

ORDINANCE NO. 02701

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

\* \* \* \* \*

AN ORDINANCE ADDING CHAPTER 12.5 TO PART ONE OF DIVISION VI OF THE  
SAN MATEO COUNTY ORDINANCE CODE (ZONING ANNEX) ESTABLISHING  
THE COMMUNITY OPEN SPACE CONSERVATION DISTRICT REGULATIONS

\* \* \* \* \*

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

Section 1. Chapter 12.5 is hereby added to Part One of Division VI of  
the San Mateo County Ordinance Code to read as follows:

CHAPTER 12.5. COSC" DISTRICT (COMMUNITY OPEN SPACE CONSERVATION  
DISTRICT)

Section 6225. REGULATIONS FOR "COSC" DISTRICTS. The following regula-  
tions shall apply in all "COSC" Districts and shall be subject to the  
provisions of Chapter 22 of this part.

Section 6226. PURPOSE. The purpose of the "COSC" District is to  
protect areas designated for general open space in adopted Community  
Plans by providing for planned low intensity development which pre-  
serves, to the greatest degree possible, the visual and open charac-  
teristics of the land.

Section 6227. USES PERMITTED.

(a) The following uses shall be permitted in Community Open Space  
Conservation District:

1. Agricultural Uses and Accessory Structures: On-Site Sales of  
Agricultural Products, including, but not limited to, the  
following:

- a. Flowering Crops
- b. Vegetable Crops
- c. Truck Gardening
- d. Community Gardens
- e. Christmas Tree Farms

2. Public Recreation Facilities, including, but not limited to the following uses:

- a. Parks
- b. Play Fields
- c. Tot Lots

(b) The following uses shall be permitted in the Community Open Space Conservation District subject to the securing of a use permit in each case:

- 1. Nurseries
- 2. Livestock and Grazing
- 3. Commercial Recreation Facilities; including, but not limited to the following uses:

- a. Stables and Riding Academies
- b. Golf Courses
- c. Driving Ranges
- d. Campgrounds (Non-vehicular)
- e. Swimming Pools
- f. Athletic or Sports Clubs and Facilities

4. Institutional Facilities; including, but not limited to, the following:

- a. Community Centers
- b. Day Care Centers
- c. Interpretive Centers

Section 6228. DEVELOPMENT STANDARDS.

(a) Minimum Building Site: 2 acres.

(b) Maximum Height Permitted: One-story not to exceed 16 feet in height.

(c) Maximum Lot Coverage Permitted: 10%.

(d) Minimum Yards Required:

- 1. Front and Rear: 50 feet.
- 2. Sides: 20 feet each side.

- (e) Signs: Exterior advertising shall be prohibited. One non-illuminated identification sign not to exceed 20 square feet on each face shall be permitted.
  
- (f) Design Review: All structures in this district shall be subject to architectural and site review by the Planning Commission as a portion of the use permit process to ensure that the architectural and site design is compatible with its environmental setting. Design guidelines set forth in the Community Design Manual and the Local Coastal Program (for areas in the Coastal Zone) shall be employed by the Planning Commission in the design review process.

Section 2. This Ordinance shall be in full force and effect thirty (30) days after its passage.

Regularly passed and adopted this 16th day of  
December 1980.

AYES and in favor of said ordinance:

Supervisors: JOHN M. WARD  
EDWARD J. BACCIOCCO, JR.  
ARLEN GREGORIO  
FRED LYON

NOES and against said ordinance:

Supervisors: JAMES V. FITZGERALD

Absent Supervisors: NONE

JAMES V. FITZGERALD  
Chairman, Board of Supervisors  
County of San Mateo  
State of California

ATTEST:

MINERVA L. TAKIS  
Clerk of said Board of Supervisors

CLERK OF THE BOARD OF SUPERVISORS  
COUNTY OF SAN MATEO, CALIFORNIA  
I, MINERVA L. TAKIS, Clerk of the Board of Supervisors, do hereby certify that the above is a true and correct copy of  
**Ordinance No. 2701**  
16th December, 80  
*Minerva L. Takis*

**CALIFORNIA COASTAL COMMISSION**  
631 Howard Street, San Francisco 94105 — (415) 543-8555

November 20, 1981

TO: Commissioners and Interested Persons

FROM: Robert Brown, Chief of Land Use; Edward Y. Brown, District Director; Michael Miller, Coastal Program Manager, and Steven Maki, Lead LCP Planner WCH

SUBJECT: San Mateo County Major Amendments to certified Local Coastal Program. (For Public Hearing and possible Commission Action at the Meeting of December 1-3, 1981.)

SYNOPSIS

Background

This report presents the staff analysis and recommendation for Commission Action on 31 major amendments to the certified San Mateo County Local Coastal Program (LCP). On September 1, 1981 the Commission approved 68 minor amendments to this LCP and on November 3, it approved 22 major (material) amendments and rejected two others. Two major amendments were continued to the December meeting. On November 9, an additional 38 proposed amendments were filed. Of these, 9 were determined to be minor and 29 others require a public hearing.

