our Sanitary Board has no land use or zoning authority, and we do not wish to appear to be exercising such powers. We accept that every property owner in our service area has a right to develop that property. We are not attempting to deprive any property owner of the right to develop; we are merely asking the Coastal Commission to ensure that all existing owners will continue to be able to exercise that right, and not find that through an unintended "loophole" created by this Modified Policy 1.5c, the very limited public resource of wastewater treatment has been artificially re-allocated to a small number of early creative developers who dis-aggregate current lot groups and thus deprive other property owners — in particular, those who still maintain a sufficient group of sub-standard lots in common ownership to meet current Zoning Regulations — of their right to develop their property in conformance with all existing Zoning Regulations.

## **Results of Preliminary Analysis**

The attached spreadsheet is the beginning of a comprehensive analysis of the potential service demands on our District. Only a fraction of the total work has been completed, but it is sufficient to identify the existence and magnitude of a major problem. Since the County has been the source of changes in development policy, and since the County is the relevant land use planning and zoning agency for the Mid-Coast, the County should be required to do a complete study showing the impacts of Modified Policy 1.5c along the lines outlined. The detailed worksheets attached are for the convenience of and verification by County staff, to ensure that the overall approach is valid and the preliminary results accurate. The detailed worksheets are described at the end of this section.



The attached spreadsheet, **"Preliminary Analysis — Potential Demand on Montara Sanitary District if All Legal Lots are Developed,"** shows the consequences of development under various scenarios. The following paragraphs explain how this preliminary analysis was accomplished and what further work would be required to complete the analysis under present conditions.

As of 11 August 1997, preliminary counts of conforming and substandard lots have been completed, but other figures are known only from County estimates or District-wide totals.

The first column, **"Assessor's Map Book and Page,"** shows which map page is being analyzed. The Montara Sanitary District service area, within the Urban/Rural boundary, is shown in full in Map Books 36, 37, and 47. For purposes of this preliminary analysis, the maps reproduced and annotated in the Local Improvement District 92-1 were used. These are based on the County Assessor's Parcel Numbers as of the 1994-1995 County Assessment Roll. Although there may be minor changes in property configuration since those Assessment Diagrams were produced, because of the moratorium on both new sewer and water connections, the number of changes is likely to be immaterial to the conclusions.

The second column, **"Original Subdivided Lots,"** is the sum of the largest lot number on each underlying block. For academic purposes, the exact numbers could be obtained by reviewing the original subdivision parcel maps. When a block does not show lot numbers, this count reflects the number of legal parcels shown on the map page (e.g., each area that is outlined either by dashed or solid lines). This number is really only of historical interest.

The third column, **"Remaining Subdivided Lots,"** is a count of the number of legal lots (or parcels) as shown on the map page. This number may be smaller than the second column because lots from the original subdivision were acquired for public uses (e.g., additions to the Cabrillo Highway right of way) or because a group of lots were resubdivided or merged into different parcel configurations.

The fourth column, **"Remaining Conforming Lots,"** is an approximate count of the number of legal lots that are 5,000 square feet or greater in area. For rectangular lots, this count should be exact, but for irregularly shaped lots, this is based on an estimated area.

The fifth column, **"Remaining Substandard Lots,"** is the difference between the third and fourth columns. Since this count was the number of initial interest in doing this preliminary analysis, for many map pages that is the only count that was obtained, and the other columns will need to be filled in through further analysis.

The sixth column, **"Conforming APN Parcels,"** uses the configuration shown on the parcel maps for each Assessor's Parcel Number (Page, Block, and Parcel) indicated by a solid outline, which may comprise one or more individual legal lots, and counts those which appear to be 5,000 square feet or greater in area. [Note: The actual counting work remains to be done, and should be done by the County.]

The seventh column, **"Substandard APN Parcels,"** again uses the parcels in common ownership and taxed to a single address, which may comprise one or more individual legal lots, and counts those which appear to be less than 5,000 square feet in area. These are the substandard parcels where no contiguous lots are in common ownership, and unless these owners are able to acquire adjacent lots to combine into a conforming parcel, the parcels that are intended to be the beneficiary of the Local Coastal Program changes regarding substandard lots. [Note: The actual counting work remains to be done, and should be done by the County.]

The eighth column, “**Existing Developed Parcels**,” is based solely on the APNs on each map page that are not part of LID 92-1 or that have septic tanks, because that Assessment District did not include existing developed parcels (except those parcels having a septic tank). This count could be easily cross-checked against the current Sewer Service Charge Assessment Roll, which lists each existing customer of the Montara Sanitary District and hence includes all developed parcels (including those with septic tanks). [Note: At this time, the Existing Developed Parcels have not been counted for each separate map page; however, the total number of users within the Urban/Rural boundary is known to be 1,786, and this total is the only really important number.]

The ninth column, “**Undeveloped Conforming Parcels**,” is a count of those APNs that were included in LID 92-1 and also appear to be 5,000 square feet or greater in area. Again, this count eliminates APNs representing existing developed parcels, indicated as having a septic tank. [Note: Filling in the details on the spreadsheet is a future exercise.]

The tenth column, “**LID 92-1 Additional Demand**,” reflects the total number of parcels that were included in the assessment district (in some cases, non-conforming parcels were included), adjusted for the total number of conforming building sites that could be formed within those parcels. For instance, a group of four contiguous 2,500 square foot lots in common ownership and shown with a single APN could be divided into two building sites and still conform to the current zoning requirements, so this case would be counted as an additional demand of 2 residences. If this study is pursued, large parcels (especially those given special density consideration through designation as Affordable Housing sites) must be carefully checked. Note that this count does include existing developed parcels having a septic tank, as it is expected that such parcels will connect to the public sewer system when additional capacity becomes available. [Note: Again, since the relevant total of 647 Benefit Units in the Assessment District is known, representing the total number of additional capacity that property area would allow (subject to Bond Counsel’s opinion on property value to bonded indebtedness ratio, which required one parcel to be proposed for assessment for only 94 Benefit Units although it is zoned for 218 residential units), the total number of new users can be computed as 647 plus 218 minus 94, or 771.]

The eleventh column, “**Potential Additional Demand**,” is the most critical one: It represents the total potential additional demand for sewer capacity if every legal lot within the Montara Sanitary District is able to develop with a single family dwelling. It is computed as the sum of all remaining lots, both conforming and substandard (columns 4 and 5), reduced by the number of existing developed parcels. This potential demand would arise if each existing undeveloped parcel comprising multiple lots were developed with a single family dwelling on each legal lot, and if each existing structure that spans multiple lots were demolished and replaced with separate single family dwelling units on each underlying legal lot.

As background material supporting the summary numbers, an example “**Map Page Detailed Analysis for Map Book 36 Page 01**” is included. This is intended to provide a block-by-block (using Assessor’s Block Numbers, not the original subdivision block numbers) analysis that can be easily checked and adjusted as necessary, since full-page totals reach large numbers quickly.

Assessor's Map Book and Page	Original Subdivided Lots	Remaining Subdivided Lots	Remaining Conforming Lots	Remaining Substandard Lots	Conforming APN Parcels	Substandard APN Parcels	Existing Developed Parcels	Undeveloped Conforming Parcels	LID 92-1 Additional Demand	Potential Additional Demand
6-01	237	234	9	225	96	16	85	14	11	149
6-02			9	186						195
6-03			5	126						131
6-04			11	124						135
6-05			5	140						145
6-06			137	16						153
6-07			0	190						190
6-08	Part Rural		8	37						45
6-09			121	0						121
6-10			6	235						241
6-11			9	71						80
6-12			18	214						232
6-13	Part Rural		0	25						25
6-14	Rural									0
6-15	Part Rural		1	71						72
6-16	Part Rural		1	54						55
6-17	Rural									0
6-18	Rural									0
6-19	Rural									0
6-20	Rural									0
6-21	Rural									0
6-22	Rural									0
6-23	Rural									0
6-24	Rural									0
6-25	Part Rural		19	58						77
6-26	Rural									0
6-27	Rural									0
6-28			4	125						129
6-29	Rural									0
6-30	Rural									0
6-31	Rural									0
6-32				1						1
Totals for Map Book 36			363	1898						2176
Revised 7-Aug-1997										

# Preliminary Analysis — Potential Demand on Montara Sanitary District if All Legal Lots are Developed

Assessor's Map Book and Page	Original Subdivided Lots	Remaining Subdivided Lots	Remaining Conforming Lots	Remaining Substandard Lots	Conforming APN Parcels	Substandard APN Parcels	Existing Developed Parcels	Undeveloped Conforming Parcels	LID 92-1 Additional Demand	Potential Additional Demand
7-01			14	143						157
7-02			11	20						31
7-03	Rural									0
7-04	Part Rural		1	0						1
7-05	Rural									0
7-06			3	249						252
7-07			0	114						114
7-08			3	160						163
7-09			12	186						198
7-10				67						67
7-11			3	170						173
7-12			36	0						36
7-13			1	168						169
7-14			3	228						231
7-15			0	203						203
7-16	Part Rural		4	0						4
7-17			0	187						187
7-18			0	146						146
7-19			0	54						54
7-20			6	0						6
7-21			12	19						31
7-22			0	98						98
7-23			4	17						21
7-24			1	19						20
7-25			4	151						155
7-26			2	0						2
7-27			0	110						110
7-28			3	135						138
7-29	Part Rural / Granada Sanitary		2	0						2
7-30			4	0						4
7-31			2	0						2
7-32	Part Rural / Granada Sanitary		2	0						2
Totals for Map Book 37										
			133	2644						2777
47-30			5	0						5
Revised 7-Aug-1997			363	1898						2176

