

Planning and Building Division

County Government Center • 590 Hamilton St. • Redwood City CA 94063
Mail Drop PLN 122 • 415 • 363 • 4161

Application for Appeal

- To the Planning Commission
- To the Board of Supervisors

Name: Liz Everett (et al)

~~550~~

Phone: W: 650-728-8356 / H: 650 728-8356

Address: 550 Kanoff Ave

PO Box 370405

Montara, CA Zip: 94037

Permit Information

Permit Numbers involved:

PLN 1999-00090

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: Liz Everett

Date: 5-29-2001

made on May 9 ~~#~~ 2001 to approve/deny the above-listed permit applications.

Reason for Appeal

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?

(see attached)

Appellants
550 Kanoff Avenue
P.O. Box 550405
Montara, CA 94037
650-728-8356

May 29, 2001

County Board of Supervisors
County of San Mateo
455 County Center
Redwood City, CA 94063

Re: PLN1999-00090

Dear Board of Supervisors:

We are appealing the decision of the County Planning Commission to uphold the Zoning Hearing Officer's decision to approve, with conditions, the proposed construction at 123 7th Street in Montara. Attached is a copy of the appeal that we filed January 17, 2001. Many of the issues that we identified in that appeal continue to be of concern to us. Our major concern is the project's impact on public views.

However, before proper consideration can be given to the issue of public views, we feel it is necessary to determine the actual size of the project. At the Planning Commission Hearing, due to the restrictions on the time that the appellants had to present their case, we were not able to go into sufficient detail on the size issue for the Commission to make an informed decision. This is a pivotal issue since without knowing the true dimensions of the project it is impossible for the County or any other agency to determine compliance with the Local Coastal Program (LCP) or any other relevant zoning regulations. There are three points that we would like the Board of Supervisors to consider in making their decision with respect to the project's size.

- 1.) We will provide evidence at the hearing that the dimensions of the project, as submitted by the applicant and presented by County staff, are incorrect. Although we feel the County's most recent numbers are closer to the true dimensions, there is sufficient uncertainty that, if uncorrected, could result in the project not complying with various zoning regulations. It also limits the County's ability to consider other development options that would bring the project in compliance with the Local Coastal Program.
- 2.) Earlier, we were denied Due Process when the County allowed a 1998 addition to proceed without coastal development review. The County has argued that at the time the applicant had indicated that the size of the existing residence was 1,938 s/f and the proposed project was 184 s/f and therefore less than the 10% required for coastal design review. The County

now states that the size of the project should have been 1,327 s/f and the proposed addition at the time 227 s/f. We ask that the Board of Supervisors remedy this situation by including the square footage of the 1998 addition in the calculation of the new addition.

- 3.) During the course of these proceedings, it has become increasingly clear that there is no consistent standard as to whether the garage area should be included in calculating the existing structure. We ask that the Board of Supervisors adopt a single standard and that that standard should be to exclude the garage area in the calculating the existing floor areas. It's not common to think of garage area as floor area.

There is one important point that the Planning Department omitted in its "Findings and Conditions of Approval" which it had included in its previous Conditions of Approval; i.e., "There must be a fire hydrant within 250 feet of the property". We assume that this was simply an oversight. We would appreciate it if the County would correct this error.

Once the Dimensions of the project have been resolved, we can proceed with our arguments that the proposed project is in violation of the Local Coastal Program, specifically LCP 8.5.a, and that an alternative approach exists bringing the project in compliance.

Respectfully,

Liz Everett	550 Kanoff Ave	650(728) 8356
Liz Everett	Montara, CA 94037	
WILLIAM GIFFEN	8320 CABRILLO HWY	650 728 7877
Anne Westerfield	MONTARA, CA 94141	
ANNE WESTERFIELD	Putney Westerfield	101 7TH ST
	PUTNEY WESTERFIELD	MONTARA
Wendy Brown	122 Seacliff Ct, P.O. Box 371035	
Wendy Brown	Montara, CA 94037	(650) 728-1322
David B. Batstone	122 Seacliff Ct. P.O. Box 371035	
David B. Batstone	Montara, CA 94037	(650) 728-1322
Ivy Rosequist	MAIL: P.O. BOX 410507, SF 94141	
Ivy Rosequist	8322 CABRILLO HWY	650-728-7877
	MONTARA CA 94037 (NO MAIL)	
Debra Robins	138 Seacliff Ct. P.O. Box 1001	
Debra Robins	Montara, CA 94037	650-728-9116
David Beck		

Thomas M. Knox
Thomas M. Knox

612 Spruce St
Half Moon Bay, CA
94019

(650) 726-0721

Mary M. Knox
MARY M. Knox

100 SEA CLIFF Ct
P.O. Box 370063
Montana, CA 94037

(650) 728-3288

Addendum B: Basis for Appeal of Zoning Hearing Officer Decision
January 18, 2001

Project File Number: PLN 1999-00090

Location: 123 7th Street, Montara

Applicant: Randy Whitney

Owner: Jim Montalbono

Appellants: David Beck et al

Project Description: Applicant proposes to add a second story to his residence and expand the living space on the ground floor. The project is located on the west side of Highway 1 within 50 feet of the ocean cliffs, which is designated a scenic road corridor.

Background

We believe that the California Coastal Act, the County Local Coastal Program, and the County zoning regulation have been established to protect the environment and quality of life for everyone - residents, developers, and visitors alike. When the County bends the regulations, miscalculates the numbers, grants uncontested variances, overlooks development indiscretions, omits important information, fails to follow legally binding procedures, and in general is non-responsive to the citizenry, the quality of life for everyone is degraded. When applicants misrepresent the size of a project, the County is placed in a difficult situation as are concerned neighbors. This project is small and each indiscretion by itself may appear insignificant, but the cumulative effect of these errors of omission as well as errors of commission for the quality of life along the Coast could be disastrous. With this in mind we have been reluctantly forced to scrutinize each and every decision the County has made in support of this project. We regret that as a result we are forced to expend a huge amount of energy, both on the part of our appointed and elected officials and the community to reach a just solution to this issue. With this in mind we respectfully list the specific reasons for appealing the County's decision to grant a Coastal Development Permit to this project.

Project Dimensions

The scope of the project is unclear. Neither the applicant nor the County has been able to provide a verifiably correct description of the project. The table below shows five different sets of dimensions for the project. The discrepancy in the numbers is 748 s/f. Therefore, we contend that before the Planning Commission should consider the application, the applicant should be required to provide a verifiable set of plans. The appellants would be delighted if in developing the plans the applicant would design a single floor instead of a second floor. This would satisfy most, if not all, of the appellants' concerns.

Date	Source	Addition	Existing
July 11, 1998	Application*	184	1,932
March 5, 1999	Application	856	2,302
June 15, 1999	Applicant's Plan	815	1,742
November 16, 2000	Staff Report	856	2,205
January 4, 2001	Staff Report	845	1,554

* This was for an earlier addition. According to the County's latest calculations the actual project after construction was 227 s/f - a 23% deviation from plan.

Elevations

The County maintains that *“the proposed second-story addition conforms with the zoning district’s regulation for structures to not exceed 28 [revised to 27 feet per Zoning Hearing Officer findings 01/08/2001] feet in height as measured from the average finished grade to the topmost point of the roof of the structure.”* The County makes this claim without providing evidence as to how they came to this determination. Given the discrepancies with respect to the project dimensions already noted above, we contend that prior to considering the application the applicant and the County should provide conclusive evidence that the plans do not exceed this height restriction.

Public Views

We contend that the proposed development does not comply with Section 8.13.a.5 of the Visual Resources Component, which states: *“To the extent feasible, design development to minimize the blocking of views to or along the ocean shoreline from Highway 1 and other public view points between Highway 1 and the sea. Public viewpoints include coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches.”* The area along Highway 1 is designated as a segment of the Coastal Trail. The construction of the addition would significantly impact the public views to the ocean from the 7th Street and Highway 1 vantage points. The applicant’s current structure already has an excellent view of the ocean. Adding a single floor instead of a second floor would allow the applicant to meet his space requirements without further obstructing public views. Please refer to the pictures below.

Private Views

Views from the neighboring houses would definitely be affected and should be taken into consideration in developing the final solution. According to the Mid-Coast Community Planning & Zoning Committee report: *“although the County does not take this [private views] into consideration in determining views, the Community Design Manual discusses these issues on page 12, View Preservation, specifically in relation to retaining views from other houses by compatible placement of structures and additions. As these guidelines are incorporated by reference in both the LCP and the Zoning Regulations, this aspect of the project should be addressed as part of the project analysis.”* Please note that the houses in this neighborhood are on a bluff that slopes down to the ocean cliff. Although the houses differ in size from single-story to two-story they are terraced so as to permit ocean views as one proceeds up the bluff. Please refer to the pictures below.

Urbanscape

We contend that the proposed development does not comply with Section 8.13.a.4 of the Visual Resources Component, which states: *“Design structures which are in scale with the character of their setting and blend rather than dominate or distract from the overall view of the urbanscape.”* The same point made under private views applies here; i.e., the houses in this neighborhood are on a bluff that slopes down to the ocean cliff. Although the houses differ in size from single-story to two-story they are terraced so as to permit ocean views as one moves up the bluff. Please refer to the pictures below.

LCP Policy 8.5 (a)

Since, per the County’s latest calculations, the structure after enlargement is greater than 150% of the existing

structure, we contend that the proposed development should, but does not comply with LCP Policy 8.5 (a) which states: *“Require that new development be located on a portion of a parcel where the development (1) is least visible from State and County Scenic Roads, (2) is least likely to significantly impact view from public viewpoints, and (3) is consistent with all other LCP requirements, best preserves the visual and open space qualities of the parcel overall. Where conflicts in complying with this requirement occur, resolve them in a manner, which on balance most protects significant coastal resources on the parcel, consistent with the Coastal Act Section 30007.5. Public viewpoints include but are not limited to, coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches.”* We contend that a single-story addition would comply with this policy.