The present hearing, therefore, focuses on the two major amendments carried over from November, and the 29 newly-filed major amendments.

Staff Recommendation

Staff recommends that the Commission, after public hearing, adopt the following three resolutions to (1) approve 18 amendments as submitted; (2) deny the remaining 13 amendments as submitted; and (3) conditionally certify 10 of the amendments denied above, subject to recommended conditions.

Analysis

Many of the proposed amendments are concentrated in three areas: Housing (clarifications, rezoning, density bonus and new demolition policies); Public Works (revision of the sewer capacity allocation method); and Agriculture (permitting oil and gas development on prime lands). One other amendment is of great coastal policy significance because it would reduce the buffer zone around wetlands.

Other amendments to Land Use Plan policies would eliminate the regulation of truck traffic during commute hours, redefine stables in agricultural areas, permit residential additions on prime agricultural land and add several conditional uses for non-prime agriculture (including dog kennels and quarries).

Proposed amendments to the Implementation Plan would also allow restaurant bars adjacent to the shoreline in the Commercial Recreation zone, allow residences in the Community Open Space Conversation zone, and rezone a portion of Pillar Point Marsh to Commercial Recreation.

While most of the amendments represent acceptable changes to the certified LCP, several are not consistent with the Coastal Act or Commission precedents "which shall guide local government". A conditional certification is recommended to provide the necessary clarification and to overcome the inconsistencies that can be dealt with at this time. The ten recommended conditions address six problem areas, requiring the following:

- (1) Deletion of a proposed housing policy amendment which would have allowed farm labor housing to be demolished without replacement.
- (2) Limitation of oil and gas facilities permitted on prime agricultural lands to non-prime soils, and limitation of oil storage on these lands to site-related needs.
- (3) Elimination of quarries as an allowable use on land designated for agriculture.
- (4) Revision of the wetland buffer zone policy to permit it to be drawn on a site - by - site basis as wetland protection needs dictate, retaining a 100-foot standard.
- (5) Restriction of residential potential in the urban "Open Space" designation.
- (6) Clarifications of several terms and policy references to better meet the County's intent, avoiding ambiguity and potential adverse impacts on agriculture and affordable housing provision.

Three proposed amendments are not consistent with Coastal Act requirements and cannot be approved in any form:

- allowing oil and gas wells on prime soils
- allowing quarries in the agricultural zone district
- rezoning a portion of a designated wetland to Commercial Recreation

#### Additional Information

Further information on the certified San Mateo County LCP or proposed amendments may be obtained from Steven Maki or Michael Miller at the Central Coast District of the Commission, 701 Ocean Street, Room 310, Santa Cruz, (408) 426-7390.

## I. SUMMARY OF AMENDMENTS AND ANALYSIS

### A. Amendments to Land Use Plan Policies

#### 1. Public Works Component

##### a. Policies 2.13, 2.19, and 2.28 Capacity Allocations for Phase I

Most of the proposed change is concentrated in policy 2.19, which would establish a method for revising the sewer capacity allocations built into the plan for the Midcoastside.

On March 16, 1981, the Commission approved P-80-345, a permit for Sewer Authority Midcoastside (SAM), made up of the three sewer service agencies in this area, to construct a regional sewage treatment plant. The plant as applied for will have a treatment capacity of two million gallons per day (2 MGD). Permit conditions include a reservation of capacity for priority land uses, and a limitation of the service area to already urbanized areas (as mapped). The latter limitation is adjustable to the urban areas that are defined by certification of the San Mateo County and Half Moon Bay Local Coastal Programs.

Because the Phase I sewage treatment capacity is known (the plant is under construction), the buildout served by this plant would constitute a distinct stage of development. More development - even full buildout of the mapped "service area" - would require additional treatment capacity that cannot be funded by the State or Federal governments under their current guidelines.

The three sewer service agencies making up S.A.M. (Montara Sanitary District, Granada Sanitary District, and the City of Half Moon Bay) are parties to a joint powers agreement which established their mutual responsibilities, including an allocation of financial responsibility for capacity in the treatment plant. The current agreement and the certified County LCP were the basis for the numerical allocations in Policies 2.19 and 2.28. That agreement provided for an even split of the capacity (1.0 - 1.0) between the City and the two County districts, and an even split of their capacity between the two County districts (0.5 - 0.5) which was modified (to 0.4 - 0.6) on the basis of potential development in the two service areas. The last necessary step in determining a precise allocation will be the Commission's determination of an acceptable urban service area (through certification of the Half Moon Bay LUP) for development in Half Moon Bay which could occur with the the proposed treatment facility.

