



COUNTY OF SAN MATEO

Inter-Departmental Correspondence

ENVIRONMENTAL SERVICES AGENCY

DATE: August 1, 2001

SET TIME: 9:00 a.m.

BOARD MEETING DATE: August 21, 2001

TO: Honorable Board of Supervisors

FROM: Marcia Raines, Director of Environmental Services *MR*

SUBJECT: Consideration of Coastal Commission modification to Local Coastal Program amendments establishing more restrictive house size regulations in the Mid-Coast.

RECOMMENDATION

1. Accept, by resolution, the modification suggested by the Coastal Commission (Attachment 1).
2. Adopt, by ordinance, amendments to the Zoning Regulations (Zoning Nonconformities and Use Permit Chapters) to preclude granting a use permit exception to exceed the floor area, height and parcel coverage zoning standards for Mid-Coast parcels (Attachment 2).

BACKGROUND AND DESCRIPTION

In December 1999, and January and November 2000, your Board adopted and extended an urgency interim ordinance to limit house size in the single-family residential zoned areas of the Mid-Coast. This interim ordinance expires in November, and may not be extended.

Between January and May 2000, Supervisor Gordon worked with a 12-member community task force to develop permanent house size limits.

Between June and August 2001, the Mid-Coast Community Council, Planning Commission and your Board approved a set of Local Coastal Program zoning amendments to regulate house size, shape and design as summarized below:

1. Limit floor area up to 6,200 sq. ft. maximum house size, as follows:

<u>Conforming Parcels</u>	<u>Near Conforming Parcels</u>	<u>Non-Conforming Parcels</u>
0.53 (parcel area)	0.48-0.53 (parcel area)	0.48 (parcel area)

2. Limit building height to between 28 and 33 feet depending on parcel location and slope.
3. Measure height as “actual,” rather than “average” distance above grade.
4. Require either daylight plane or facade articulation, to be selected by the applicant. Allow dormer/gable daylight plane protrusions at center 60% of the house.
5. Establish a design review committee.
6. Eliminate covered parking requirements for parcels smaller than 3,500 sq. ft.
7. Preclude granting a Home Improvement Exception to exceed the floor area limit.

These amendments are just one element of the current Mid-Coast LCP Update Project, which also includes revising design review criteria and evaluating existing controls on the development of non-conforming parcels.

On July 13, 2001, the Coastal Commission certified the amendments subject to a “modification” that would preclude granting a use permit exception to exceed the floor area, height and parcel coverage zoning standards, particularly for non-conforming parcels. More specifically, the modification states that notwithstanding the use permit exception provisions, “no permit may be granted to exceed maximum floor area, height, and parcel coverage for parcels located in the Mid-Coast.”

Staff recommends that your Board accept this modification as it will effectively close a “loophole” that may have allowed for exceptions in conflict with the new zoning standards.

The house size amendments will take effect thirty days after your Board approves this request, i.e., September 20, 2001. These amendments include a “grandfathering” clause to exempt in-progress projects from the new regulations. Specifically, any proposed development for which a required permit application was submitted before September 20, 2001, is not subject to the new amendments, but rather to the current zoning requirements, i.e., the interim ordinance and staff level design review.

MR:GB:fc – GDBL2204_WFO.DOC

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * *

**A RESOLUTION ACCEPTING COASTAL COMMISSION SUGGESTED
MODIFICATIONS TO LOCAL COASTAL PROGRAM (LCP)
AMENDMENTS ESTABLISHING MORE RESTRICTIVE
MID-COAST HOUSE SIZE LIMITS**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that:

WHEREAS, on May 24, June 28, and July 12, 2000, the San Mateo County Planning Commission held public hearings to consider a set of LCP zoning amendments to regulate house size, shape and design in the Mid-Coast; and

WHEREAS, on August 8, 2000, the San Mateo County Board of Supervisors held a public hearing to consider the Planning Commission's recommendation on the LCP zoning amendments; and

WHEREAS, on August 8, 2000, the San Mateo County Board of Supervisors approved such LCP zoning amendments by adopting Ordinances 03978 – 03985; and