<u>Space</u>	<u>Square Feet</u>
Existing Floor Space (Per Staff Report 01/04/01)	1,554
New Addition (Per Staff Report 01/04/01)	845
<u>Structure after Enlargement</u>	<u>2,399</u>
Policy 8.5 (a) 150% Rule	154%

Due Process: Notification

We contend that we were denied due process under the provisions of Section 6328.11.1 of the Coastal Zoning Regulations by not being provided with notification of the applicant’s intent to add 184 s/f (which the County now calculates to be 227 s/f) to the existing structure. According to the County Planning Department a staff exemption was made based on the information provided by the applicant. According to Section 6328.5, the development should not have been given this exemption for the following reasons *“it is on property located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greatest distance, or in scenic road corridors, an improvement that would result in an increase of 10% or more of internal floor area of an existing structure...”*

Previous Addition

We contend that the 184 s/f addition, (or the now 227 s/f), for which a permit (DSR 98-0091) was applied for on July 2, 1998, should be viewed as a part of this project. The application for this project was taken out March 5, 1999. According to Bill Cameron, San Mateo County Building Department, the two projects would be considered together if the period between the date the first project was finalized and the date the application for the second project was submitted is less than one year. The net effect of this is that 227 s/f should be subtracted from the original floor space and added to the new project.

Major Repair

We contend that the development project meets the criteria for the definition of Major Repair, Remodel or Upgrade as specified by Section 6132.9 of the Zoning Regulations; i.e., *“Any combination of activities intended to repair, rehabilitate, upgrade or otherwise extend the usable life of an existing structure that amounts to 50% or more of the structure’s value, as determined by the most current Building Valuation*

Data published by the International Conference of Building Officials.” Because the development project meets this criterion, it is our contention that the entire structure needs to be brought into conformance pursuant to San Mateo County Construction Ordinance, Division VII. Section 9022.3, which states: “*When additions, alterations, or repairs within any 12-month period or from the date of completion of any permit exceed 50% of the value of an existing building or structure, as determined by the Building Official, such building or structure shall be made in its entirety to conform with the requirements for new buildings or structures.*”

Adverse Impact

We contend that the development should also comply with Section 6133.3.b.3.d: “*The establishment, maintenance, and/or conducting of the proposed use will not, under 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.*” Although Section 6133 pertains to non-conforming parcels Section 6131.3 states: *Where provisions of this Chapter conflict with each other, the most limiting provision shall take precedence*” and Section 6135.1 states “*A non-conforming structure may continue to exist providing all other provision of this Chapter are met.*”

Rural Character:

Contrary to two of the County staff reports, which state that the surrounding parcels are developed with single-family residences, there are two parcels adjoining this property that have not been developed and because these properties do not have water connections, they cannot be built on in the foreseeable future. There are also five vacant lots across the street from this property. The development of these lots is also restricted due to the absence of water connections. In general the character of this area is more rural than urban, which is something that we feel should be preserved.

Story Poles

As already noted, the proposed development does not comply with Section 8.13.a.4 or Section 8.13.a.5 of the Visual Resources Component of the L.C.P. Because of the vital nature of these two objections, we believe the Zoning Hearing Officer acted imprudently by not requesting of the applicant to set up story poles and provide a photomontage based on the story poles. This would allow everyone concerned the opportunity to judge the visual impact of the project.

Flat Roofs

Although the Visual Resources Component states “*Use pitch, rather than, flat...*” three of the six houses (50%) on this block are flat roofs. Two of these houses had flat roof additions approved by the County in the past ten years. Flat roof design could reduce some of the adverse visual impact on public and private views.

Non-conformities

Because this is a major construction project, we believe as the Mid-Coast Community Council does that continuation of non-conforming setbacks with respect to this structure should be discontinued.

Encroachment on County Property

The applicant has constructed a retaining wall on county property. This retaining wall inhibits parking along 7th Street and needs to be removed prior to granting a coastal development permit.

Water Main

Prior to issuance of the coastal development permit, the current 3-inch water main should be brought to code. Low water pressure has been experienced by many of the neighbors in this area.

Fire Hydrant

Condition 22 of the Building Inspection Section of the Zoning Hearing Officer’s letter dated January 8, 2001 should be placed under the Conditions of Approval - Planning Division and re-stated to read: *“prior to issuance of the the Coastal Development Permit and pursuant to the State Fire Marshall Regulations the applicant shall have a fire hydrant installed within 250 feet of his property.”*

Alternatives

We believe that there are alternatives to the structural design of this project that could mitigate many of the neighbors’ concerns. For example, as long as the applicant’s addition is as a single floor, the applicant is permitted to build on 50% of his lot size. In this case, the applicant could add over 900 s/f of additional living space. This solution would not only accommodate the applicant’s need for additional living space but would also mitigate most of the appellants’ concerns. It should be noted that the applicant already has a nice view of the ocean from his existing structure.

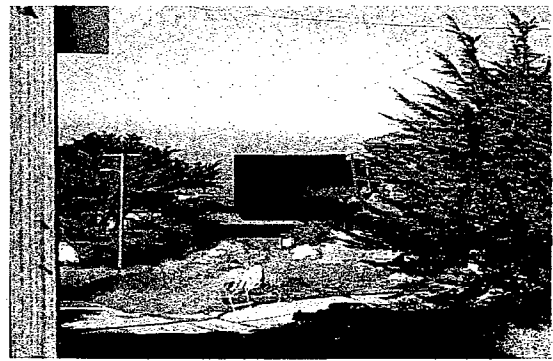
Guarantees

The applicant and his representatives have proven unreliable in their representation of the scope of the project. Please refer to the applicant’s applications and County staff reports. The applicant’s history in this regard dictates that we be given special guarantees to ensure that once the project is approved the actual construction will conform to the approved plan.