The member agencies of S.A.M. have now agreed to maintain as their allocations of treatment capacity equal proportions of the certified buildout of their respective service districts. (See 2.19(b) and (c).) The County LCP's approximate sewage generation from a population capacity of 15,000 in the midcoast urbanized area, would be compared to the corresponding figures in the certified Half Moon Bay LCP, and sewage treatment capacity allocated on the basis of that comparison. The following is a much simplified example (all numbers are approximate).

	<u>Montara</u>	<u>Granada (County)</u>	<u>Granada (City)</u>	<u>Half Moon Bay</u>
CURRENT: Phase I population	4,200	5,300	1,000	±12,000
treatment allocation (= 2.0 MGD)	0.40		0.60	1.00
buildout served by Phase I	±60%	±70%		?
EXAMPLE I: buildout population	7,000	7,600	1,800	27,000
(priority uses)	(20%)	(25%)	(10%)	(15%)
treatment allocation (=2.0 MGD)	0.33		0.45	1.22
buildout served by Phase I	±50%		±50%	±50%
EXAMPLE II: buildout population	7,000	7,600	1,500	16,200
(priority uses)	(20%)	(25%)	(10%)	(15%)
treatment allocation (=2.0 MGD)	0.45		0.55	1.00
buildout served by Phase I	±65%		±65%	±65%

A more detailed analysis similar to the above was prepared by County Staff for the local hearings (See "Attachment E" 8/13/81).

The effect of the proposed amendment on the County LCP would be to change the "effective life" of the LUP designations depending on the certified buildout of Half Moon Bay. If the Half Moon Bay LUP is certified with a potential urban service area exceeding a population of about 18,000 at buildout, less than the anticipated 1.0 MGD will be available to serve the compact areas certified as "urban" in the County LUP for Phase I.

Section 30254 of the Coastal Act requires that:

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division;...Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial, recreation and visitor serving land uses shall not be precluded by other development.



An adequate portion of the capacity of the Phase I S.A.M. Treatment Plant has been reserved for the priority uses, listed above. The shift in timing of non-priority (residential, other) uses among geographic areas that might result from the proposed amendment therefore is not a significant Coastal Act concern.

b. Policy 2.53 Truck Traffic

This amendment deletes the policy limiting certain heavy truck traffic to certain hours. The County felt that the peak hours originally identified for limiting truck traffic (at a logging site, for example) would actually produce peak hour truck traffic on commute-routes because of the remoteness of the truck destinations.

Since such truck traffic would be considered a priority use of the highway under Section 30254, deletion of the policy eliminates a limitation on this priority use, and is thus consistent with the Coastal Act.

2. Housing Component

a. Policy 3.13 Demolition of Existing Affordable Housing

The proposed change would revise this policy by eliminating replacement requirements for affordable housing in four circumstances: (1) when the structure poses a serious hazard, is required to be demolished, and cannot feasibly be rehabilitated; (2) when the structure was built in violation of County codes, cannot be brought up to code, and is required to be demolished; (3) when the owner will occupy a replacement unit and executes an agreement with the County to that effect; and (4) when the demolition site will be occupied by a building customarily considered accessory to agricultural use.

The first three circumstances have been recognized frequently by Commission actions or permits and LCP's as "exceptions" where provisions for new housing (rather than replacement for existing) must be relied upon to meet affordable housing needs. These are clearly consistent with Coastal Act Sections 30213 and 30612.

The fourth circumstance will be of concern since it allows a farmer currently providing housing for workers to remove the housing to erect a barn, or greenhouse, or similar structure. Much of the affordable housing in the County's South Coast area is on farms; the policy amendment could therefore significantly threaten existing housing opportunities in this area.

LUP policies supporting the provision of farm labor housing on the South Coast include 3.26, 3.27 and 3.32. These policies allow for the construction of 120 units of housing for low and moderate income people as a density bonus, require 20% of new residential lots to be offered for sale to the County, and encourage expansion of farm labor housing choices. Elimination of existing units without replacement does not appear to be consistent with

b. Policy 3.24 Second Units in R-1 District

This change would eliminate cost/rent limitations from the policy, which as certified required all second units to provide affordable housing. Although new Policy 3.28 (amendment certified 9/1/81) requires such limitations for affordable units developed under Policy 3.24, units which are not "developed as affordable units" would not appear to be covered by the new amendment.

The impact of the change creates a loophole that would encourage all second units to avoid the rent controls. Because public works capacity in the area is limited, and the LCP (identifying affordable housing as a priority land use) reserves capacity only for priority land uses, the potential development of additional non-priority land uses is of concern.

c. Policy 3.25 Density Bonus for Lot Consolidation

Certified policy 3.19f (deleted, minor amendments 12/1/81) provided for a density bonus when substandard MidCoast lots were consolidated. The proposed policy creates the standards for this density bonus, requiring all "bonus" units to be affordable.

This policy would increase potential development by 33% on as many as 2000 lots affected, increasing LUP buildout by about 0-350 units. Since all these additional units would provide affordable housing, the amendment would be consistent with Coastal Act Section 30213.