TOTALS

501

4542

TOTAL LOTS  
CURRENT USERS

5043

1786

3257

Assessor's	Original	Remaining	Remaining	Remaining	Conforming	Substandard	Existing	Undeveloped	Undeveloped	LID 92-1	LID 92-1	Potential
Map Book,	Subdivided	Subdivided	Conforming	Substandard	APN	APN	Developed	Conforming	Substandard	Additional	Undeveloped	Additional
Page, Block	Lots	Lots	Lots	Lots	Parcels	Parcels	APN Parcels	APN Parcels	APN Parcels	Demand	Legal Lots	Demand
036-01 1	2	2	2	0	2	0	2	0	0		0	0
036-01 2	16	20	0	16	5	0	2	3	0		7	14
036-01 3	42	42	0	42	18	2	15	3	2		8	27
036-01 4	25	25	0	25	6	5	4	2	5		12	21
036-01 5	38	41	4	34	19	2	18	1	2		5	20
036-01 6	24	25	2	19	9	2	8	1	2		4	13
036-01 7	42	42	0	42	20	1	17	3	1		7	25
036-01 8	24	25	0	23	10	2	10	0	2		2	13
036-01 9	24	25	0	23	7	2	9	0	0		0	14
<b>Totals</b>	<b>237</b>	<b>247</b>	<b>8</b>	<b>224</b>	<b>96</b>	<b>16</b>	<b>85</b>	<b>13</b>	<b>14</b>	<b>0</b>	<b>45</b>	<b>147</b>

#### Remaining Subdivided Lot Size Analysis

Assessor's	Substandard Lots, Front Footage x Lot Depth				Conforming Lots, Front Footage x Lot Depth							
Map Book,	2500	3000	3500	4000	2500 to less	below 5000	below 2500	5000	5500	6000	other 5000+	other 5000+
Page, Block	25 x 100	30 x 100	35 x 100	40 x 100	than 5000	irregular	(fragments)	50 x 100	55 x 100	60 x 100	rectangular	Irregular
036-01 1											0	2
036-01 2	7		1			8	10				0	
036-01 3	12	30									0	
036-01 4	22					3					0	
036-01 5	11	21	1	1			4	4			0	
036-01 6	19										2	
036-01 7	10	29				3					0	
036-01 8	23						2				0	
036-01 9	23						2				0	
<b>Totals</b>	<b>127</b>	<b>80</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>14</b>	<b>18</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>

#### Assessor's Parcel Number (APN) Parcel Size Analysis

Assessor's	Substandard Lots, Front Footage x Lot Depth				Conforming Lots, Front Footage x Lot Depth							
Map Book,	2500	3000	3750	4000	2500 to less	below 5000	below 2500	5000	5500	6000	other 5000+	other 5000+
Page, Block	25 x 100	30 x 100	37.5 x 100	40 x 100	than 5000	irregular	(fragments)	50 x 100	55 x 100	60 x 100	rectangular	Irregular
036-01 1											0	2
036-01 2								2			0	3
036-01 3	1	1						1	4	11	2	
036-01 4	4					1		1			4	1
036-01 5	1			1				7	1	7	4	
036-01 6	2							6			3	
036-01 7		1						4	2	13	0	1
036-01 8	2							7			3	
036-01 9				2				3			4	
<b>Totals</b>	<b>10</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>31</b>	<b>7</b>	<b>31</b>	<b>20</b>	<b>7</b>

[illegible]



Assessor's	Original	Remaining	Remaining	Remaining	Conforming	Substandard	Existing	Undeveloped	Undeveloped	LID 92-1	LID 92-1	Potential
Map Book,	Subdivided	Subdivided	Conforming	Substandard	APN	APN	Developed	Conforming	Substandard	Additional	Undeveloped	Additional
Page, Block	Lots	Lots	Lots	Lots	Parcels	Parcels	APN Parcels	APN Parcels	APN Parcels	Demand	Legal Lots	Demand
036-03 1	42	42	0	42	18	2	14	4	2		10	28
036-03 2	19	20	0	18	5	7	6	1	6		9	12
036-03 3	40	39	3	35	18	3	16	4	1		9	22
036-03 4	16	16	0	15	6	1	4	2	1		6	11
036-03 5	17	18	5	12	7	2	8	1	0		1	9
<b>Totals</b>	<b>134</b>	<b>135</b>	<b>8</b>	<b>122</b>	<b>54</b>	<b>15</b>	<b>48</b>	<b>12</b>	<b>10</b>	<b>0</b>	<b>35</b>	<b>82</b>

#### Remaining Subdivided Lot Size Analysis

Assessor's	Substandard Lots, Front Footage x Lot Depth				Conforming Lots, Front Footage x Lot Depth							
Map Book,	2500	3000	3500	4000	2500 to less than 5000	below 5000	below 2500	5000	5500	6000	other 5000+	other 5000+
Page, Block	25 x 100	30 x 100	35 x 100	40 x 100	irregular	(fragments)	50 x 100	55 x 100	60 x 100	rectangular	Irregular	
036-03 1	14	26				2					0	
036-03 2		12				6	2				0	
036-03 3	1	34					1	3			0	
036-03 4		13				2	1				0	
036-03 5		9				3	1				0	5
<b>Totals</b>	<b>15</b>	<b>94</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>13</b>	<b>5</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>

#### Assessor's Parcel Number (APN) Parcel Size Analysis

Assessor's	Substandard Lots, Front Footage x Lot Depth				Conforming Lots, Front Footage x Lot Depth							
Map Book,	2500	3000	3500	4000	2500 to less than 5000	below 5000	below 2500	5000	5500	6000	other 5000+	other 5000+
Page, Block	25 x 100	30 x 100	35 x 100	40 x 100	irregular	(fragments)	50 x 100	55 x 100	60 x 100	rectangular	Irregular	
036-03 1		2						3		9	4	2
036-03 2		2				5	1			5	0	
036-03 3		3						3	1	12	2	
036-03 4		1								3	1	2
036-03 5						2					1	6
<b>Totals</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>1</b>	<b>6</b>	<b>1</b>	<b>29</b>	<b>8</b>	<b>10</b>

COUNTY OF SAN MATEO  
PLANNING AND BUILDING DIVISION

**SUMMARY OF 1997 COUNTY STUDY OF SUBSTANDARD LOTS**

Staff conducted an exhaustive review of building permit data to analyze recent development on substandard lots in the unincorporated Mid-Coast. In particular, staff collected information on all houses that have been built in the Mid-Coast from 1995 through 1997 on residentially zoned undeveloped lots where the minimum required parcel size is 5,000 sq. ft. Staff recorded lot size information for all 112 lots that were developed. For the 20 parcels less than 5,000 sq. ft., house size data was recorded. For the five parcels less than 3,500 sq. ft., staff recorded more specific development characteristics (i.e., floor area ratio, setbacks, height, lot coverage), as well as information on the ownership of adjacent parcels, and whether an opportunity for a lot merger existed prior to development.

The results of this analysis are presented in the attached tables. Table F-1 summarizes the key findings of past and present studies on lot development in the Mid-Coast. Table F-2 provides parcel size information for the 112 lots that were developed during the study period. In addition, the table shows the size of the 20 houses that were built on substandard lots less than 5,000 sq. ft. As shown in Table F-2, the parcel size of all lots developed ranges from 2,500 sq. ft. to 15,450 sq. ft. The average lot size is 5,900 sq. ft. For houses developed on lots less than 5,000 sq. ft., house size ranges from 1,408 to 3,431 sq. ft. The average house size on these substandard lots is 2,280 sq. ft.

Table F-3 shows detailed development characteristics for houses that were built on the five lots less than 3,500 sq. ft., including parcel size, house size, floor area ratio, setbacks, height, and lot coverage. Accompanying Table F-3 is a set of drawings showing the site plan and building elevations for each of the five houses. House sizes on these parcels range from 1,408 to 1,732 sq. ft. Floor area ratio ranges from 0.45 to 0.61. Side setbacks range from 3 to 5 feet, and thus none of the houses comply with the minimum zoning standards for side setbacks, which require a combined side setback total of 15 feet, with a minimum of 5 feet on any side. Front and rear setbacks conform with the zoning requirements of 20 feet for all except Parcel 047-046-010, which has a front setback of 5 feet and a rear setback of 10 feet. Heights range from 21 to 27.5 feet, and thus do not exceed the 28-foot maximum. Lot coverage ranges from 33 to 37 percent, barely exceeding the 35 percent maximum in two cases.

Staff's review of merger potential for the five lots less than 3,500 sq. ft. determined that none of these lots could have been merged with adjacent parcels prior to being developed, because the adjacent parcels were already developed and/or because they were in separate ownership. Finally, all five of these projects were subject to a use permit, public notice and public hearing by the Zoning Hearing Officer. None were appealed to the Planning Commission.