BEFORE



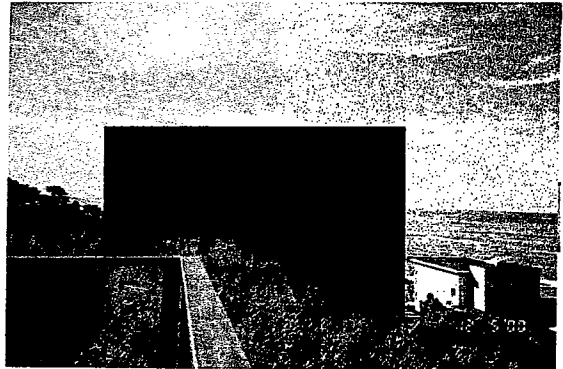
AFTER



View from Cabrillo Highway

BEFORE

AFTER



View from 122 Seacliff Court



View from 138 Seacliff Court



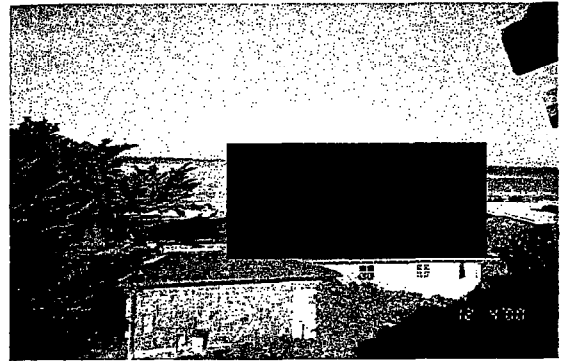
View from 7th Street

BEFORE

AFTER



View from Adjacent Vacant Lot



View from 155 7th Street



View from Seacliff Court



**PROJECT
PARCEL**



San Mateo County Board of Supervisors Meeting

Applicant: Douglas Snow, AIA

File Numbers: PLN 1999-00090

Attachment: C

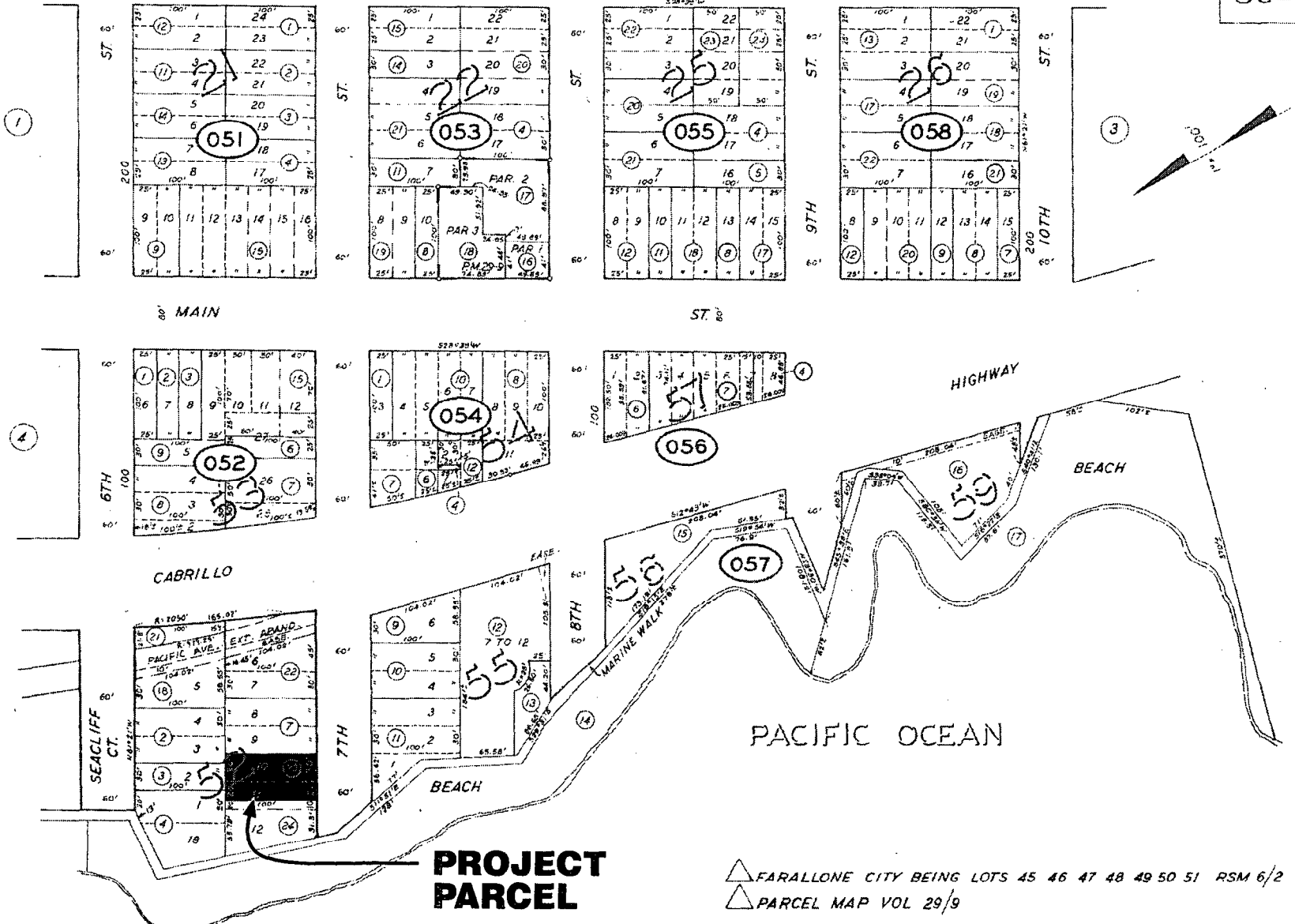


FARALLONE

2

AVE. TAX CODE AREA

36-5



SORS MAP COUNTY OF SAN MATEO, CALIF.

12-15-76

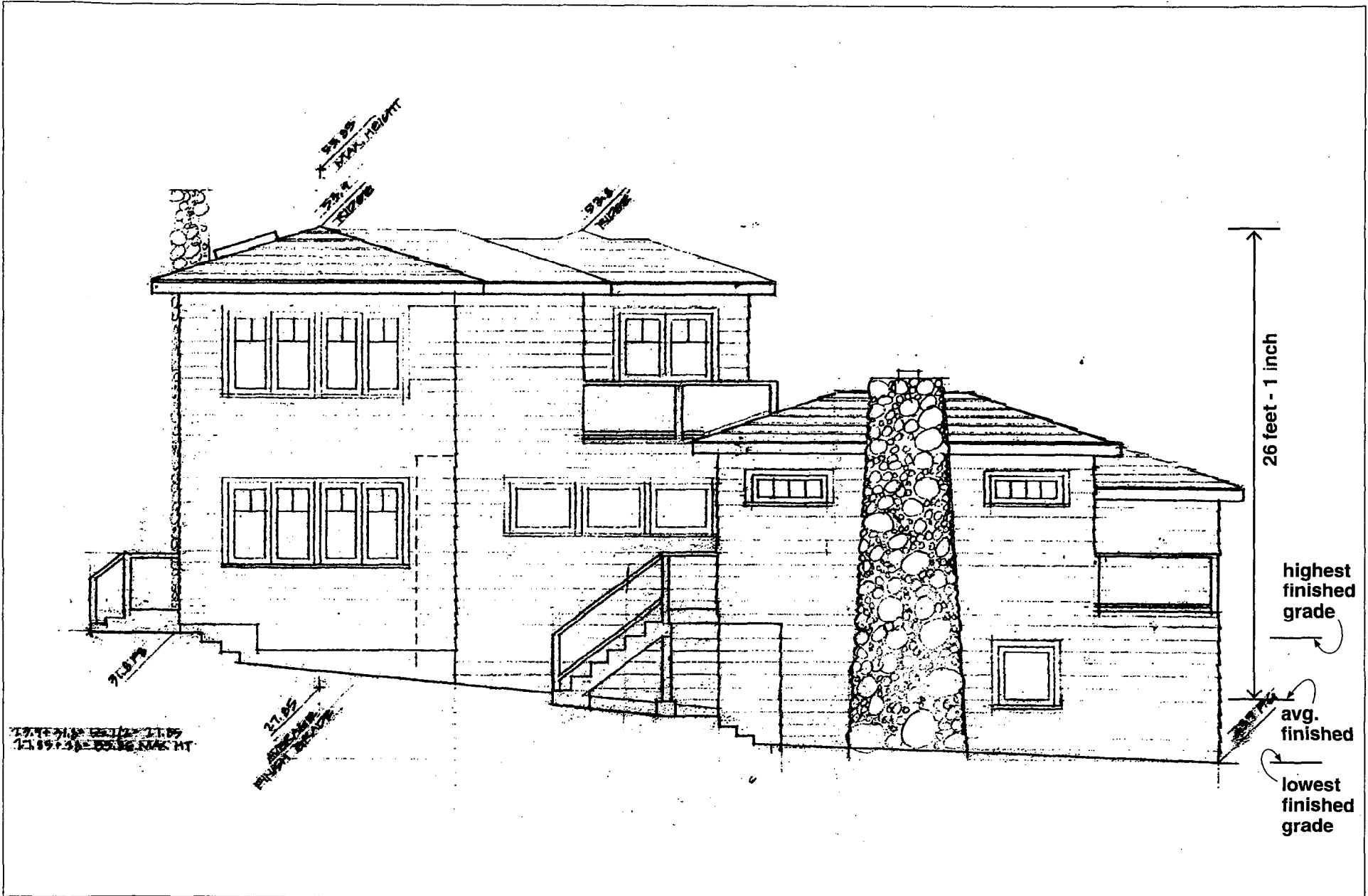
San Mateo County Board of Supervisors Meeting

Applicant: Douglas Snow, AIA

Attachment: C

File Numbers: PLN 1999-00090

44

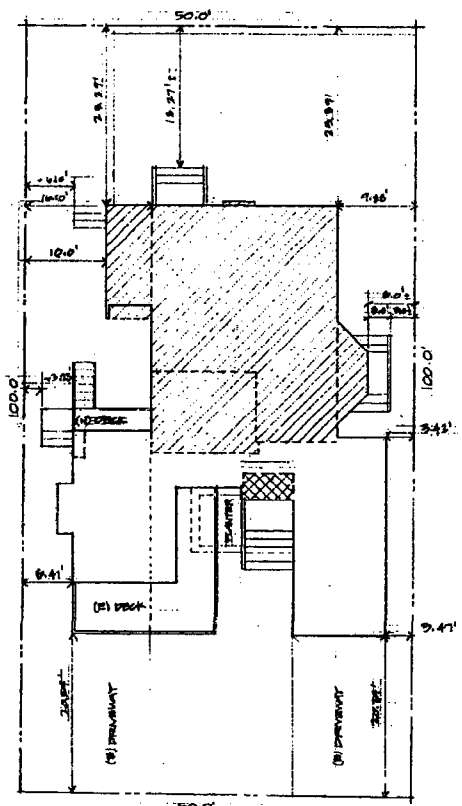


San Mateo County Board of Supervisors Meeting

Applicant: Douglas Snow, AIA

Attachment: D

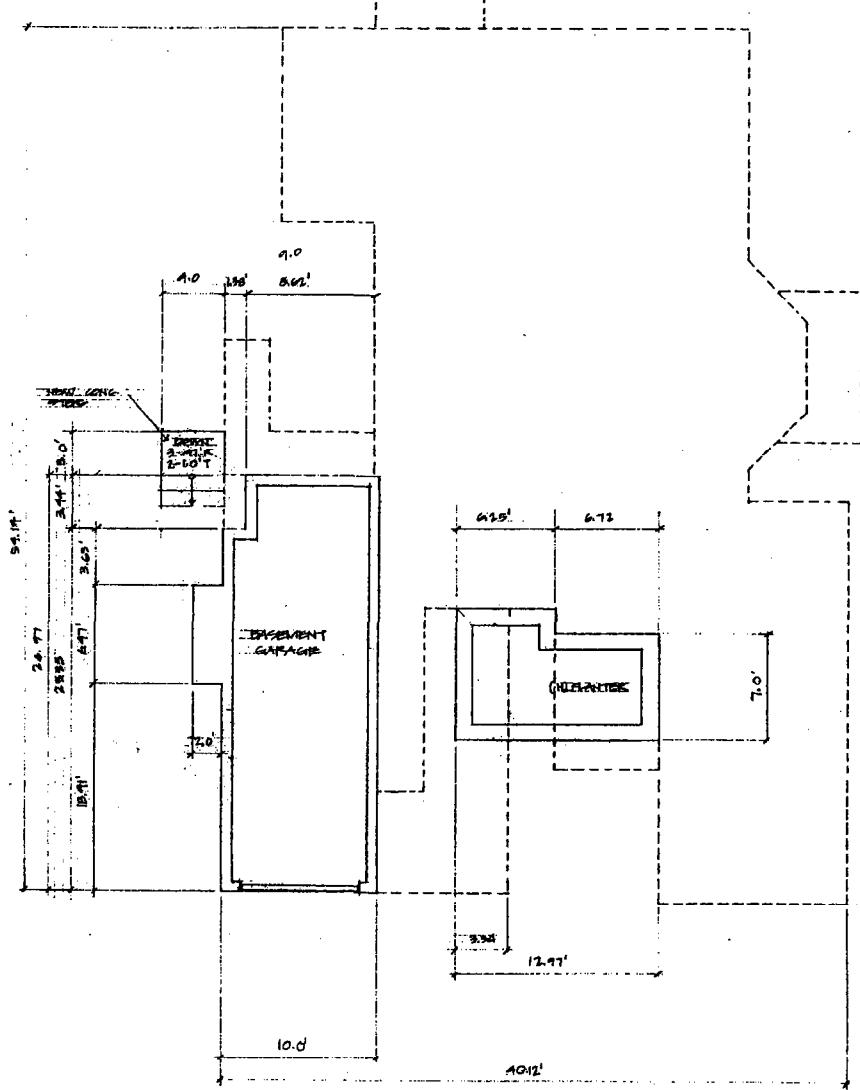
File Numbers: PLN 1999-00090



LEGEND
 ▨ NEW SECOND STORY ADDITION
 ▩ NEW GROUND LEVEL ADDITION
 □ EXISTING CONSTRUCTION

11TH STREET 00' RIGHT OF WAY

SITE PLAN SCALE: 1/8" = 1'-0"