3. Energy Component

a. Policy 4.3 Appropriate Locations for Onshore Oil and Gas Drilling and Production

The proposed amendment would remove the present prohibition for oil and gas drilling and production on prime agricultural soils. The County's October 30 correspondence containing supporting discussion for the purpose of filing the amendment associates the amendment of policy 4.3a with policies 5.5b(5), 5.6b(11), 5.8(5) (Agriculture Component) and Sections 6353A.5 and 6355D.5 of the Planned Agricultural District (PAD). This association is incorrect as policy 4.3a relates specifically to prime soils and policies 5.5.b(5), 5.6b(11) and Section 6353A.5 and 6355.D.5 relate to prime agricultural land. Prime soils comprise two of five components of prime agricultural land as defined in Coastal Act Section 30113, Section 51201 of the Public Resources Code and Section 6351.A of the PAD.

Coastal Act Section 30241 requires that the maximum amount of prime agricultural land be maintained in production and Section 30243 provides for the long term productivity of soils. The Commission has strongly supported agricultural uses to maintain the maximum amount

of prime agricultural land in production. The Commission concerns are reflected in the Agricultural Component and the PAD ordinance of the County's Certified LCP. Oil and gas development in San Mateo County has historically occurred not in areas of prime soil, but within grazing and other lands not containing prime soils. These lands may meet the definition of prime agricultural lands by virtue of the economic return from grazing, etc. The Regional Commission found (P-79-197, ZIA Corporation) oil and gas development on thirty acres of a 700 acre grazing operation in San Mateo County would not adversely affect existing and surrounding agricultural operations and would be consistent with oil and gas development policies provided in Section 30260.

The proposed amendment to Policy 4.3a cannot be associated with other policy and ordinance amendments to allow oil and gas development on prime agricultural lands. Policy 4.3a is the only policy within the certified LUP which prohibits a specific use on prime soils. Oil and gas drilling and production, by virtue of prohibition on prime soils (and sensitive habitats) is recognized as resulting in possible adverse impacts to those resources. In order to maintain maximum amount of prime agricultural lands in production, alternative methods (slant drilling, etc.) exist allowing oil and gas development beneath prime soils without disturbing the surface resource. It would appear, since historic and present oil and gas development in San Mateo County has occurred on non-prime soils and alternative methods exist to develop oil and gas resources which may be beneath prime soils that the balanced utilization of coastal resources identified in Section 30001.5 would allow for the continued prohibition of oil and gas development on prime soils.

#### 4. Agriculture Component

##### a. Policy 5.5 Permitted Uses on Prime Lands

The proposed change would add two permitted uses (private stables and additions to existing residences) and one type of conditional use (oil and gas exploration, production, and storage) to the LUP's Agriculture designation. The County indicates that the additional permitted uses are customary in the rural South Coast, while the additional conditional use is necessary because all on-shore oil and gas resources in the County are located beneath prime lands.

Coastal Act Section 30241 requires that "the maximum amount of prime agricultural land shall be maintained in production". Commission review of both agricultural-related permit applications and oil and gas production permit application, has revealed interesting facts. First, there is a fine line between "private" and "commercial" when referring to the stabling of horses, probably because of a paucity of commercially available stable space. Since the operation of a boarding stable is not "customarily accessory to agriculture," and overuse of erodible lands for riding trails, horse rings, etc. will diminish the land's agricultural capability, it would be appropriate only to allow stabling on prime lands for farm-related purposes. (Likewise, other farm animals may require some structural shelter but are not addressed in the current policy).

Second, oil resources in San Mateo County appear to be located on upland terraces varying in agricultural soil capability from Class III down. Some (though not all) of these lands may be "prime", and those only because of the economic return from grazing. Oil production is not a simple (or single) process, and the full impact of this use must be considered. For example, production (even exploration) sites are likely to require the construction of roads which are stable enough to carry heavy equipment. While oil production may require temporary oil storage between tanker visits, permanent storage of oil may be unrelated to on-site production activities, and any storage has both a compaction and a leakage impact on the underlying land which could cause permanent soil damage.

If the proposed additional uses are clarified, so that stables are farm-related, and oil facilities are related to on-site needs and do not impact better soils (Class I & II), these uses can be found consistent with Coastal Act agriculture policies.

##### b. Policy 5.6 Permitted Uses on Non-Prime Lands designated Agriculture

The proposed change would add one permitted use (additions to existing residences) and four conditional uses (multi-family affordable housing, uses ancillary to agriculture such as topsoil storage, dog kennels and breeding, and quarries), and would delete one use (solid waste disposal sites).