TABLE F-1

**ANALYSIS OF MID-COAST SUBSTANDARD LOT DEVELOPMENT IN RESIDENTIAL ZONING  
DISTRICTS WITH 5,000 SQ. FT. MINIMUM PARCEL SIZE**

**1. Number of Substandard Lots**

Estimated Total Number of Residentially Zoned Undeveloped Substandard Lots (1993)	<b>1,666 lots</b>
<ul style="list-style-type: none"> <li>• Number of Lots Adjacent to Another Lot in Common Ownership</li> <li>• Number of Lots in Separate Ownership</li> </ul>	<b>1,444 lots</b> <b>222 lots</b>

**2. Recent Development Trends**

Total Number of New Mid-Coast Houses (1995-1997)	<b>112 houses</b>
<ul style="list-style-type: none"> <li>• Number of Houses Built on Parcels 5,000 sq. ft. or Larger</li> <li>• Number of Houses Built on Parcels Less Than 5,000 sq. ft. (i.e., Substandard Lots)</li> </ul>	<b>92 houses</b> <b>20 houses</b>
<ul style="list-style-type: none"> <li>• Number of Houses Built on Substandard Lots Greater Than 3,500 sq. ft.</li> <li>• Number of Houses Built on Substandard Lots Less Than 3,500 sq. ft.</li> </ul>	<b>15 houses</b> <b>5 houses</b>
<ul style="list-style-type: none"> <li>• Number of Houses Built on Substandard Lots Less Than 3,500 sq. ft. in Common Ownership with an Adjacent Lot</li> <li>• Number of Houses Built on Substandard Lots Less Than 3,500 sq. ft. in Separate Ownership</li> </ul>	<b>0 houses</b> <b>5 houses</b>

**3. Effect on Planned Density**

Zoning Minimum Parcel Size	<b>5,000 sq. ft.</b>
Average Parcel Size of New Mid-Coast Houses (1995-1997)	<b>5,900 sq. ft.</b>

**CONCLUSION:** The limited development occurring on small substandard parcels involves isolated lots that could not be merged due to separate ownership. In contrast, no development is occurring on substandard lots that could be merged with adjacent lots in common ownership. Substandard lot development is not causing Mid-Coast development densities to exceed planned LCP levels.

TABLE F-2

**PARCEL SIZE FOR DEVELOPMENT IN AREAS WITH  
5,000 SQUARE FOOT MINIMUM  
(1995-1997)**

<b>Assessor Parcel Number</b>	<b>Community</b>	<b>Parcel Size</b>	<b>House Size on Parcels Less Than 5,000 Sq. Ft.</b>
047-062-080	El Granada	2,500	1,536
047-207-280	El Granada	2,572	1,575
047-273-210	El Granada	2,741	1,628
047-046-010	El Granada	2,945	1,732
047-126-010	El Granada	3,104	1,408
047-124-090	El Granada	3,500	2,036
047-241-020	El Granada	3,900	2,273
047-112-100	El Granada	4,000	2,954
047-103-200	El Granada	4,200	3,221
047-056-190	El Granada	4,250	3,431
047-101-110	El Granada	4,600	2,927
048-013-730	El Granada	4,700	1,933
047-136-400	El Granada	4,750	3,338
047-062-180	El Granada	4,800	1,909
048-056-050	Miramar	4,800	2,020
047-242-120	El Granada	4,800	2,557
047-123-100	El Granada	4,875	2,070
047-293-010	El Granada	4,875	2,412
047-288-120	El Granada	4,900	2,119
047-215-010	El Granada	4,900	2,432
047-055-280	El Granada	5,000	
047-055-014	El Granada	5,000	
047-103-110	El Granada	5,000	
047-133-200	El Granada	5,000	
047-132-100	El Granada	5,000	
047-074-140	El Granada	5,000	
047-133-170	El Granada	5,000	
047-232-060	El Granada	5,000	
047-114-060	El Granada	5,000	
048-033-180	Miramar	5,000	
047-209-010	El Granada	5,000	
048-033-120	Miramar	5,000	
047-114-180	El Granada	5,000	
047-075-020	El Granada	5,000	
048-042-220	Miramar	5,000	

TABLE F-2

**PARCEL SIZE FOR DEVELOPMENT IN AREAS WITH  
5,000 SQUARE FOOT MINIMUM  
(1995-1997)**

<b>Assessor Parcel Number</b>	<b>Community</b>	<b>Parcel Size</b>	<b>House Size on Parcels Less Than 5,000 Sq. Ft.</b>
047-241-060	El Granada	5,000	
047-073-120	El Granada	5,000	
047-112-190	El Granada	5,000	
047-114-160	El Granada	5,000	
047-216-050	El Granada	5,100	
048-013-440	Miramar	5,167	
047-244-270	El Granada	5,227	
047-182-440	El Granada	5,227	
047-244-260	El Granada	5,227	
047-214-040	El Granada	5,250	
047-133-250	El Granada	5,300	
047-105-260	El Granada	5,400	
047-062-200	El Granada	5,500	
047-074-190	El Granada	5,500	
047-091-070	El Granada	5,500	
047-043-080	El Granada	5,500	
047-043-080	El Granada	5,500	
047-094-080	El Granada	5,500	
047-171-250	El Granada	5,500	
047-074-230	El Granada	5,550	
047-191-160	El Granada	5,600	
047-112-150	El Granada	5,600	
047-163-540	El Granada	5,662	
047-152-190	El Granada	5,663	
047-163-440	El Granada	5,663	
047-172-210	El Granada	5,700	
047-141-130	El Granada	5,700	
047-111-340	El Granada	5,800	
047-212-260	El Granada	5,900	
047-217-120	El Granada	5,900	
047-292-030	El Granada	6,000	
047-125-060	El Granada	6,000	
047-135-030	El Granada	6,000	

TABLE F-2

**PARCEL SIZE FOR DEVELOPMENT IN AREAS WITH  
5,000 SQUARE FOOT MINIMUM  
(1995-1997)**

<b>Assessor Parcel Number</b>	<b>Community</b>	<b>Parcel Size</b>	<b>House Size on Parcels Less Than 5,000 Sq. Ft.</b>
047-123-250	El Granada	6,000	
047-275-045	El Granada	6,000	
047-234-040	El Granada	6,000	
047-275-350	El Granada	6,050	
047-191-420	El Granada	6,098	
047-123-080	El Granada	6,100	
047-212-250	El Granada	6,100	
047-105-210	El Granada	6,250	
047-093-050	El Granada	6,250	
048-037-020	Miramar	6,250	
047-043-020	El Granada	6,250	
047-043-040	El Granada	6,250	
047-091-050	El Granada	6,250	
047-102-180	El Granada	6,250	
047-105-110	El Granada	6,250	
047-151-030	El Granada	6,300	
048-013-740	Miramar	6,400	
047-162-490	El Granada	6,490	
047-105-230	El Granada	6,500	
047-244-250	El Granada	6,534	
047-217-130	El Granada	6,600	
047-056-090	El Granada	6,600	
047-101-020	El Granada	6,600	
047-221-190	El Granada	6,700	
047-171-260	El Granada	6,800	
047-191-410	El Granada	6,970	
047-105-250	El Granada	7,100	
047-191-460	El Granada	7,144	
047-107-050	El Granada	7,200	
047-171-210	El Granada	7,400	
047-216-100	El Granada	7,400	
047-191-450	El Granada	7,536	
047-223-100	El Granada	7,560	



<b>TABLE F-2</b> <b>PARCEL SIZE FOR DEVELOPMENT IN AREAS WITH</b> <b>5,000 SQUARE FOOT MINIMUM</b> <b>(1995-1997)</b>			
<b>Assessor Parcel Number</b>	<b>Community</b>	<b>Parcel Size</b>	<b>House Size on Parcels Less Than 5,000 Sq. Ft.</b>
047-214-060	El Granada	7,700	
047-191-370	El Granada	7,888	
047-222-370	El Granada	8,000	
047-172-120	El Granada	8,100	
047-222-270	El Granada	8,500	
047-152-260	El Granada	8,712	
047-171-220	El Granada	9,600	
047-055-100	El Granada	10,500	
047-192-460	El Granada	12,700	

AD:cdn - ATDH1804.6CU  
(12/5/97)

TABLE F-3

**NEW HOUSING DEVELOPMENT CHARACTERISTICS ON PARCELS LESS THAN 3,500 SQUARE FEET  
(1995-1997)**

Assessor Parcel Number	Community	Parcel Size (sq. ft.)	House Size* (sq. ft.)	House Size/ Parcel Size (FAR)	Setbacks (F, S, R)	Height	Lot Coverage
047-062-080	El Granada	2,500	1,536	0.61	20' 3' 20' 5'	24'0"	35%
047-207-280	El Granada	2,572	1,575	0.61	20' 3'6" 20' 3'6"	24'0"	36%
047-273-210	El Granada	2,741	1,628	0.59	20' 3' 20'8" 3'	24'6"	37%
047-046-010	El Granada	2,945	1,732	0.59	5' 5' 10' 5'	27'6"	33%
047-126-010	El Granada	3,104	1,408	0.45	35' 5'6" 20' 5'	21'0"	33%
<b>ZONING REQUIREMENTS</b>		<b>5,000</b>	<b>N/A</b>	<b>N/A</b>	<b>20' 10' 20' 5' min. one side</b>	<b>28'0"</b>	<b>35%</b>

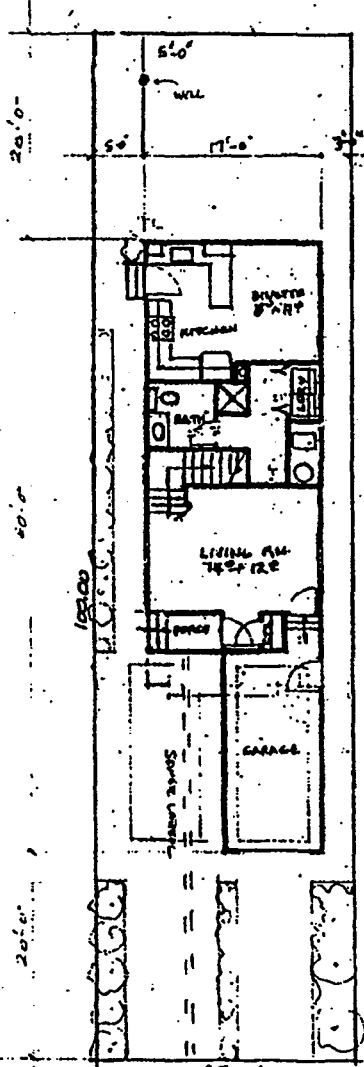
\*Includes garages. Excludes uncovered decks, porches, and balconies.