BASEMENT GARAGE

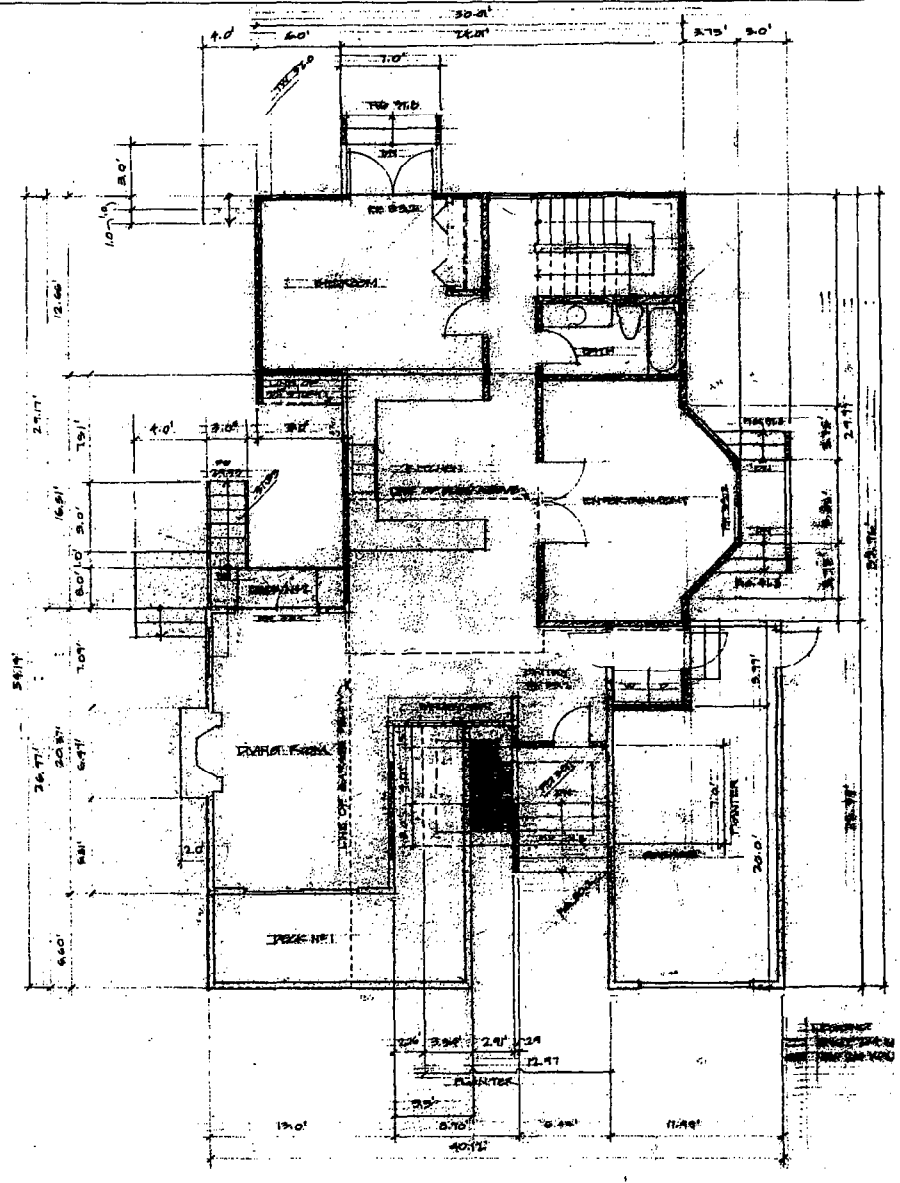
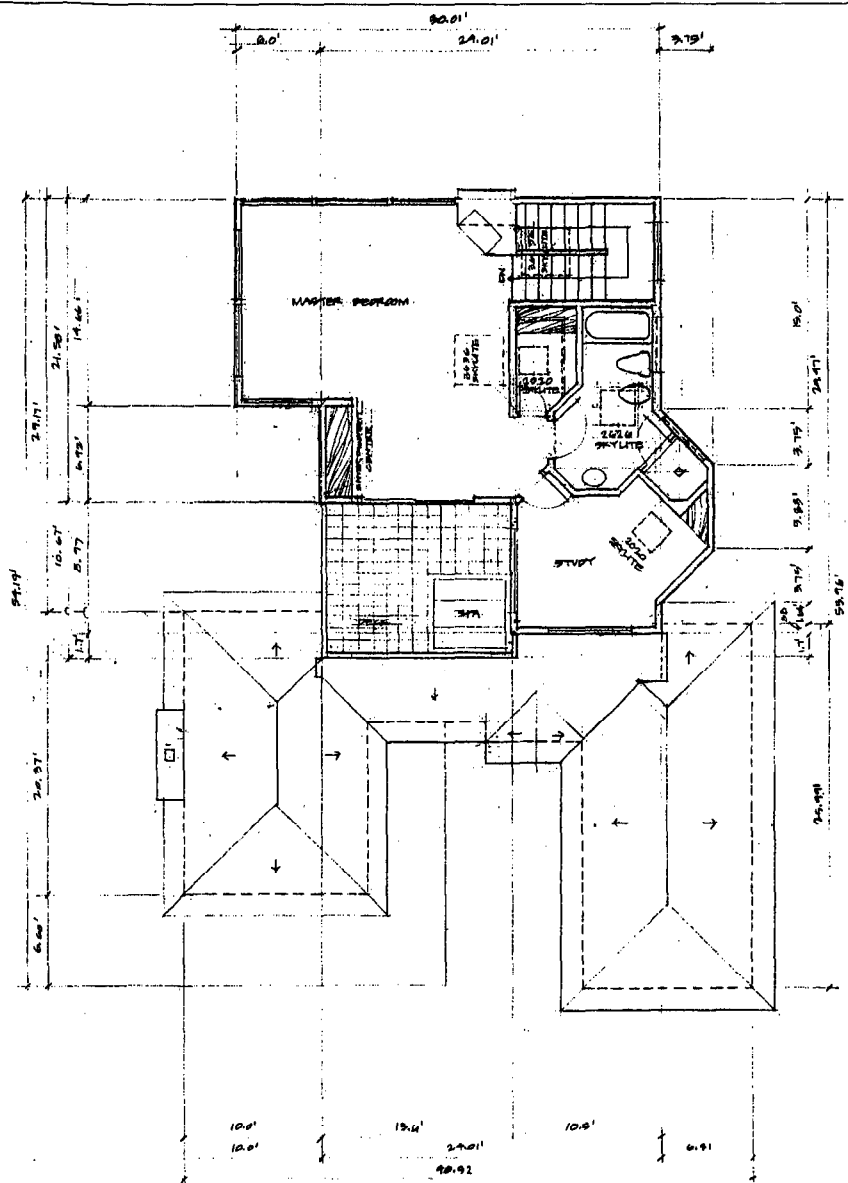
SCALE 1/4" = 1'-0" NORTH GARAGE STRAIGHT