WHEREAS, on August 8, 2000, the San Mateo County Board of Supervisors directed staff to submit the Local Coastal Program zoning amendments to the Coastal Commission for certification of conformity with the California Coastal Act; and

WHEREAS, maximum opportunity for public participation at the Board of Supervisors' hearing was provided through: (1) publication of the meeting announcement in the San Mateo County Times newspaper, and (2) direct mailing of meeting announcements to all project participants; and

WHEREAS, at all public hearings, all interested parties were afforded the opportunity to be heard; and

WHEREAS, on July 13, 2001, the Coastal Commission certified the amendments subject to a modification that would preclude granting a use permit exception to exceed the floor area, height and parcel coverage zoning standards, particularly for non-conforming parcels. Specifically, the suggested modification states that notwithstanding the use permit exception provisions of Zoning Regulations Sections 6133.3.b, 6137.1, and 6503, “no permit may be granted to exceed maximum floor area, height and parcel coverage for parcels located in the Mid-Coast.”

NOW, THEREFORE, BE IT RESOLVED, the San Mateo County Board of Supervisors:

1. Acknowledges receipt of the Coastal Commission’s suggested modification.
2. Accepts and agrees to the modification, and has adopted, by ordinance, Zoning Regulations amendments to implement the modification.
3. Agrees to issue Coastal Development Permits in San Mateo County subject to the certified LCP, as amended.
4. Submits this resolution and said adopted ordinance to the Coastal Commission.

* * * * *

GDB:kcd - GDBL2237_WKS.DOC

ORDINANCE NO. _____
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

* * * * *

AN ORDINANCE AMENDING SAN MATEO COUNTY ORDINANCE CODE
(ZONING ANNEX) CHAPTER 4 (SECTIONS 6133 AND 6137) AND CHAPTER 24
(SECTION 6503) TO PRECLUDE GRANTING A USE PERMIT TO EXCEED
MAXIMUM FLOOR AREA, HEIGHT AND PARCEL COVERAGE
FOR PARCELS IN THE MID-COAST

The Board of Supervisors of the County of San Mateo, State of California, ordains as follows:

SECTION 1. Division 6, Part 1, Chapter 4, Section 6133.3.b, of the San Mateo County Ordinance Code (Zoning Annex) is hereby amended to read as follows:

b. Development Requiring a Use Permit.

Notwithstanding the provisions of this subsection b, no use permit may be granted to exceed maximum floor area, height, and parcel coverage for parcels located in the Mid-Coast.

(1) Unimproved Non-Conforming Parcel.

- (a) Development of an unimproved non-conforming parcel shall require the issuance of a use permit when any of the following circumstances ((a), (b), (c), or (d)) exist:

<u>Required Minimum Parcel Size</u>	<u>Actual Non-Conforming Parcel Size</u>
(a) 5,000 sq. ft. (area)	<3,500 sq. ft. (area)
(b) 50 feet (width)	<35 feet (width)
(c) >5,000 sq. ft. (area)	<5,000 sq. ft. (area)
(d) ≥50 feet (width)	<50 feet (width)

- (b) Proposed development on any unimproved non-conforming parcel that does not conform with the zoning regulations in effect shall require the issuance of a use permit.

- (2) Improved Non-Conforming Parcel. Proposed development on an improved non-conforming parcel, that does not conform with the zoning regulations currently in effect, shall require the issuance of a use permit.

- (3) Use Permit Findings. As required by Section 6503, a use permit for development of a non-conforming parcel may only be issued upon making the following findings:
 - (a) The proposed development is proportioned to the size of the parcel on which it is being built,

 - (b) 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,

 - (c) The proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible,

 - (d) 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 the said neighborhood, and

 - (e) Use permit approval does not constitute a granting of special privileges.

SECTION 2. Division 6, Part 1, Chapter 4, Section 6137, of the San Mateo County Ordinance Code (Zoning Annex) is hereby amended to read as follows:

SECTION 6137. EXCEPTIONS.

1. The Planning Commission, at a public hearing, may grant a use permit to except any provision in this Chapter which restricts the continuation, enlargement, re-establishment or replacement of a non-conforming use, structure or situation. The use permit shall be processed in accordance with the procedures and requirements of Section 6503.