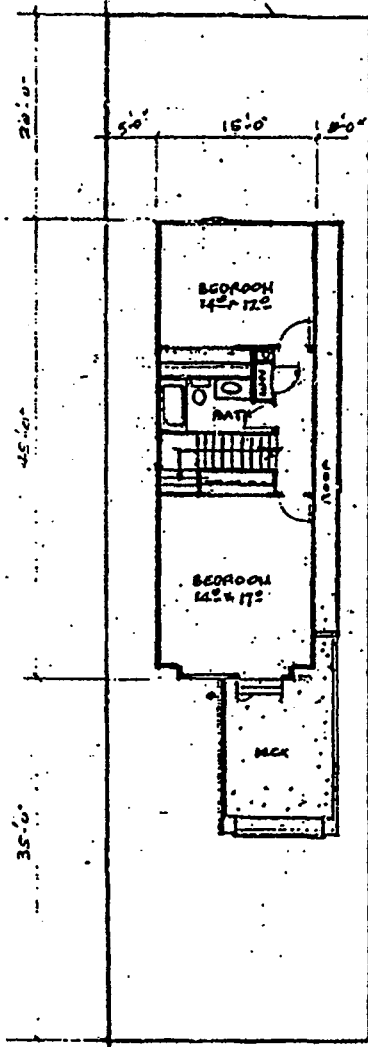
SOUTH ELEVATION



EAST ELEVATION



AVENUE GRANADA  
FIRST FLOOR



SECOND FLOOR

PROPOSED DWELLING  
TWO-STORY, SINGLE FAMILY, ON 25' LOT 130 AVENUE GRANADA, EL GRANADA, CALIFORNIA

ALL DRAWINGS TO SCALE 1/8" = 1'-0"



**San Mateo County Zoning Hearing Officer**

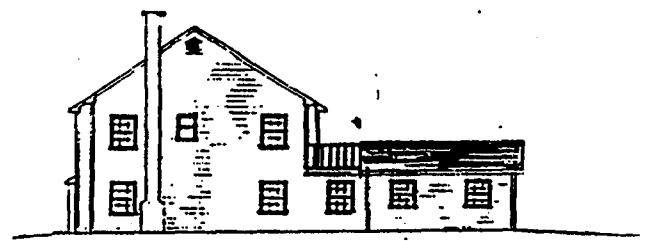
**Applicant:** DONALD BROWN

**Request:** VAR 93-0014 CDP 93-0039 DSR 93-0097

**Location:** 130 Avenue Granada EL GRANADA

Applicant: HOEHLE  
 Request: VLR 91-0014; CDP 91-0077; DSR 91-0192  
 Location: 047-207-280

**San Mateo County Zoning Hearing Officer Meeting**



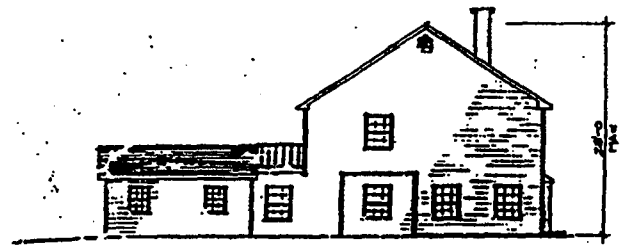
WEST ELEV.



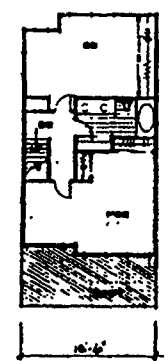
NORTH ELEV.



SOUTH ELEV.

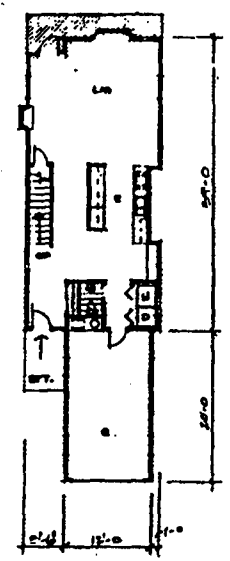


EAST ELEV.



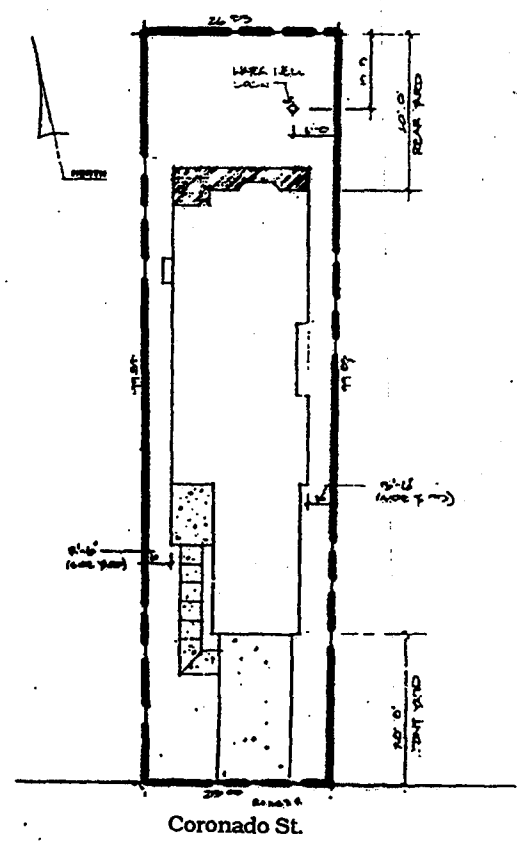
2nd FL. PLAN

11 00 FT  
120 00 FT



1st FL. PLAN

100 00 FT  
 100 00 FT  
 100 00 FT

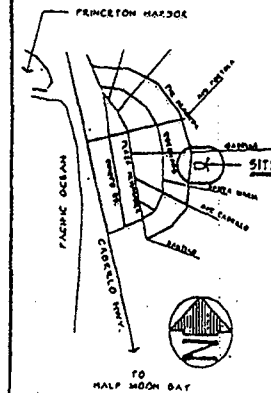
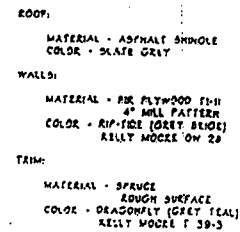
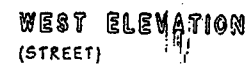
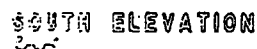
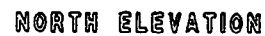
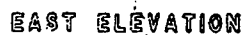


SITE PLAN

APN: 047-207-280 000 00 FT

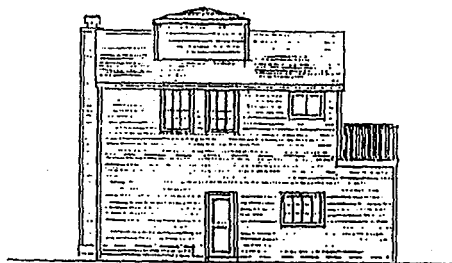


## San Mateo County Zoning Hearing Officer

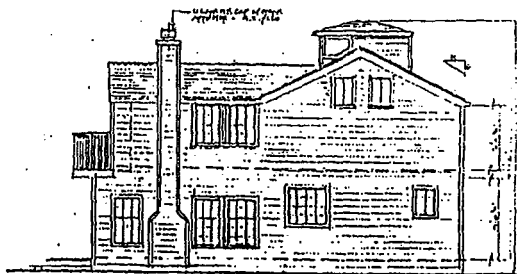


SHEET NUMBER

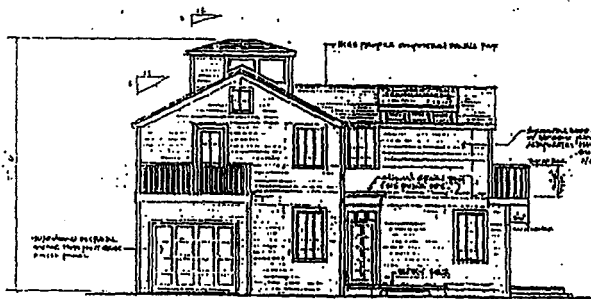
APN 047-273-210



NORTH



EAST (ONE ELEVATION)



WEST (OCELLA AVE)



SOUTH

San Mateo County Zoning Hearing Officer Meeting

Attachment: E

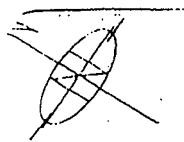
Applicant: M. HOLTZINGER

File Numbers: VAR 94-0008, DSR 94-0072, CDP 94-0020, DSP 95-0001





FRANCISCO STREET (50')