San Mateo County Board of Supervisors Meeting

Applicant: Douglas Snow, AIA

Attachment: E

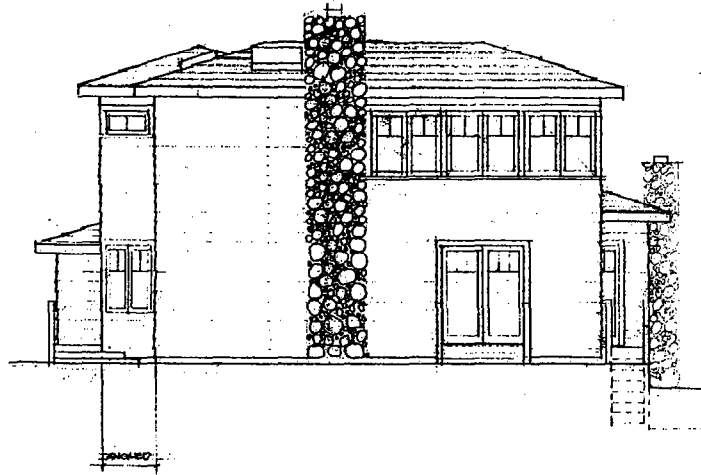
File Numbers: PLN 1999-00090



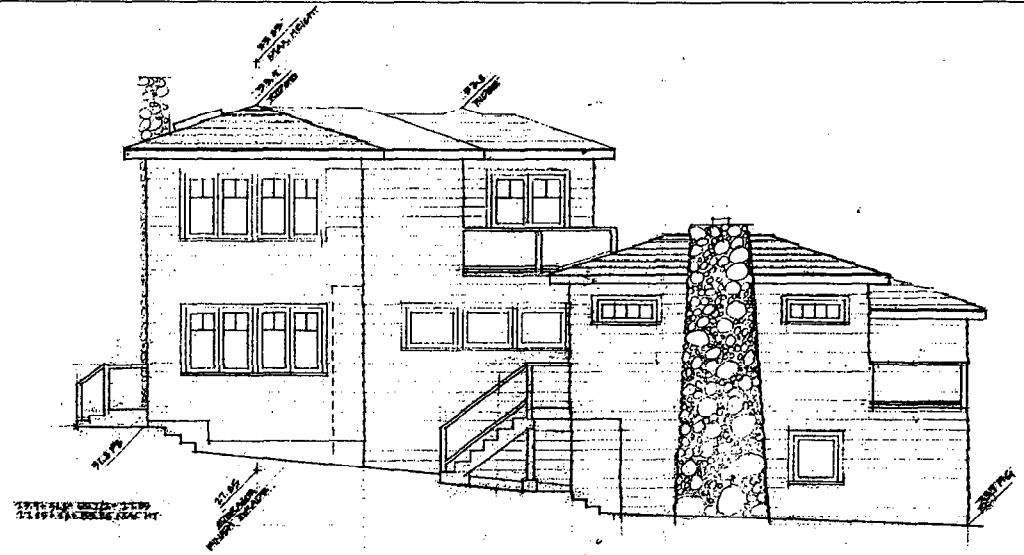
San Mateo County Board of Supervisors Meeting

Applicant: Douglas Snow, AIA
File Numbers: PLN 1999-00090

Attachment: F



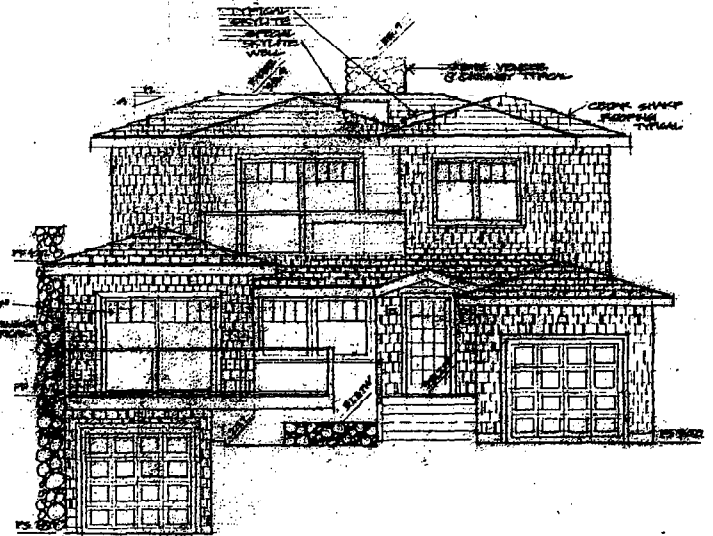
NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION



SOUTH ELEVATION: SIDE VIEW SHOWING TYPICAL MATERIALS

San Mateo County Board of Supervisors Meeting

Applicant: Douglas Snow, AIA

File Numbers: PLN 1999-00090

Attachment: G

Planning and Zoning Committee of the MidCoast Community Council
PO. Box 64, Moss Beach, CA 94038
Serving 12,000 Residents

January 2, 2001

FAX: 5 Pages

To: **Ms. Sara Bortolussi**
San Mateo County Planning and Building Division
Mail Drop PLN122, 455 County Center
Redwood City, CA 94063
650.363.1839 - FAX: 650.363.4849

cc: Ms. Jazmin Manriquez, Zoning Hearing Secretary
Randy Whitney, Applicant

re: **Zoning Hearing Officer 1/4/01 Agenda item # 4 PLN1999-00090:**
Consideration of a Coastal Development Permit to allow the construction of a second-floor addition and partial remodel of existing house for an 856 sf. addition to an existing single-family residence on a 5000 sf. parcel located at 123 7th St. in Montara. APN 036-057-230.

Sara:

On 12/20/00, at the request of neighbors of the project, the Planning and Zoning committee of the MidCoast Community Council reviewed the above referenced permit application. This application had been reviewed by our committee earlier in 1999, but there is no written correspondence from the committee chair at that time, only a note from the previous planner in the file saying that there was concern expressed about how views from the Highway might be affected by this project. The staff report states that photos were sent to our committee last year showing how views would be affected, but after an extensive search of our files and records, these photos have not been found at this time.

The meeting was attended by the owner of the project property, the applicant, and numerous neighbors of the project. Our goal was to compile a list of issues that we felt might need addressing concerning this project. We compiled the following list:

- 1) The main concern would be the actual size of the existing house, and its size before the previous addition was added, and how big the previous addition was. We understand that Planning is researching the actual numbers involved, and that they will be ready for presentation at the hearing on January 4.

These numbers would relate as to what percentage the additions, both past and present, are in relation to the original structure and which regulations might be in effect.

- 3 The project would be visible from sections of Highway 1, and would (as verified by site visit) block the horizon line of the view of the ocean from the highway. Again, numbers come into play, as the addition as described is not an increase of 150% to the existing structure, and so LCP policies governing these additions would not be in effect, unless it was determined that the addition did increase it by 150%, or that the two additions needed to be considered together, and together they totaled more than 150%.

The views from the neighboring houses would definitely be affected, and although the County does not take this into consideration in determining views, the Community Design Manual discusses these issues on page 12, View Preservation, specifically in relation to retaining views from other house by compatible placement of structures and additions. As these guidelines are incorporated by reference in both the LCP and the Zoning Regulations, this aspect of the project should be addressed as part of the project analysis.

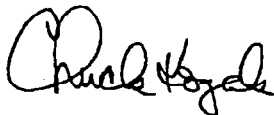
- 4) The construction of storypoles or photo-simulations to show exactly how the addition will look from various points was suggested. The committee is very encouraging of this approach. In past experiences, where storypoles or good photo-simulations have been used, the understanding of just what was being proposed became much clearer to all involved and would lead to either an acceptance of the design or the productive dialogue of a new design that would be more compatible with the surrounding area.

It was also suggested that the use of a flat roof design on the second floor addition to minimize view blocking might be helpful.

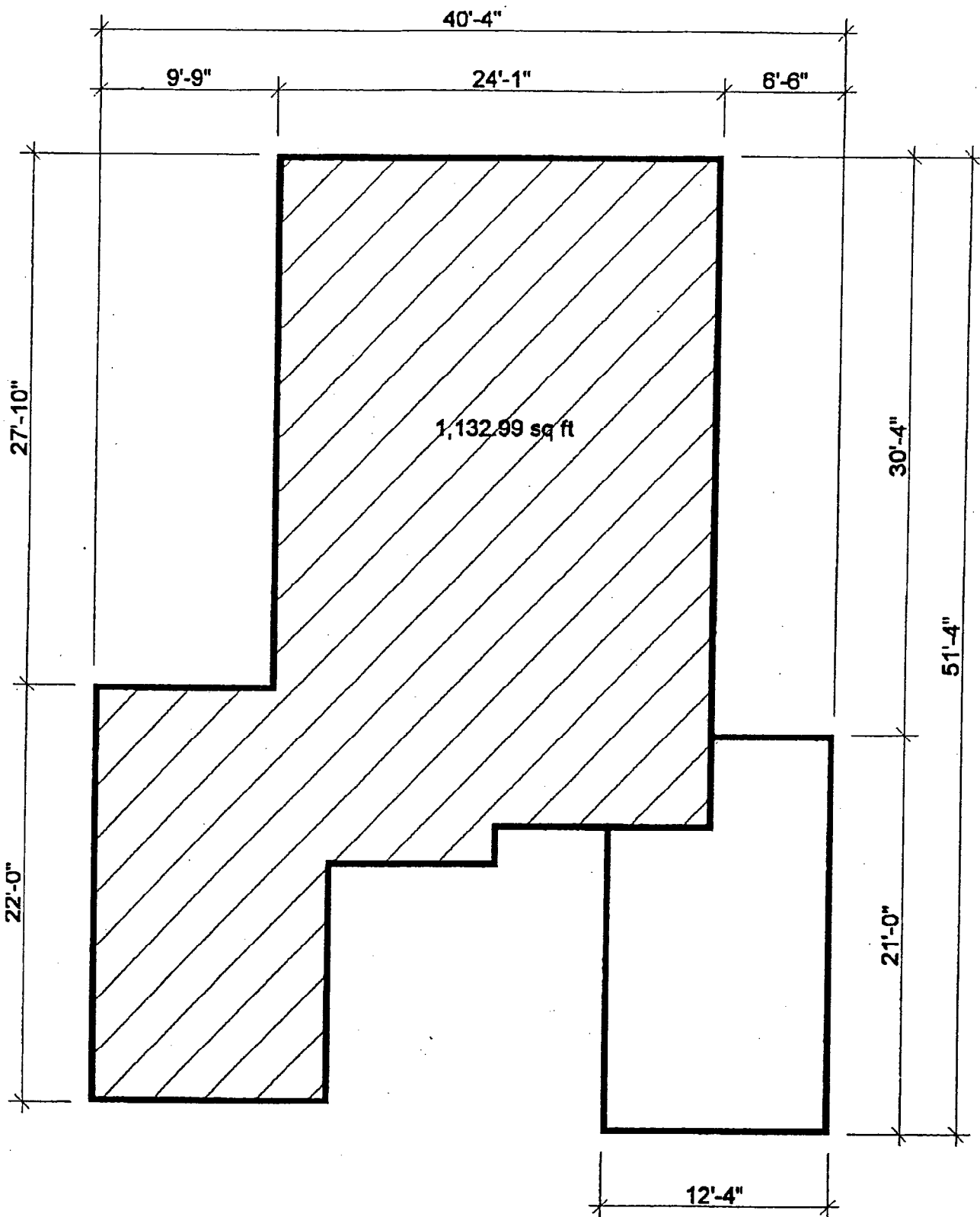
- 5) Concern was expressed about the availability of water pressure, both to service the addition and for continued fire protection. While this is really a matter for the local Water Utility and Fire Marshall to address, we would like to ask that the County confirm that proper facilities and services are available for this addition.
- 6) The committee has a standing policy against the continuation of nonconformities, especially in cases of significant additions to structures. We appreciate the County's efforts and direction to shift the addition over to supply the proper setbacks at the 2nd story level, and we would like to add the request that existing nonconformance in the side setbacks be corrected at the same time.