Coastal Act Section 30242 allows conversion of other suitable agricultural lands only if certain findings are made. These are reflected in LUP policy 5.10 which is not being amended. Nevertheless, uses which are not typically rural in character (multifamily housing), or which could permanently destroy large areas of natural landscape

and native soils (quarries) require some justification beyond these conversion criteria. In the case of the affordable housing, policy 3.27 in the LUP Housing Component allows the South Coast's affordable housing to be constructed in maximum 15-unit clusters in rural areas, and limits them to no greater conversion of prime agricultural land than would occur without such clustering. In the case of the quarries, no mineral resources (other than oil), of state or regional significance are known to exist in agricultural areas, and the recent County Quarry Regulations would not permit quarries in agricultural districts. This does not appear to be a use that is generally suitable, and should probably be accompanied by site specific information and a future LCP amendment if it is to be permitted at all in the agricultural areas of the San Mateo Coast.

c. Policy 5.8 Conversion Criteria for Prime Land

The proposed change would add oil and gas facilities to those conditional uses which would be permitted if no alternative site is available on the parcel. The proposed change is consistent with the proposed amendment to Policy 5.5(b).

In order to provide maximum protection for prime lands, policies 5.5 and 5.8 should be modified consistently to limit oil storage and use of prime soils.

5. Sensitive Habitats Component

a. Policy 7.18 Wetland Buffer Zone  
(continued from November 3, 1981)

The proposed amendment would reduce the wetland buffer zone from 100 to 50 feet. Identified wetlands in the San Mateo Coastside are numerous and significant, and are some of the most productive habitats in Central California and include: Pillar Point and Pescadero Marshes and nearly all creek mouths, in particular Tunitas, San Gregorio, Pomponio and Gazos Creeks.

Wetlands serve as essential habitats, food producers, water purifiers, sediment traps and shoreline stabilizers for the ecosystem. The Coastal Act requires the productivity of wetlands be maintained and protected from adverse influences of nearby development and are offered the most stringent of protection. The establishment of buffer areas provides essential open space between development and wetlands for maximizing the protection of wetlands. The 100' buffer about wetland vegetation is one which the Commission has continually found maximizes the protection of the resource. The 100' buffer is also supported by those agencies charged with resource protection.

Discussion at the November 3 Commission hearing indicated that the most important criterion for buffer zone determination consistent with Coastal Act policies is the adequacy of wetland protection, rather than a fixed distance. The Commission, for example, has certified fixed-distance buffer zones at a minimum 100 feet and has also certified buffer zones which are 100 feet, but can be varied in

both directions on a case-by-case basis depending on demonstrated need for protection.

While San Mateo County originally adopted the former approach, the latter is also appropriate to the County's wetlands. A uniform buffer reduction to 50 ft. will not adequately protect San Mateo County's wetlands, and a case-by-case analysis would be necessary to justify a reduced buffer area for these sensitive coastal habitats.

B. Amendments to the Implementation Plan

1. Affordable Housing Zone District (R-3-A) and Rezoning of Three Areas to this District.

The proposed amendment substitutes a new "basic" zone district for designated affordable housing sites on the Midcoast, for the previously certified combining district (S-5-A). The new zone district parallels other ordinances in completeness of regulation, makes all uses subject to a use permit, and provides that issuance of the use permit is subject to a finding of consistency with relevant LUP policies.

The three rezonings to this new district are designated affordable housing sites. The size of these sites was altered by LUP Amendment to Policy 3.19b certified on November 3. The rezonings include the 5-acre North Moss Beach site, the 12.5-acre South Moss Beach site, and the 6 -acre El Granada site.

2. Planned Agricultural District (PAD)

a. Sections 6351 E. and 6353.B.13 Uses Ancillary to Agriculture

The proposed amendments add a definition of "ancillary uses", and permit such uses as conditional uses on non-prime lands. The definition covers storage of agricultural grading equipment, agricultural rental supplies (irrigation pipe?) and topsoil.

The suggested uses are typical activities related to agricultural operations, and as such are appropriate in agricultural areas. Since prime lands will not be taken up by these "non productive" (though necessary) storage activities, the proposed amendments are consistent with Coastal Act Sections 30241 and 30242, and in particular Section 30242(2). The ordinance change implements LUP policy 5.6(b) (13).

b. Section 6351 F. Development Accessory to Agriculture

The proposed amendment adds "private stables" to this list of agricultural developments. It would be a permitted use on prime and non prime agricultural lands, and carries out the proposed change in LUP Agriculture Policy 5.5.

As noted in the discussion of that change, above (A. 4.a), a clarification is required to ensure that farm-related animal housing is addressed in these amendments.

c. Sections 6352 A. and B. Permitted Uses

The proposed change adds three forms of alteration to existing single family residences to this list. The first (repair) can not require a Coastal Permit pursuant to Coastal Act Section 30610(d). The second and third (alteration and addition) appear to fall within the jurisdiction of Coastal Act Section 30610(a), which specifies six classes of single family related development which require a Coastal Permit. All these requirements are reflected in the County's Coastal Development District (Section 6328.5).