CONC. PORCH

PROPOSED RESIDENCE

CANT. DECK ABOVE

RECEIVED

APR - 5 1995

San Mateo County  
Planning Division



GRANT HANSEN  
20668 FOREST  
CASTRO VALLEY, CA

C

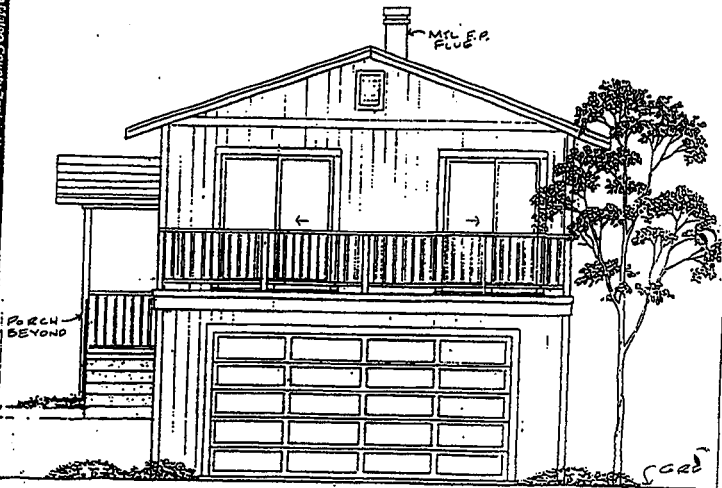
San Mateo County Zoning Hearing Officer

applicant: HANSEN

request: VAR 95-00016; CDP 95-0016

location: 047-126-010

San Diego County Zoning Hearing Officer  
 NAME: HANSEN  
 FILE: VAR-95-0006; CBP-95-0016  
 DATE: 07-12-010



RIGHT ELEVATION

1/4" = 1'-0"



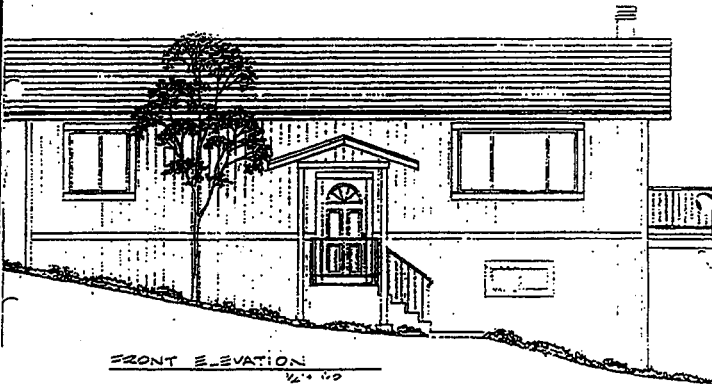
GRANT HANSEN  
 30563 FOREST AVE  
 CASTRO VALLEY, CA

San Mateo County Zoning Hearing Officer

Officer: PARKER

Agenda: VAR 95-0006, CDP 95-0016

Location: 047-126-010



GRJ  
2061  
CASTRO

TABLE F-1

**ANALYSIS OF MID-COAST SUBSTANDARD LOT DEVELOPMENT IN RESIDENTIAL ZONING  
DISTRICTS WITH 5,000 SQ. FT. MINIMUM PARCEL SIZE**

**1. Number of Substandard Lots**

Estimated Total Number of Residentially Zoned Undeveloped Substandard Lots (1993)	<b>1,666 lots</b>
<ul style="list-style-type: none"> <li>• Number of Lots Adjacent to Another Lot in Common Ownership</li> <li>• Number of Lots in Separate Ownership</li> </ul>	<b>1,444 lots</b> <b>222 lots</b>

**2. Recent Development Trends**

Total Number of New Mid-Coast Houses (1995-1997)	<b>112 houses</b>
<ul style="list-style-type: none"> <li>• Number of Houses Built on Parcels 5,000 sq. ft. or Larger</li> <li>• Number of Houses Built on Parcels Less Than 5,000 sq. ft. (i.e., Substandard Lots)</li> </ul>	<b>92 houses</b> <b>20 houses</b>
<ul style="list-style-type: none"> <li>• Number of Houses Built on Substandard Lots Greater Than 3,500 sq. ft.</li> <li>• Number of Houses Built on Substandard Lots Less Than 3,500 sq. ft.</li> </ul>	<b>15 houses</b> <b>5 houses</b>
<ul style="list-style-type: none"> <li>• Number of Houses Built on Substandard Lots Less Than 3,500 sq. ft. in Common Ownership with an Adjacent Lot</li> <li>• Number of Houses Built on Substandard Lots Less Than 3,500 sq. ft. in Separate Ownership</li> </ul>	<b>0 houses</b> <b>5 houses</b>

**3. Effect on Planned Density**

Zoning Minimum Parcel Size	<b>5,000 sq. ft.</b>
Average Parcel Size of New Mid-Coast Houses (1995-1997)	<b>5,900 sq. ft.</b>

**CONCLUSION:** The limited development occurring on small substandard parcels involves isolated lots that could not be merged due to separate ownership. In contrast, no development is occurring on substandard lots that could be merged with adjacent lots in common ownership. Substandard lot development is not causing Mid-Coast development densities to exceed planned LCP levels.



**County of San Mateo - Planning and Building Department**

# **ATTACHMENT G**



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## Planning & Building Department

455 County Center, 2nd Floor  
Redwood City, California 94063  
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122  
plngbldg@co.sanmateo.ca.us  
www.co.sanmateo.ca.us/planning

---

**Please reply to: Dennis Aguirre  
650/363-1867**

August 27, 2010

PROJECT FILE

Kendall Peterson  
2030 Carriage Lane  
Arroyo Grande, CA 93420

**Subject: PLN2006-00155**  
**Location: Main Street, Montara**  
**APN: 036-047-020**

On August 19, 2010, the Zoning Hearing Officer considered your request for a Non-conforming Use Permit, Coastal Development Permit, Design Review and Certificate of Compliance (Type B), pursuant to Sections 6133.3b, 6328.4 and 6565.7 of the San Mateo County Zoning Regulations, and Section 7134.2 of the San Mateo County Subdivision Regulations, respectively, to construct a new 1,517 sq. ft. single-family residence with a 195 sq. ft. 1-car attached garage on a 3,650 sq. ft. non-conforming parcel, including a proposed combined side setback of 8 ft., where 15 ft. is the minimum required and 1 covered parking space where 2 covered spaces are the minimum required, located on Main Street in the unincorporated Montara area of San Mateo County. No trees are proposed for removal. This project is appealable to the California Coastal Commission.

At the August 19 hearing, the Zoning Officer closed the public hearing and decided to take the decision under advisement and render a decision within ten days after the conclusion of the public hearing, as allowed under Section 6104 of the Zoning Regulations. The reason for this delay was, in part, to verify which standards for review the Coastside Design Review Committee (CDRC) had used in their review and recommended conditional approval of the project. The Standards for Design for One-Family and Two-Family Residential Development in the MidCoast referenced by speakers at the August 19 public hearing are not yet certified by the California Coastal Commission (CCC) and are thus not in force and effect. The Zoning Hearing Officer subsequently confirmed that this document had been used by the CDRC as suggested guidelines only, while the findings and conditions of approval recommended by the CDRC at its April 8, 2010 meeting did, in fact, correctly reference the Coastside Design Review Standards under Section 6565.7 of the Zoning Regulations, which have been approved by the CCC and are in full force and effect. Subsequently, on August 27, 2010 the Zoning Hearing Officer made the findings and approved this project subject to the conditions of approval as attached.

### ***Board of Supervisors Meeting***

**PLN 20\$\* -001))**

Case

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Attachment

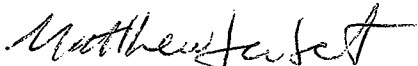
August 27, 2010  
Kendall Peterson  
Page 2

Any interested party aggrieved by the determination of the Zoning Hearing Officer may appeal this decision to the Planning Commission within ten (10) working days from such date of determination. The appeal period for this project will end on **September 13, 2010 at 5:00 p.m.**

This approval is appealable to the California Coastal Commission. Any aggrieved party who has exhausted their local appeals may appeal this decision to the California Coastal Commission within ten (10) working days following the Coastal Commission's receipt of the County's final decision. Please contact the Coastal Commission's North Central Coast District Office at 415/904-5260 for further information concerning the Commission's appeal process. The County and Coastal Commission appeal periods are sequential, not concurrent, and together total approximately one month. A project is considered approved when these appeal periods have expired and no appeals have been filed.

If you have any questions concerning this item, please contact the Project Planner above.

Very truly yours,



Matthew Seubert  
Zoning Hearing Officer

Zhd0819U\_6\_dr

cc: Public Works Department  
Building Inspection Section  
Assessor's Office  
California Coastal Commission  
Coastside Fire Protection District  
Half Moon Bay Planning Department  
Midcoast Community Council  
Montara Water and Sanitary  
Beth and John Oehlert  
Constance Mitchell  
Eric Jacobson AIA  
Jack Salvador  
James Scharff  
Jim Tway  
Karen Wilson  
Lennie Roberts  
Ludmilla Tighy  
Shelly Smith  
Sonya Andreasen  
Sue Prichard

County of San Mateo  
Planning and Building Department

**FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2006-00155

Hearing Date: August 19, 2010

Prepared By: Dennis P. Aguirre, Project Planner

Adopted By: Zoning Hearing Officer

**FINDINGS**

**Regarding the Environmental Review, Found:**

1. That the proposed project is categorically exempt pursuant to Section 15303, Class 3, of the California Environmental Quality Act related to new construction of small structures, including single-family residences in a residential zone.

**Regarding the Coastal Development Permit, Found:**

2. That the project, as described in the application and accompanying materials required by Local Coastal Program (LCP) Policy 1.28 and Zoning Regulations Section 6328.4, and as conditioned in accordance with LCP Policy 1.29 and Zoning Regulations Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County LCP based on compliance with parcel legalization policies, visual resource policies, Coastsides Design Review Standards, maintenance of site topography based on minimal grading, a previously issued permit for a well as a domestic water source, and the structure's height reduction to 22 ft. The project has been conditioned to maximize consistency with LCP resource protections policies as required by Policy 1.29.d of the LCP.
3. That the project conforms to specific findings required by policies of the San Mateo County Local Coastal Program since it complies with the Locating and Planning New Development and Visual Resources Policies. The development and parcel configuration will not have any substantial adverse impacts on coastal resources. Also, the project will not be visually obtrusive when viewed within the neighborhood vicinity and scenic highway.