We realize that the reason for the continuance of this item by the ZHO was to address two specific issues, and we have tried to limit our issues to those that might be related to the outcome of the research on those issues. We look forward to seeing this resolved in a productive manner for all concerned.

Thank you for your help, and please keep us informed of any further redesigns, developments, approvals, or appeals concerning this application.



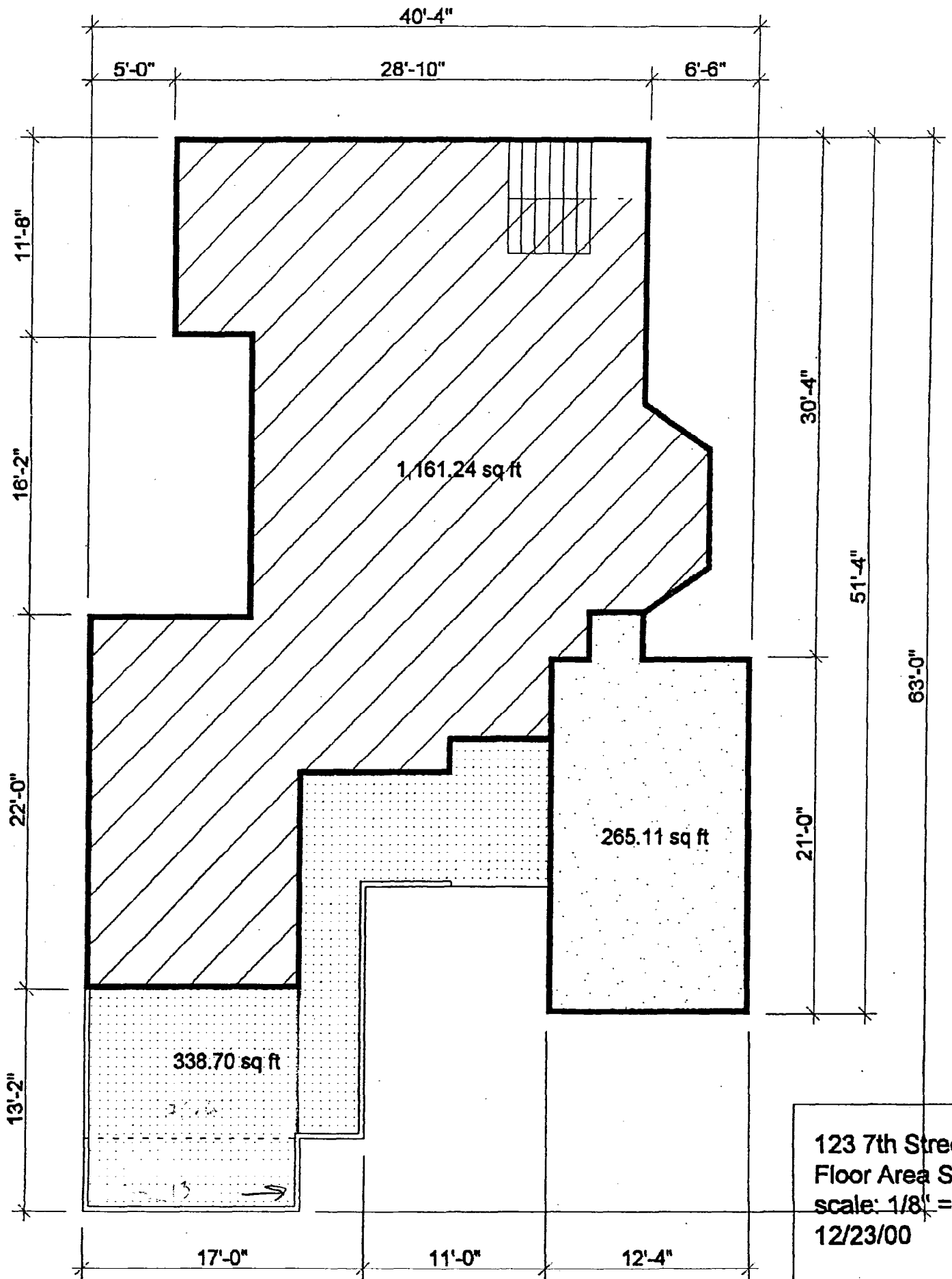
Chuck Kozak
MCC Planning and Zoning Committee Chair
POB 370702, Montara CA 94037
Voice/FAX: 650.728.8239 Day: 650.996.8998
cgk@montara.com



Note: All floor areas measured to exterior face of walls

123 7th Street
 Floor Area Study
 scale: 1/8" = 1'-0"
 12/23/00

Existing Floor

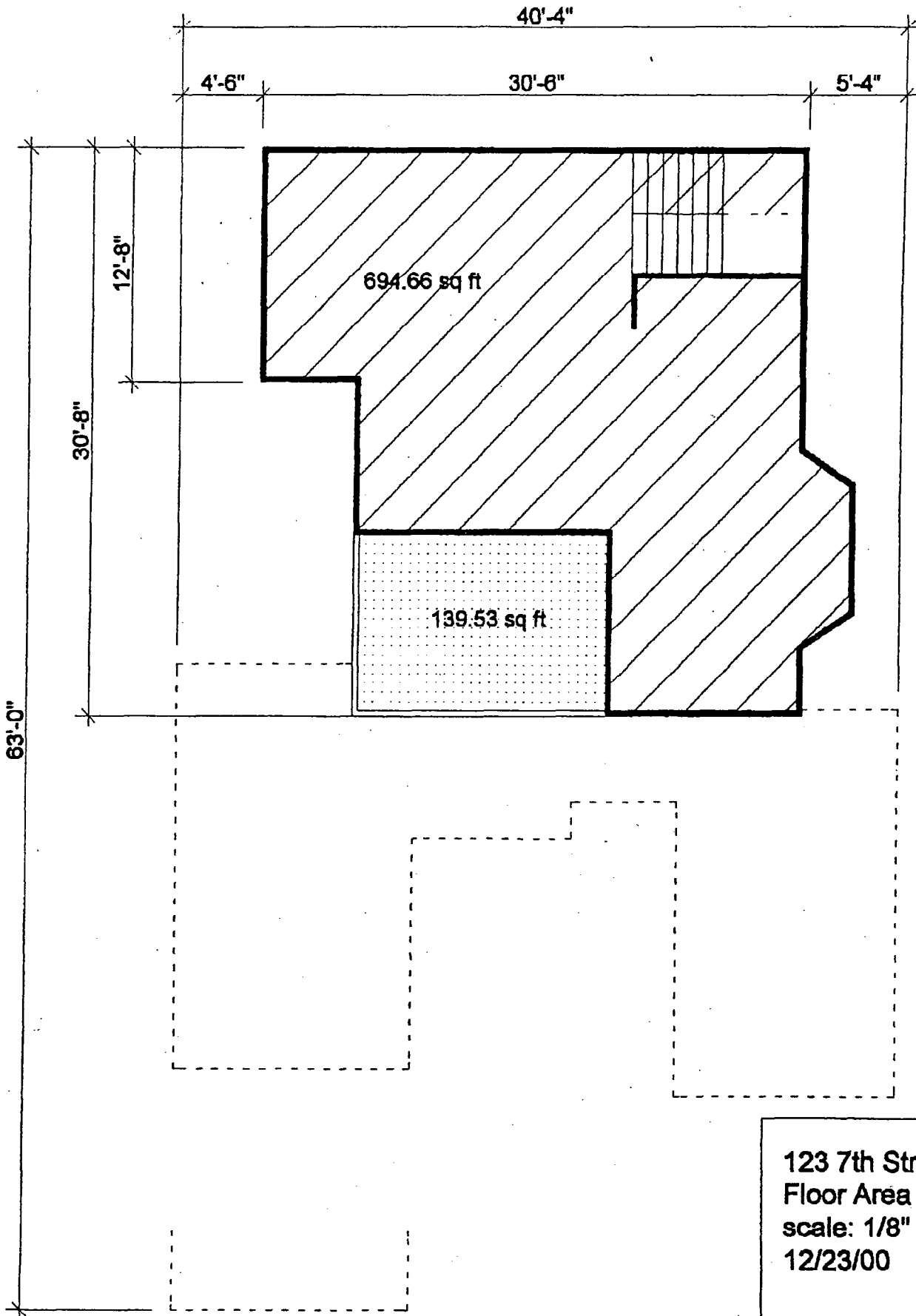


123 7th Street
 Floor Area Study
 scale: 1/8" = 1'-0"
 12/23/00

New Lower Floor

(1598 #)

52



123 7th Street
 Floor Area Study
 scale: 1/8" = 1'-0"
 12/23/00
 New Upper Floor

County of San Mateo
 Environmental Services Agency
 Planning and Building Division

COASTAL DEVELOPMENT POLICY CHECKLIST

Based on Local Coastal Program as Adopted by
 Board of Supervisors December 2, 1980
 and as last amended in August 1992

GENERAL INFORMATION

1. File No.: PLN 1999-00090 Planner: Sara Bortolussi
2. Owner: * Jim Montalbano Applicant: Randy Whitney
3. Project Description: Consideration of an appeal of the Zoning Hearing Officer's decision to approve a Coastal Development Permit to allow the construction of an 845 sq. ft. addition to an existing residence located at 123 - 7th Street in the Montara area.
4. Project Address: 123 - 7th Street, Montara
4. APN(s): 036-057-230
5. General Plan: Medium Density Residential Zoning: R-1/S-17/DR/CD
6. Plan Checklist is completed and attached (initial) SMB

LCP POLICIES (Answer each item - references are to LCP Policy Numbers).