The amendments to the Planned Agriculture District do not directly carry out an LUP policy. Since they support the continuance of existing residences in the agricultural area, however, the amendments will also support family-based agricultural activities in these areas, and are therefore consistent with Coastal Act Sections 30241 and 30242 and the Land Use Plan Agriculture policies.

d. Section 6353.A.5 and 6355.D.5 Oil and Gas Facilities on Prime Land

These amendments would carry out the proposed changes to LUP Policies 4.3 and 5.5 by allowing oil and gas exploration, production, and storage on prime agricultural lands as a conditional use if no other suitable site is available on the parcel.

As noted in the discussion of these policies, above (A.3 and A.4a) oil production offers significant risks to prime agricultural land, and clarification of these policies and ordinance sections is needed to minimize impacts. In particular facilities should be limited to non-prime soils, and only site-related oil storage permitted.

e. Section 6353.B.3 Multifamily Affordable Housing

The amendment adds multifamily affordable housing as a conditional use on non-prime lands. The ordinance would carry out a proposed change in LUP Policy 5.6 (discussed above) and existing LUP Policy 3.27.

The above discussion makes it clear that this use is an appropriate one to the rural South Coast under the San Mateo County LUP, and the ordinance change is entirely consistent with the LUP.

f. Section 6353.B.14 Dog Kennels and Breeding Facilities

The proposed amendment adds this conditional use to the agricultural zone district for nonprime lands. It implements a proposed amendment to LUP Policy 5.6(b) (14). The County indicates that the use is suitable for rural areas, and is allowed outside the coastal zone on similar lands.

Since dog-raising and boarding are often considered nuisance-uses in urban areas, it would seem generally appropriate to allow them in rural areas. The LUP and requirements for a conditional use (PAD) permit in San Mateo County's agricultural zone will help to ensure that

potential conflicts between dogs and agricultural activities are minimized.

g. Section 6353. B. 15 Quarries

The proposed change adds quarries as a conditional use in the agricultural zone for nonprime lands. It implements a proposed amendment to LUP Policy 5.6(b) (15).

As discussed above (A.4.b), quarries, while a "rural"-type use, are not generally suitable to agricultural areas, nor has need for them been demonstrated on the South Coast.

3. Coastside Commercial Recreation District (CCR)

a. Section 6267.d.2 Bars Associated with Restaurants

The proposed change adds bars to the list of uses allowed adjacent to the shoreline. It does not carry out any particular LUP policy, though all uses in this (the County's primary "visitor-serving" zone) district are conditional and therefore tied closely to their ability to comply with LUP Policies. The County indicates that bars are a use commonly associated with shorefront restaurants, and often provide pleasant experiences for visitors to the coast.

Since the proposed use would not appear to generate any impacts which could not be considered in the County's review of the associated restaurant, and, as a conditional use, would remain appealable to the Coastal Commission, the change appears to be consistent with Coastal Act requirements and with the Land Use Plan's Recreation and Visitor-Serving Facilities Component.

b. Rezoning of a portion of "Callan" property at Pillar Point Marsh to CCR/DR from RM/CZ/DR. (Continued from November 3)

The proposed rezoning would change the designation of one site, west of the developed area of Princeton-by-the-Sea, to this visitor-serving zone. A portion of the site is currently zoned CCR, while the affected portion is zoned Resource Management (RM).

Since the appropriate standard under the Coastal Act for review of LCP implementing ordinances is the certified Land Use Plan (Coastal Act Section 30513), the proposed rezoning must be compared with the site's Land Use Plan designations of Commercial Recreation and Open Space. The certified zoning boundaries reflect the two land use designations precisely, using the CCR/DR zone and the RM/CZ/DR zone respectively. The boundaries of the Open Space (and RM) designations reflect a certified resource map of Pillar Point Marsh included in the Land Use Plan as Map 7.1.

The landowner's apparent contention is that the certified resource map is incorrect, and thus that the affected portion of the property is incorrectly designated Open Space and zoned Resource Management.



The proposed amendment, however, is only a rezoning - the County was apparently not convinced that the LUP basis for the zoning (i.e. the wetland map and the Open Space designation) were incorrect, and no factual information has been submitted to the Commission to support the landowner's contention.

The LUP and CD ordinance contain methods by which a site-specific environmental assessment may be prepared by a qualified consultant selected by the County and the proponent of a development. The results of this assessment would be used by the County to determine whether LUP resource protection policies would be carried out by the development, and, if necessary, whether adequate information had been presented to justify amendments to the LUP and/or zoning. These procedures offer ample opportunity to this (and other) landowners to correct mapping errors and refine the data base available to the County at any particular time.

#### 4. Community Open Space Conservation District (COSC)

##### a. Section 6227(a) (3) Single Family Residences

The proposed change would add residences as a permitted use in this zone. The County indicates that the use is needed as an "economic use" for privately-owned lands in this zone district. The proposed amendment does not carry out a particular LUP Policy, and restores a portion of the ordinance previously deleted by the Commission in conditionally certifying the San Mateo County LCP.