**Regarding the Certificate of Compliance (Type B), Found:**

4. That the processing of the Certificate of Compliance (CoC) (Type B) is in full conformance with the County Subdivision Regulations, Section 7134 (*Legalization of Parcels; Certificate of Compliance*) particularly Section 7134.2(a), (b), and (c).
5. That the processing of the Conditional CoC (Type B) is in full conformance with Government Code Section 66499 et seq.

Regarding the Use Permit, Found:

6. Pursuant to Section 6133.3.b(3) of the San Mateo County Zoning Regulations:
- a. That the proposed development is proportioned to the size of the parcel on which it is being built. The total lot coverage of the proposed development of 30% (1,100 sq. ft.) is below the maximum allowable of 35% (1,279 sq. ft.), while the total floor area proposed of 48% (1,754 sq. ft.) although at the maximum allowable, mitigates potential mass and bulk for the proposed structure based on the improved articulation of the exterior walls. The structure is also adequately proportioned to accommodate a larger first floor area of 1,100 sq. ft and a 654 sq. ft. second floor area.
  - b. That 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. Upon investigation of potential properties available for purchase, the applicant determined that there were none available and, therefore, was unable to further mitigate the parcel size non-conformity via parcel mergers.
  - c. That the proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible. The proposed development conforms with the existing zoning regulations in as many ways as is reasonably possible for the development of a parcel of this size and shape.
  - d. That the establishment, maintenance, and/or conducting of the proposed 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. The proposed height reduction to 22 feet, the improved wall articulation and proposed adequate setbacks bring the structure into scale with the established neighborhood design context and the above finding can now be made.
  - e. That the use permit approval does not constitute a granting of special privileges. The use permit would allow the use of this parcel for residential development in keeping with the rest of the parcels in this residential neighborhood.

Regarding the Design Review, Found:

7. That with the conditions of approval recommended by the Coastsides Design Review Committee at its meeting of April 8, 2010 under Section 6565.7 of the Zoning Regulations, the project is in compliance with the Design Review Standards for the Coastsides including:
- a. The installation of recessed downward exterior lighting fixtures.
  - b. Submittal of manufacturer's lighting cut sheets for said fixtures.
  - c. Replacement of originally proposed "Fremontodendron" plant to a more suitable coastal species.

## **CONDITIONS OF APPROVAL**

### **Current Planning Section**

1. The project shall be constructed in compliance with the plans approved by the Zoning Hearing Officer on August 27, 2010. Any changes or revisions to the approved plans shall be submitted to the Design Review Officer for review and approval prior to implementation. Minor adjustments to the project may be approved by the Design Review Officer if they are consistent with intent of and are in substantial conformance with this approval. Alternatively, the Design Review Officer may refer consideration of the revisions to the Coastsides Design Review Committee, with applicable fees to be paid.
2. Prior to Planning approval and issuance of a building permit, the Certificate of Compliance (Type B) shall have been recorded.
3. A County-improved roadway providing access to the parcel already exists, as does a main sanitary sewer trunk line within the roadway, as does a County-approved well for the provision of a domestic water source. The applicant shall be responsible for a sanitary sewerage lateral connection and power connection at the time of a building permit submittal for the residence, with all cited services and improvements confirmed prior to the Building Inspection Section's final inspection approval of the building permit.
4. The applicant shall include the approval letter on the top pages of the building plans. This would provide the Planning approval date and its contents on the on-site plans.
5. The applicant shall submit the following items and/or indicate the following on plans submitted for a building permit, as stipulated by the Coastsides Design Review Committee.
  - a. Recessed downward exterior lighting fixtures.
  - b. Manufacturer's lighting cut sheets for said fixtures.
  - c. Replacement of originally proposed "Fremontodendron" plant to a more suitable coastal species.
6. The applicant shall provide "finished floor elevation verification" to certify that the structure is actually constructed at the height shown on the submitted plans. The applicant shall have a licensed land surveyor or engineer establish a baseline elevation datum point in the vicinity of the construction site.
  - a. The applicant shall maintain the datum point so that it will not be disturbed by the proposed construction activities until final approval of the building permit.

- b. This datum point and its elevation shall be shown on the submitted site plan. This datum point shall be used during construction to verify the elevation of the finished floors relative to the existing natural or to the grade of the site (finished grade).
  - c. Prior to Planning approval of the building permit application, the applicant shall also have the licensed land surveyor or engineer indicate on the construction plans: (1) the natural grade elevations at the significant corners (at least four) of the footprint of the proposed structure on the submitted site plan, and (2) the elevations of proposed finished grades.
  - d. In addition, (1) the natural grade elevations at the significant corners of the proposed structure, (2) the finished floor elevations, (3) the topmost elevation of the roof, and (4) garage slab elevation must be shown on the plan, elevations, and cross-section (if one is provided).
  - e. Once the building is under construction, prior to the below floor framing inspection or the pouring of the concrete slab (as the case may be) for the lowest floor(s), the applicant shall provide to the Building Inspection Section a letter from the licensed land surveyor or engineer certifying that the lowest floor height--as constructed--is equal to the elevation specified for that floor in the approved plans. Similarly, certifications on the garage slab and the topmost elevation of the roof are required.
  - f. If the actual floor height, garage slab, or roof height--as constructed--is different than the elevation specified in the plans, then the applicant shall cease all construction and no additional inspections shall be approved until a revised set of plans is submitted to and subsequently approved by both the Building Official and Community Development Director.
7. During project construction, the applicant shall, pursuant to Section 5022 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site into storm drain systems and water bodies by:
- a. Using filtration materials on storm drain covers to remove sediment from dewatering effluent.
  - b. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15.
  - c. Removing spoils promptly, and avoiding stockpiling of fill materials, when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
  - d. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to the storm drain system or water body.
  - e. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.



- f. Limiting and timing applications of pesticides and fertilizer to avoid polluting runoff.
8. The applicant shall include an erosion and sediment control plan on the plans submitted for the building permit. This plan shall identify the type and location of erosion control devices to be installed upon the commencement of construction in order to maintain the stability of the site and prevent erosion and sedimentation off-site.
  9. All new power and telephone utility lines from the street or nearest existing utility pole to the main dwelling and/or any other structure on the property shall be placed underground.
  10. The applicant shall apply for a building permit and shall adhere to all requirements from the Building Inspection Section, the Department of Public Works and the respective Fire Authority.
  11. No site disturbance shall occur, including any grading or tree removal, until a building permit has been issued, and then only those trees approved for removal shall be removed.
  12. To reduce the impact of construction activities on neighboring properties, comply with the following:
    - a. All debris shall be contained on-site; a dumpster or trash bin shall be provided on-site during construction to prevent debris from blowing onto adjacent properties. The applicant shall monitor the site to ensure that trash is picked up and appropriately disposed of daily.
    - b. The applicant shall remove all construction equipment from the site upon completion of the use and/or need of each piece of equipment which shall include but not be limited to tractors, back hoes, cement mixers, etc.
    - c. The applicant shall ensure that no construction related vehicles shall impede through traffic along the right-of-way on Main Street. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on Main Street. There shall be no storage of construction vehicles in the public right-of-way.
  13. The exterior color samples submitted to the Design Review Committee are approved. Color verification shall occur in the field after the applicant has applied the approved materials and colors but before a final inspection has been scheduled.
  14. Noise levels produced by the proposed construction activity shall not exceed the 80-dBA level at any one moment. Construction activities shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction operations shall be prohibited on Sunday and any national holiday.
  15. Installation of the revised landscape plan is required prior to final Building Permit inspection.

16. Installation of pervious pavers for driveway and parking areas is required prior to final Building Permit inspection.

#### Building Inspection Section

17. Prior to pouring any concrete for foundations, written verification from a licensed surveyor will be required confirming that the setbacks, as shown on the approved plans, have been maintained.
18. An automatic fire sprinkler system will be required. This permit must be issued prior to, or in conjunction with the building permit.
19. If a water main extension, upgrade or hydrant is required, this work must be completed prior to the issuance of the building permit or the applicant must submit a copy of an agreement and contract with the water purveyor that will ensure the work will be completed prior to finalizing the permit.
20. A site drainage plan will be required that will demonstrate how roof drainage and site runoff will be directed to an approved location.
21. Sediment and erosion control measures must be installed prior to beginning any site work and maintained throughout the term of the permit. Failure to install or maintain these measures will result in stoppage of construction until the corrections have been made and fees paid for staff enforcement time.
22. This project shall comply with the Building Inspection Section's most current version of its Green Building Regulations.

#### Department of Public Works

23. Prior to the issuance of the building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance No. 3277.
24. No proposed construction work within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued.
25. The applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed development and submit it to the Department of Public Works for review and approval. The drainage analysis shall consist of a written narrative and a plan. The flow of the stormwater onto, over, and off the property being subdivided shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage. Post-development flows and velocities shall not exceed those that existed in the pre-developed state. Recommended measures shall be designed and included in the street improvement plans and submitted to the Department of Public Works for review and approval.

The analysis shall also address mitigation measures to avoid potential flooding to nearby properties which may be caused by failure of pump and/or storage systems.