PLANNING AND LOCATING DEVELOPMENT

- 1.2 Does this project meet the definition of development?
- 1.9 If this is a land division in an area with a General Plan designation of Open Space, will dedication of a conservation/open space easement be required?
- 1.22 If this is a residential development in a Midcoast area without Phase 1 sewer and new water facilities, does it exceed the 125 building permit limit in one calendar year?
- 1.23 If this is a residential development in a Southcoast area without Phase 1 sewer and new water facilities, does it exceed the 125 building permit limit in one calendar year?

	Not Applicable	Project Complies	Does Not Comply	Caution Required
1.2		X		
1.9	X			
1.22	X			
1.23	X			

- 1.24 Is this development in an area which may contain sensitive archaeological/paleontological resources as noted on the County Sensitivity Maps?
- 1.24 Will this project trigger an archaeological/paleontological mitigation plan?
- 1.27 Does this development warrant a Certificate of Compliance to confirm the legal existence of parcels?
- 1.29 Does this development meet the standards of review for legalizing parcels?

PUBLIC WORKS

- 2.1 If this development involves a Public Works project, does it meet the criteria of the Public Works Component of the LCP? (See Appendix Sheet for Public Works Projects)

HOUSING

- 3.13 Will this development involve demolition of structures providing affordable housing?
- 3.17 If this development proposes affordable housing, is it compatible with the community character?
- 3.19 Will this development involve construction in designated affordable housing sites?
- 3.20 If this development is in a designated affordable housing site, does it exceed the 60 building permit limit in one calendar year?
- 3.22 If this development involves placement of a mobile home on the site, does it meet all of the criteria for the appropriate zone?
- 3.23 If this development involve the placement of multi-family residential units in the R-3 and C-1 zoning districts, are 20% of the units reserved for low or moderate income households?
- 3.24 If this project involves placement of a second unit in the Midcoast R-1 District, does it meet the building permit limits and square footage limits as noted in the LCP?
- 3.25 Is the applicant seeking a 33% density bonus in R-1/S-17 Midcoast area after meeting all of the criteria in this Section?
- 3.26 If this project involves land divisions in rural areas of the South Coast, are 20% of the lots being optioned to the County for affordable housing?

	<u>Not Applicable</u>	<u>Project Complies</u>	<u>Does Not Comply</u>	<u>Condition Required</u>
1.24 Is this development in an area which may contain sensitive archaeological/paleontological resources as noted on the County Sensitivity Maps?	X			
1.24 Will this project trigger an archaeological/paleontological mitigation plan?	X			
1.27 Does this development warrant a Certificate of Compliance to confirm the legal existence of parcels?	X			
1.29 Does this development meet the standards of review for legalizing parcels?	X			
<u>PUBLIC WORKS</u>				
2.1 If this development involves a Public Works project, does it meet the criteria of the Public Works Component of the LCP? (See Appendix Sheet for Public Works Projects)	X			
<u>HOUSING</u>				
3.13 Will this development involve demolition of structures providing affordable housing?	X			
3.17 If this development proposes affordable housing, is it compatible with the community character?	X			
3.19 Will this development involve construction in designated affordable housing sites?	X			
3.20 If this development is in a designated affordable housing site, does it exceed the 60 building permit limit in one calendar year?	X			
3.22 If this development involves placement of a mobile home on the site, does it meet all of the criteria for the appropriate zone?	X			
3.23 If this development involve the placement of multi-family residential units in the R-3 and C-1 zoning districts, are 20% of the units reserved for low or moderate income households?	X			
3.24 If this project involves placement of a second unit in the Midcoast R-1 District, does it meet the building permit limits and square footage limits as noted in the LCP?	X			
3.25 Is the applicant seeking a 33% density bonus in R-1/S-17 Midcoast area after meeting all of the criteria in this Section?	X			
3.26 If this project involves land divisions in rural areas of the South Coast, are 20% of the lots being optioned to the County for affordable housing?	X			

- 3.27 Does this development meet the criteria for qualifying for the option of 40 additional dwelling units in the rural area of the South Coast?
- 3.28 Does the affordable housing developer accept the income, rent and cost controls of the County?
- 3.29 Does the affordable housing developer accept the conditions to guarantee the continued availability of affordable housing units?

ENERGY

If this project involves energy facilities (oil and gas wells, onshore facilities for offshore oil, pipelines, transmission lines), complete and attach a separate analysis of compliance with LCP Energy Component and enter results here.

AGRICULTURE

- 5.1 These policies are addressed by Planned Agricultural District. A Planned Agricultural Permit (is)/(is not) required.
- 5.18 Is any soil dependent floriculture located on prime soils while non-soil dependent floriculture is located on non-prime soils?
- 5.19 Does this development meet these floricultural development standards?
- 5.20 Does this development meet the Agricultural Management Policies?
- 5.21 Does this development avoid endangering sensitive habitats?
- 5.25 If an on-stream dam is proposed, does it meet all of this Chapter criteria?
- 5.27 Is the allocation of future Midcoast water supplies to floriculture in accordance with the policies of the Public Works Component?
- 5.29 Does this development require a grading permit for water impoundments according to County Ordinance?
- 5.30 If this development involves land under Williamson Act contract, has conforming with zoning, the General Plan and the LCP, been established?
- 5.30 Have Williamson Act Notices of Non-Renewal been filed for those properties not in conformance with State Code and County Policies?
- 5.33 Has the State explored the option of leasing prime agricultural land as a Condition of Permit Approval?

	Not Applicable	Project Complies	Does Not Comply	Condition Required
3.27	X			
3.28	X			
3.29	X			
<u>ENERGY</u>	X			
<u>AGRICULTURE</u>	X			
5.1	X			
5.18	X			
5.19	X			
5.20	X			
5.21	X			
5.25	X			
5.27	X			
5.29	X			
5.30	X			
5.30	X			
5.33	X			

AQUACULTURE

6.1 If this development involves aquaculture as defined in LCP Policy 6.1, complete and attach a separate analysis of compliance with LCP Aquaculture Components and enter here.

SENSITIVE HABITATS

7.5 A biological report has been prepared in accordance with LCP Policies. Applicability of various Sensitive Habitats policies was determined on the basis of:

- Coastal Development Permit Application.
- Environmental Information Form.
- LCP Sensitive Habitats Components Text.
- LCP Sensitive Habitat Maps.
- Site inspection.

7.5 Will the restoration of damaged habitat be a condition of approval for this project?

7.10 Does this development minimize removal of vegetation and/or minimize construction/protect vegetation during or after construction?

7.10 Does this project use only native or non-invasive plant species when replanting?

7.10 Does this project adhere to State Department of Fish and Game provisions for fish passage?

7.10 Does this project minimize adverse effects of waste water discharge?

7.10 Does this project prevent depletion of groundwater supplies and waterflows and encourage wastewater reclamation?

7.10 Does this project maintain natural vegetation buffer areas that protect habitats and minimize alteration of natural streams?

7.11 Are appropriate buffer zones established along sensitive habitats?

7.17 Will this project be required to construct catwalks so as not to impede movement of water?

7.17 Will all construction take place during daylight hours, utilize a minimum amount of lighting and use low decibel motorized machinery?

7.17 Will any construction-induced alteration to the wetlands require replanting of vegetation or the natural re-establishment of vegetation?