The COSC zone is the LCP's "Open Space" zone within the urban boundary of the Midcoast. Only two areas are designated: a proposed park site on public (Caltrans) land in Montara, and an area designated in the LUP for General Open Space on the Highway One frontage of El Granada. A portion of this latter area is privately owned. The zone presently allows two types of principal permitted uses: (agricultural and public recreation), and four types of conditional uses (nurseries, grazing, six kinds of commercial recreation facilities, and institutional facilities). The emphasis-in fact the exclusive focus- of all these uses is on visual open space and usability of the areas for community benefit.

While the proposed residential use represents a dilution of the COSC's "Community benefit" emphasis, and sufficient uses appear to be available to any potential private owner to meet legal requirements, low density residential use may also be of community benefit if it preserves scenic areas, is compatible with the community, and does not displace a use of greater benefit. The only way of accomplishing this would be to allow the proposed use, like other structural uses in this zone, as a conditional (rather than permitted) use. It would also be necessary to ensure that the Land Use Plan supported residential use. Table 1.2 of the Plan establishes residential density for the "General Open Space" designation as 1 unit per 40-160 acres. No site in the COSC zone meets this density criterion. Since existing sites are smaller than 40 acres, "minimum building site" and "density credit" provisions are necessary to ensure that this zone does not become another residential district. A likely modification would specify that no subdivision could occur which would increase residential development potential.

5. Resource Management/Coastal Zone District (RM/CZ)

a. Section 6905(t) Wineries

The proposed change would add wineries to the list of conditional uses in this district, the zone district covering primarily non-agricultural areas of the rural San Mateo County coast. These uses are permitted in the RM District outside of the Coastal Zone, and according to the size and retail sales limitations of the RM/CZ ordinance, would be small in scale.

Some grapes are grown in San Mateo County, though few compared to other areas or even to past (19th century) production. Wineries could support nearby agricultural uses, but are primarily seen as consistent with Land Use Plan policies because of their suitability to rural areas.

b. Section 6905(u) Exotic Animals

The proposed change would allow the keeping of exotic animals in this zone district as a conditional use. It is not known exactly what "developments" this might entail, but the County indicates that the use is permitted in the RM district outside the Coastal Zone.

As discussed above, the keeping/breeding/boarding of animals is typically associated with rural areas, and would appear to be appropriate for these nonagricultural lands of the San Mateo Coast.

## II. STAFF RECOMMENDATION

The Staff recommends adoption of three resolutions as follows. The appropriate motion to introduce each recommendation is indicated below the title of each resolution.

### RESOLUTION I: APPROVAL OF 18 AMENDMENTS AS SUBMITTED

MOTION: I move that the Commission certify 18 amendments to the San Mateo County Local Coastal Program as submitted by the County, according to Resolution I in the staff recommendation of November 20, 1981.

(Staff recommends a YES vote. Seven votes are required for approval.)

RESOLUTION I: The Commission hereby certifies five amendments to the Land Use Plan and thirteen amendments to the Implementation Plan of San Mateo County Local Coastal Program for the specific reasons discussed below on the grounds that, as submitted, these amendments, and the Local Coastal Program as thereby amended, meet the requirements of and are in conformity with the provisions of Chapter 3 of the Coastal Act; these amendments, and the Local Coastal Program as amended are consistent with applicable decisions of the Commission and shall guide local government actions pursuant to Section 30625(c); and approval of these amendments would not have significant environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

FINDINGS FOR APPROVAL AS SUBMITTED: The Commission finds and declares as follows:

#### 1. Public Works Policies

Section 30254 of the Coastal Act requires that public works facilities be sized and designed to meet land use needs consistent with Coastal Act policies, and that limited-capacity facilities serve priority land uses before others.

The amendments to LCP Policies 2.13, 2.19 and 2.28 would permit the Plan's allocation of Phase I sewer treatment capacity to be revised following certification of the City of Half Moon Bay's Land Use Plan. Since the size of the total allocation, and the identified urban service area would not be altered, the amendment could have the effect of changing the rate of development in each service district. Permit No. P-80-345, approved by the Commission in March, 1981, reserves sufficient treatment capacity from the Phase I 2.0 MGD plant to accommodate all known priority uses, and thus ensures consistency with Coastal Act Section 30254. The proposed amendments would not directly alter the Coastal Permit, and are consistent with Coastal Act requirements.

The amendment to LCP Policy 2.53 would delete a policy regulating certain truck traffic during peak commute hours. The elimination of this policy is consistent with Coastal Act Section 30254 because it removes a priority for commuter (non-priority) use of major highways.

#### 2. Housing Policies

Section 30213 of the Coastal Act requires the protection, encouragement, and provision where feasible of housing opportunities for persons of low and

moderate income.

The amendment to LCP Policy 3.25 provides for a density bonus of 33% if substandard subdivided residential lots are combined, and requires the "bonus" units to be affordable to low and moderate-income persons. This method of providing new affordable housing through an incentive that generates more desirable development patterns has been successful in other locations and has been accepted elsewhere by the Commission. The proposed amendment is fully consistent with Coastal Act requirements.