Notwithstanding the provisions of this subsection 1, no use permit may be granted to exceed maximum floor area, height, and parcel coverage for parcels located in the Mid-Coast.

2. The Planning Director may grant an administrative exception to any provision of this Chapter when it conflicts with another government mandated requirement.

SECTION 3. Division 6, Part 1, Chapter 24, Section 6503, of the San Mateo County Ordinance Code (Zoning Annex) is hereby amended to read as follows:

SECTION 6503. PROCEDURE. Applications for any use permit permissible under the provisions of this Chapter, except as otherwise provided for quarry and topsoil sites, shall be made in writing to the Planning Commission on forms provided by said Commission. Applications shall be signed and verified by the owner of the land involved or by his authorized agent and shall be accompanied by a plan of the proposed development. If application is made by a person other than the owner, written authorization to act on behalf of the owner shall be submitted with such application. Applications may also be made on behalf of one who is or will be plaintiff in an action in eminent domain to acquire the premises involved.

Upon receipt of any such application, the Planning Commission may hold a public hearing or public hearings thereon, if it deems such hearings necessary. If a hearing or hearings are held, notice shall be given by:

- (a) One (1) publication in a newspaper of general circulation in the County, within ten (10) days next preceding the date of said hearing; and

- (b) Posting notices in the same manner as set forth in Chapter 27 for a proposed amendment;
or
- (c) Mailing a postal card notice not less than ten (10) days prior to the date of the hearing to the owners of property, as shown on the last equalized assessment roll, within three hundred (300) feet of the exterior limits of the property or properties which is the subject of the application for the use permit.

At such hearings, the applicant may present testimony and other evidence in support of his application, and other interested persons may be heard and/or present evidence on the matter.

In order to grant the use permit as applied for or conditioned, the findings of the Planning Commission must include that the establishment, maintenance and/or conducting of the 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.

In order to grant a use permit for development of a non-conforming parcel (as defined in Section 6132.10), the following findings must also be made:

- (a) The proposed development is proportioned to the size of the parcel on which it is being built,
- (b) 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,
- (c) The proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible, and
- (d) Use permit approval does not constitute a granting of special privileges.

Notwithstanding the provisions of this Section 6503, no use permit may be granted to exceed maximum floor area, height, and parcel coverage for parcels located in the Mid-Coast.

In approving the granting of any use permit, the Planning Commission shall designate such conditions in connection therewith, as will, in its opinion, secure substantially the objectives of this Part as to light, air, and the public health, safety, morals, convenience and general welfare. Such Commission shall require such evidence and guarantees, including bonds, as it may deem to be necessary to obtain compliance with the conditions designated in connection therewith.

In any case where a bond to secure the faithful performance of conditions designated by the Planning Commission has been posted, and the Commission has reasonable grounds for believing that the conditions of said bond have not been complied with, the Commission may hold a hearing to determine whether there has been a non-compliance with the conditions or any part of them. Notice of the time and place of such hearing shall be served upon the person posting said bond by registered mail or by personal service at least ten (10) days prior to the date set for said hearing. If at said hearing the Commission finds that the conditions of the bond or any part of them have not been complied with, it may declare all or part of said bond forfeited. In the event the determination is to declare all or part of said bond forfeited, the person posting said bond may appeal said decision to the Board of Supervisors in the same manner as provided for appeals taken on the application or revocation of use permits. When such forfeiture has been declared and the determination has become final by failure to file an appeal within the time prescribed or otherwise, the Planning Commission may request that the County Counsel take the steps necessary to make such forfeiture effective.

SECTION 4. The provisions of this ordinance shall not apply to development that has fulfilled either of the following requirements before the effective date of this ordinance:

1. A permit application for each development permit required by the County Zoning Regulations applicable to the proposed development, including a Coastal Development Permit application, has been submitted to the County, or

2. A building permit application has been submitted to the County, if no development permit is required by the County Zoning Regulations.

SECTION 5. This ordinance shall be in full force and effect thirty (30) days after its passage.

GB:fc – GDBL2207_WFQ.DOC
(07/25/01)