	Not Applicable	Project Complies	Does Not Comply	Condition Required
6.1	X			
7.5	X			
7.5	X			
7.10		X		X
7.10		X		
7.10	X			
7.10	X			
7.10	X			
7.10	X			
7.10	X			
7.11	X			
7.17	X			
7.17		X		X
7.17	X			

	Not Applicable	Project Complies	Does Not Comply	Condition Imposed
7.17 Does this project avoid utilizing herbicides unless approved by the Agriculture Commissioner and the Fish and Game Department?	X			
7.17 Was this project reviewed by the State Department of Fish and Game and the State Water Quality Control Board?	X			
7.20 If this project is in the Pillar Point Marsh, will groundwater extraction from an aquifer occur?	X			
7.21 If this project is in the Pescadero Marsh, will a State Parks and Recreation management plan be required or will this project involve development or dredging of the marsh?	X			
7.22 Is this project a permitted use in a marine and/or estuarine habitat? (Fitzgerald Marine Reserve, San Gregorio Estuary, Pescadero Marsh, Pigeon Point, Franklin Point, Ano Nuevo Island)	X			
7.25- Does this project comply with use and development standards for sand dunes and sea cliffs?		X		
7.31	X			
7.32 Will this project impact habitats of rare or endangered animal species as noted on the County Sensitive Habitat Maps or will a special biological report be required?	X			
7.42 Will this project permit development within 50 feet of rare plant habitats as noted on County Sensitive Habitat Maps?	X			
7.43 Will this project impact habitats of unique species, such as the Elephant Seal, Monterey Pine, California Wild Strawberry etc., or will a special biological report be required?	X			
7.51 Will this project involve removal or nursery sales of Pampas Grass or the eradication of Weedy Thistle?	X			
<u>VISUAL RESOURCES</u>				
8.2 Does this project avoid development on beaches, sand dunes, ocean cliffs, bluffs and blufftops?		X		X
8.5 If this project is in a coastal terrace is clustering encouraged along with limitation of structures in open fields and grasslands?	X			
8.6 Does this project avoid development and meet setbacks for streams, wetlands and estuaries?	X			
8.7 Does this project avoid development on ridgetops and removal of ridgeline trees?	X			

- 8.7 Does this project avoid land divisions which encourage building on a ridgeline?
- 8.7 Does this project comply with the limitations on structure height below the ridgeline?
- 8.9 Is this project designed to minimize tree removal or will this project require replacement of removed vegetation?
- 8.12- If this project is in an urban area, will it meet Design Review Criteria including special guidelines for coastal communities and the protection of ocean views?
- 8.15
- 8.16 Will this project meet landscaping requirements for rural areas?
- 8.17 Will this project protect natural landforms in rural areas?
- 8.18 Is this project designed to minimize visual disruption through the use of colors that blend in with surroundings, properly scaled structures, and non-reflective surfaces?
- 8.21 Does this project meet the criteria for the placement of signs?
- 8.22 Does this project include underground utilities in State and County Scenic Corridors?
- 8.24 If this project involves large agricultural structures, is their visual impact limited by the use of blending colors or landscaping screening?
- 8.25 If this project is listed as an Official County or State Historical Landmark, are the regulations of the Historical/Cultural Preservation Ordinance being followed?
- 8.28 If this project is in a State/County Scenic Road Corridor, does it meet development regulations such as setback requirements, limits on timber harvesting and exemptions?
- 8.33 Is this project exempt from Planning Commission architectural and site review because any structures would not be visible from the roadway?
- 8.34 If this project is in a designated Historic Structure/District, is the project a permitted use?

HAZARDS

- 9.3 If this project is in a Geologic Hazard Area as shown in the LCP, does it meet development regulations or requirements for a geotechnical report?

	Not Applicable	Project Complies	Does Not Comply	Condition Required
8.7 Does this project avoid land divisions which encourage building on a ridgeline?	X			
8.7 Does this project comply with the limitations on structure height below the ridgeline?	X			
8.9 Is this project designed to minimize tree removal or will this project require replacement of removed vegetation?		X		X
8.12- If this project is in an urban area, will it meet Design Review Criteria including special guidelines for coastal communities and the protection of ocean views?		X		X
8.15				
8.16 Will this project meet landscaping requirements for rural areas?	X			
8.17 Will this project protect natural landforms in rural areas?	X			
8.18 Is this project designed to minimize visual disruption through the use of colors that blend in with surroundings, properly scaled structures, and non-reflective surfaces?		X		
8.21 Does this project meet the criteria for the placement of signs?	X			
8.22 Does this project include underground utilities in State and County Scenic Corridors?		X		X
8.24 If this project involves large agricultural structures, is their visual impact limited by the use of blending colors or landscaping screening?	X			
8.25 If this project is listed as an Official County or State Historical Landmark, are the regulations of the Historical/Cultural Preservation Ordinance being followed?	X			
8.28 If this project is in a State/County Scenic Road Corridor, does it meet development regulations such as setback requirements, limits on timber harvesting and exemptions?		X		
8.33 Is this project exempt from Planning Commission architectural and site review because any structures would not be visible from the roadway?	X			
8.34 If this project is in a designated Historic Structure/District, is the project a permitted use?	X			
<u>HAZARDS</u>				
9.3 If this project is in a Geologic Hazard Area as shown in the LCP, does it meet development regulations or requirements for a geotechnical report?	X			

- 9.6 If this project is in a High Fire Risk area, does it meet development criteria?
- 9.8 If this project involves blufftop development, does it meet design, geotechnical, setback and land division requirements?
- 9.9 If this area is subject to flooding as noted in the LCP Hazards maps, will the project meet development regulations for flood-prone areas?
- 9.11 Does this project limit development to where beach erosion hazards are minimal?
- 9.12 Will this development allow the construction of shoreline structures only for the protection of existing roadways or structures?
- 9.13 Will this project avoid the need for future protective devices which could impact sand movement?
- 9.18 If this site has a slope of 30% or greater, does it meet the slope development regulations?

SHORELINE ACCESS

NOTE: Use Coastal Access Checklist as a supplement to this Policy Checklist when determining access requirements.

- 10.1 Does this project meet the requirements for provisions of shoreline access or in-lieu fees as a condition for development?
- 10.8 Does this project meet Public Safety Locational Criteria?
- 10.10 Does this project meet Sensitive Habitat Locational Criteria?
- 10.11 Does this project meet Agricultural Area Locational Criteria?
- 10.12 Does this project meet Residential Area Locational Criteria?
- 10.13 Does this project meet Commercial/Industrial Locational Criteria?
- 10.16 Does this project provide appropriate vertical/lateral access to the shoreline?
- 10.17 Does this project meet development standards for blufftop/non-blufftop lateral access?
- 10.19 Will this project provide for maintenance and posting for public access areas?

	Not Applicable	Project Complies	Does Not Comply	Condition Required
9.6	X			
9.8		X		
9.9	X			
9.11		X		X
9.12	X			
9.13		X		X
9.18	X			
	X			
10.1	X			
	X			
10.8	X			
10.10	X			
10.11	X			
	X			
10.12	X			
10.13	X			
10.16	X			
10.17	X			
10.19	X			

- 10.21 Where topography permits does this project provide handicapped access to the shore?
- 10.22 Does this project meet all parking regulations for coastal access?
- 10.23- Does this project meet development standards for
- 10.29 protecting public safety, fragile resources and adjacent land uses?

RECREATION/VISITOR SERVING FACILITIES

- 11.4 Does this project meet general locational criteria?
- 11.7 Does this project meet Urban Area Locational Criteria?
- 11.8 Does this project meet Rural Area Locational Criteria?
- 11.9 Does this project meet Oceanfront Areas Locational Criteria?
- 11.10 Does this project meet Upland Area Locational Criteria?
- 11.11 Does this project meet Agricultural Area Locational Criteria?
- 11.12 Does this project meet Sensitive Habitat Locational Criteria?
- 11.14 Does this project meet development standards for public recreation facilities?
- 11.15 Does this project meet development standards for private recreation facilities?
- 11.16 Are directional/informational signs required as a condition of approval for recreational facilities and/or road projects?
- 11.17 Does this project meet all parking development standards?
- 11.18 Does this project meet development standards for protection of Sensitive Habitats?
- 11.19 Does this project meet development standards for protection of agricultural lands?
- 11.20 Does this project meet development standards for sewer/water connections, access and public conveniences?
- 11.22 Does this project meet recreational vehicle parking restrictions?
- 11.25 Has the State Department of Parks and Recreation submitted a long range plan for any park unit proposed for improvement?

	Not Applicable	Project Complies	Does Not Comply	Condition Required
10.21	X			
10.22	X			
10.23- 10.29	X			
<u>RECREATION/VISITOR SERVING FACILITIES</u>				
11.4	X			
11.7	X			
11.8	X			
11.9	X			
11.10	X			
11.11	X			
11.12	X			
11.14	X			
11.15	X			
11.16	X			
11.17	X			
11.18	X			
11.19	X			
11.20	X			
11.22	X			
11.25	X			

11.26 Does this project require trail dedication or in-lieu fees as a condition of public agency projects or any land division?

COMMERCIAL FISHING/RECREATIONAL BOATING

If project involves facilities for commercial fishing or recreational boating, complete and attach a separate analysis of compliance with LCP Commercial Fishing/Recreational Boating Component and enter results here.

Not Applicable	Project Complies	Does Not Comply	Condition Required
X			
X			

RECOMMENDATION

1. Recommended findings (see Zoning Ordinance 6328.15):

That this project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6328.14, does does not conform with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program.

(Where the project is located between the nearest public road and the sea, or the shoreline of Pescadero Marsh.) That this project does does not conform with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code).

That this project does does not conform to specific findings required by policies _____ of the San Mateo County Local Coastal Program. Specific findings recommended are:

(Where the project involves construction of new residences other than affordable housing.) That the number of building permits for construction of new residences other than for affordable housing issued in the current calendar year does does not exceed the limitations of LCP Policies 1.22 and 1.23.

2. Recommended Action: Approve
 Approve With Conditions
 Deny

PROCESSING

1. Is project appealable to Coastal Commission (see Section 6328.3(r) and appeal jurisdiction maps)?
 Yes No

2. Approving authority (see Section 6328.9):

- Planning Director (staff)
- Zoning Hearing Officer
- Planning Commission
- Board of Supervisors

3. Public hearing required (see Section 6328.10)? Yes No

4. Notice requirements (see Section 6318.11.1 and 6318.11.2):

- Pre-Hearing (Newspaper) Owners: 100' 300' 500'
- Pre-Hearing (Mailed)
- Pre-Decision (Mailed) Residents: 100'
- Decision (Mailed)

REVIEW

Checklist Prepared By:

Nara M. Bartolucci
Signature

5/5/2000
Date

Checklist Reviewed By:

Signature

Date

FRM00305 (12/15/93)

3. Recommended conditions or reasons for denial (attach on separate sheet if more convenient):

Policy Recommended Condition/Reason for Denial

_____	_____
_____	_____
_____	_____
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