Environmental Health Division

26. Prior to the building final, the applicant shall obtain a permit to operate the well as a domestic water source.

Coastside Fire Protection District

27. The applicant shall comply with all conditions required by the Coastside Fire Protection District.

Montara Water and Sanitary District

28. Prior to the building final, the applicant shall obtain a sewer permit from Montara Water and Sanitary District.



**County of San Mateo - Planning and Building Department**

# **ATTACHMENT H**



## ***San Mateo County Board of Supervisors Meeting***

Owner/Applicant:

Attachment:

File Numbers:





## ***San Mateo County Board of Supervisors Meeting***

Owner/Applicant:

Attachment:

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**County of San Mateo - Planning and Building Department**

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County of San Mateo  
Planning and Building Department

### **Peterson Project Chronology**

<u>Date</u>	<u>Action</u>
April 11, 2006	- Application submitted.
May 16, 2006	- San Mateo County Geotechnical Section requires submittal of slope stability analysis and comprehensive foundation report.
November 14, 2006	- Project consultant provides requested slope analysis but is still deemed insufficient by Geotechnical staff for approval at Planning stage.
April 13, 2007	- Applicant submits updated soils and foundation report.
May 17, 2007	- Data submitted still deemed inadequate. More detail requested.
July 18, 2007	- Geotechnical staff routed letter to applicant/owner to follow up on status of data required/requested.
July 22, 2007	- Submittal of updated soils and foundation report.
October 15, 2007	- Geotechnical approval pending project consultant's approval of proposed project plans as submitted.
November 19, 2007	- Geotechnical staff includes conditions of approval for building stage subject to additional review/comments.
December 20, 2007	- Project planner deems project complete for the January 10, 2008 Coastsides Design Review Committee (CDRC) meeting.
January 10, 2008	- Initial CDRC meeting continued to September 11, 2008 meeting based on public comments and CDRC recommendation and requirements for substantial redesign.
August 14, 2008	- Continued to September 11, 2008 meeting based on CDRC requirements for redesign.

- September 11, 2008      -    Continued to October 9, 2008 meeting based on CDRC requirements for redesign.
  
- October 9, 2008        -    Continued to November 13, 2008 meeting based on the allowance of additional time for redesign, including accurate and timely installation of required story poles.
  
- November 13, 2008    -    Continued to December 18, 2008 meeting based on public comments and CDRC recommendations/requirements for complete redesign.
  
- December 18, 2008    -    Continued to March 23, 2009 meeting based on the allowance of additional time for redesign.
  
- March 23, 2009        -    The applicant requested at this meeting that the CDRC take final action on a recommendation in order to move forward with bringing the application to a final permit decision at the Zoning Hearing Officer meeting. Although there were no findings to support approval of the project, the CDRC acknowledged the project's design improvements that brought it closer to compliance with the design standards. The CDRC, therefore, considered the project as redesigned resulting in recommendation for denial based on two findings pursuant to Section 6565.7 of the San Mateo Zoning Regulations.
  
- December 17, 2009    -    Zoning Hearing Officer meeting. Project remanded back to CDRC.
  
- April 5, 2010          -    Submittal of plans indicating design revisions for consideration at the April 8, 2010 CDRC meeting.
  
- April 8, 2010          -    CDRC recommended project approval at this meeting.
  
- August 6, 2010        -    Submittal of additional Chain of Title documents indicating subject lot was separately conveyed on November 25, 1946, thereby requiring a Certificate of Compliance (Type B) for the legalization of the parcel.
  
- August 19, 2010       -    Zoning Hearing Officer meeting.
  
- August 27, 2010       -    Decision letter of final approval from Zoning Hearing Officer.
  
- April 20, 2011        -    Submittal of additional drainage plans for review by Public Works.

- October 12, 2011 - Planning Commission appeal hearing. Continued to October 26, 2012 resulting from the absence of a quorum at this hearing.
- October 26, 2011 - Planning Commission appeal hearing. Continued to March 28, 2012 hearing in order to provide the applicant ample time to address unresolved design issues.
- March 28, 2012 - Planning Commission appeal hearing.
- June 26, 2012 - Board of Supervisors appeal hearing.

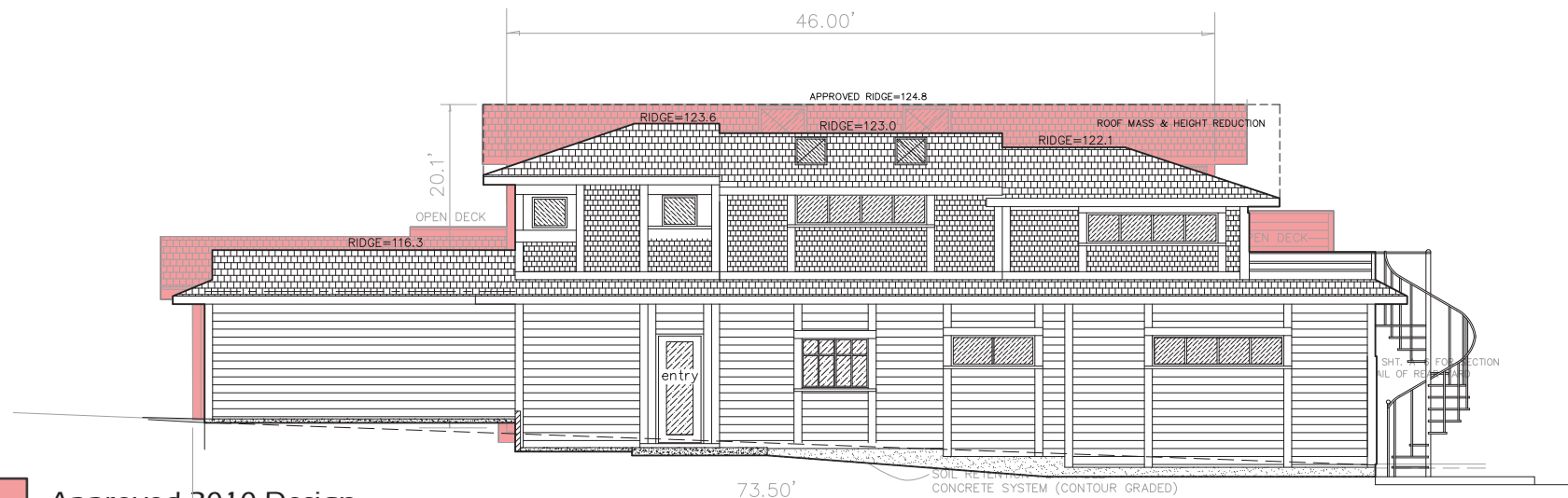
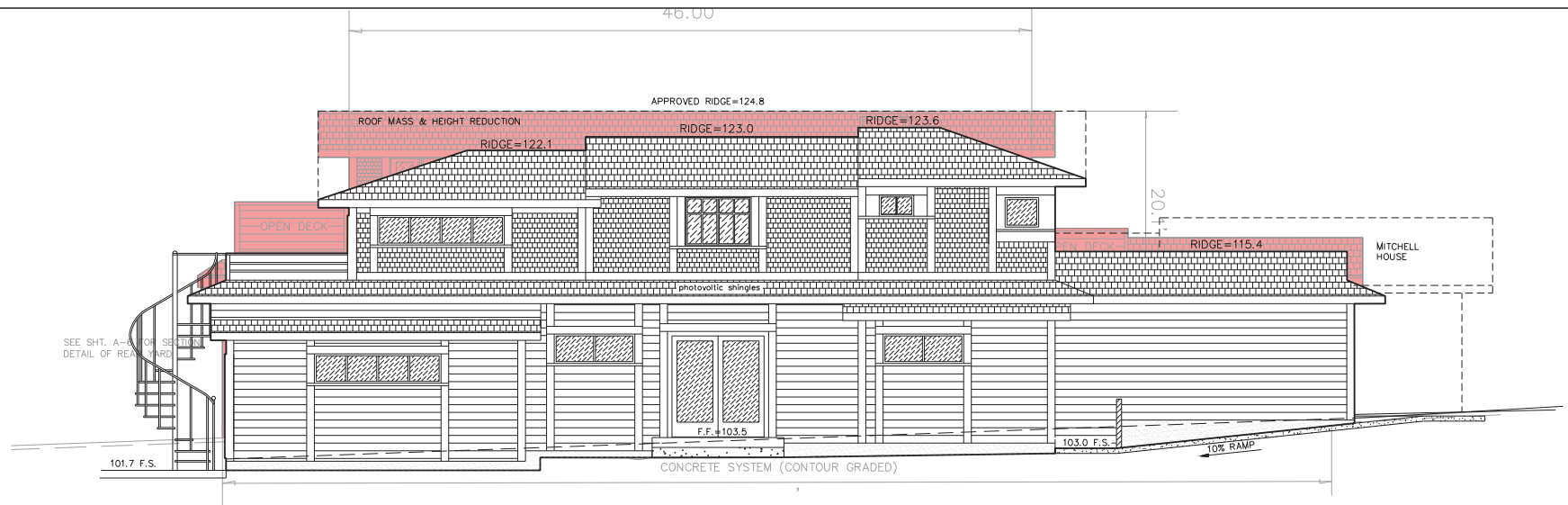
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**County of San Mateo - Planning and Building Department**

**ATTACHMENT >**





Approved 2010 Design



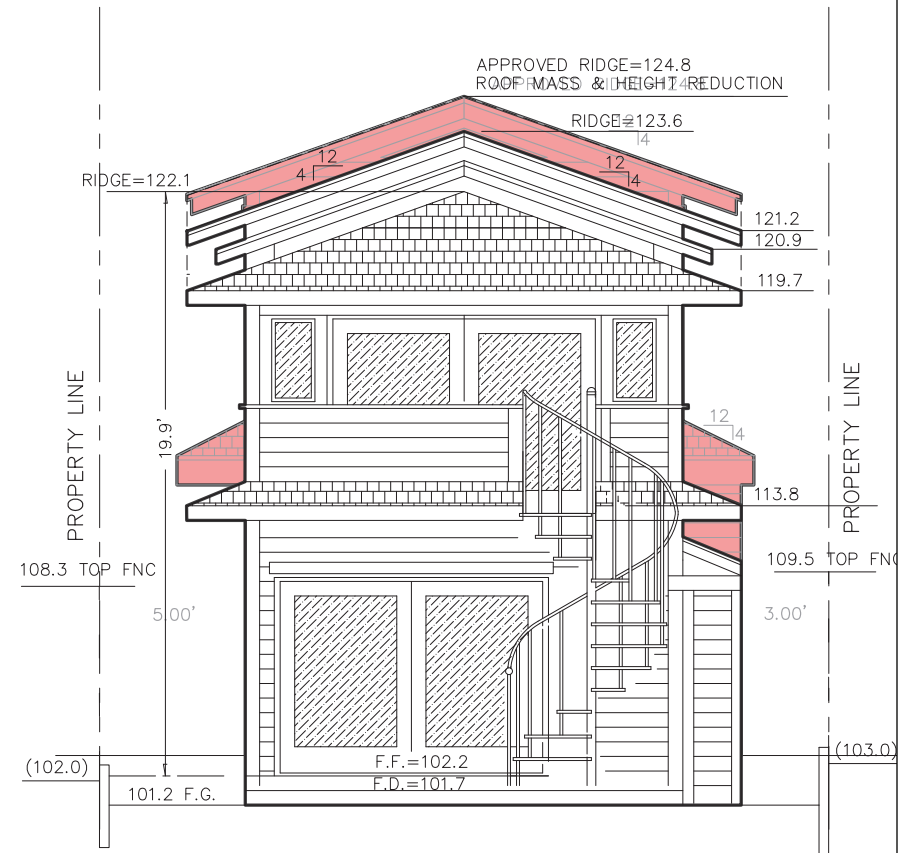
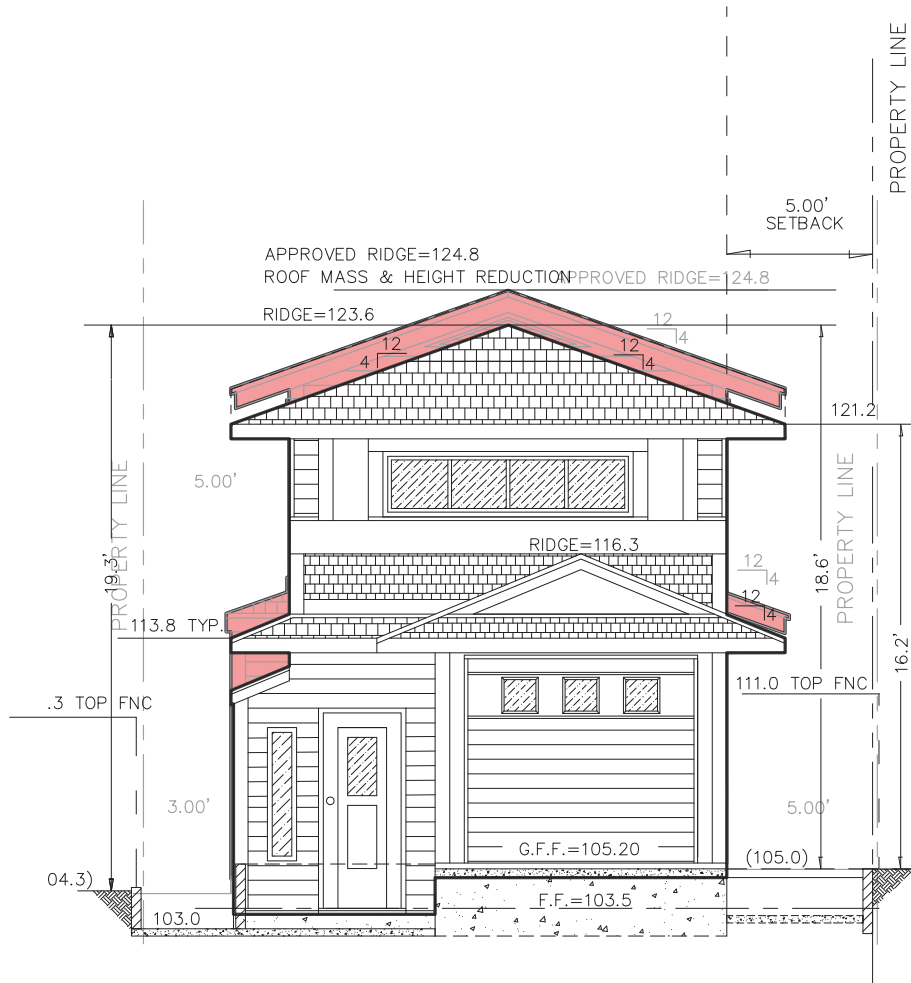
Re-Design Based on October 26, Planning Commission Meeting Recommendations

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Owner/Applicant: **PETERSON KENDALL**

File Numbers: **PLN 2006-00155**

Attachment: **J**



Approved 2010 Design



Re-Design Based on October 26, Planning Commission Meeting Recommendations

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Owner/Applicant: **PETERSON KENDALL**

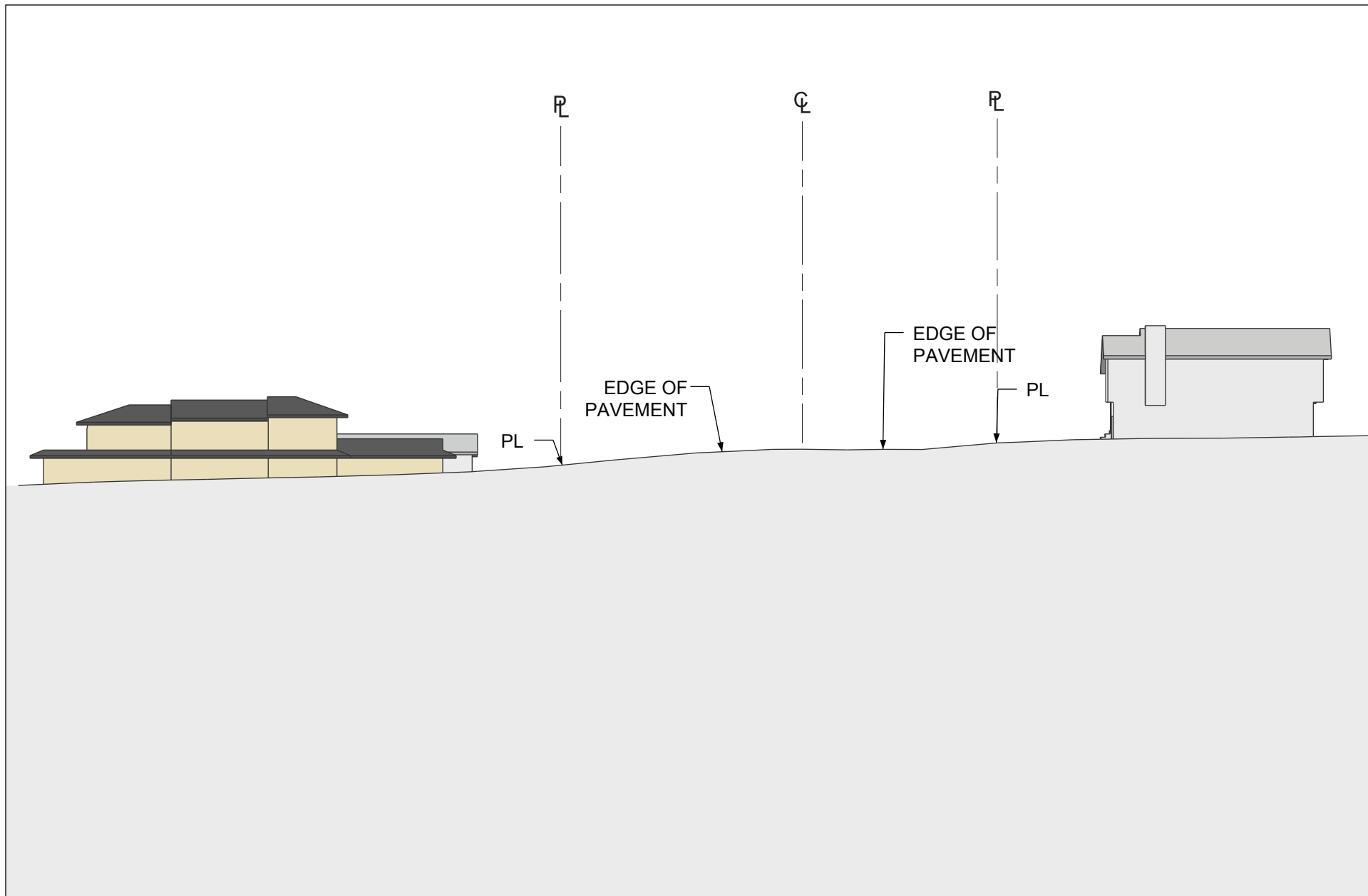
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Attachment: **J**



**County of San Mateo - Planning and Building Department**

# **ATTACHMENT ?**



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Owner/Applicant: **PETERSON KENDALL**

Attachment: **K**

File Numbers: **PLN 2006-00155**