### 3. Zoning Ordinances and Maps

Section 30513 of the Coastal Act requires that zoning ordinances, maps, and other implementing actions be consistent with, and adequate to carry out, the certified Land Use Plan.

The amendment Adding an Affordable Multifamily Housing Ordinance (R-3-A) would provide a "basic" zone district for affordable housing in place of the "combining" zone district originally certified. The proposed zone district carries out many of the LUP Housing policies, particularly those related to "Designated Sites" identified in Policy 3.19, and is consistent with those policies. In conjunction with the Design Review and Coastal Development districts with which it would be combined, the proposed ordinance is adequate to carry out LUP policies.

The amendments to zoning maps for the Midcoast which rezone three sites to R-3-A are consistent with the "Affordable Housing Site" designations for these sites in the certified Land Use Plan.

The amendments to Planned Agriculture District (PAD) Sections 6351E and 6353.B.13 would provide a definition of uses ancillary to agricultural activities, which would become permitted uses on non-prime lands. The amendments are consistent with Coastal Act Sections 30241 and 30242 and help to carry out LUP policies regarding protection of agriculture.

The amendments PAD Sections 6352 A and B would allow additions to existing residences to be permitted uses on prime and non prime lands. The amendment enhances the operational capability of family farming by retaining existing residences, and is therefore consistent with Coastal Act Sections 30241 and 30242 and with the LUP Agriculture Component.

The amendment to PAD Section 6353.B.3 would allow affordable multifamily housing as a conditional use on non-prime lands. The amendment carries out Land Use Plan policies in the Housing and Agriculture components (3.27 and 5.6) and is therefore consistent with Coastal Act requirements.

The amendment to PAD Section 6353.B.14 would allow dog kennels and breeding facilities as a conditional use on non-prime lands. The amendment carries out a Land Use Plan policy (5.6), is consistent with the rural land uses provided for in the LUP, and with the relevant policies of the Coastal Act.

The amendment to Coastside Commercial Recreation District (CCR) Section 6267.d.2 would allow restaurant - associated bars to locate adjacent to the shoreline. Although not required explicitly by any Land Use Plan policy, the proposed amendment would enhance visitor-serving opportunities associated with shorefront restaurants, and is therefore consistent with Coastal Act Section 30222 and with the LUP's Recreation and Visitor Serving Facilities Component.

The amendments to Resource Management/Coastal Zone District (RM/CZ) Sections 6905(t) and (u) would add small wineries and the keeping of exotic animals to the conditional uses in this "open space" district. These changes are consistent with the use of the Resource Management District outside the coastal zone, and compatible with the rural open space and resource protection objectives of this district. The proposed additions are consistent with Coastal Act requirements and with relevant policies of the certified Land Use Plan.

RESOLUTION II: DENIAL OF THIRTEEN AMENDMENTS TO THE CERTIFIED LCP AS SUBMITTED

MOTION: I move that the Commission certify 13 amendments to the San Mateo County Local Coastal Program, as identified in Resolution II of the staff recommendation dated November 20, 1981.

(Staff recommends a NO vote. Seven votes are required for approval.)

RESOLUTION II: The Commission hereby denies certification for 13 amendments to the certified LCP for the following reasons discussed below on the grounds that, as submitted, the amendments do not meet the requirements of and are not in conformity with the provisions of Chapter 3 and Sections 30513(a) of Chapter 6 of the Coastal Act and approval of the amendments would cause significant adverse environmental effects for which feasible mitigation measures which would substantially lessen such effects on the environment are available but not employed, consistent with the California Environmental Quality Act.

FINDINGS FOR DENIAL AS SUBMITTED

The Commission finds and declares as follows:

A. NON-CERTIFIABLE AMENDMENTS

1. Policy 4.3 Locations for Oil and Gas Wells

The proposed amendment would delete this policy's prohibition against oil exploration and production on prime soils. Coastal Act Section 30241 requires the maintenance of the maximum amount of prime agricultural land in production, and Section 30243 provides for the long-term productivity of soils. Section 30260 & 30262 permits oil and gas development if:

- (1) alternative locations are infeasible or more environmentally damaging;
- (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

San Mateo County's onshore oil and gas resources appear to be located largely beneath grazing and other lands which do not have prime soils, but may be "prime agricultural lands" by virtue of economic return. All existing facilities have been accommodated without loss of prime soils and if new discoveries are located beneath prime soils, alternative extraction methods (slant drilling, etc.) exist to maintain the surface resource. The specific prohibition of oil and gas development on prime soils recognizes the possible adverse impacts to the resource.

Since alternative locations and methods for oil and gas development exist consistent with Sections 30260 and 30262 and prime soils will be maintained constant with Sections 30241 and 30243 of the Coastal Act, the amendment should not be approved. Existing and continued onshore oil and gas development on less-than prime soils located within parcels containing prime soils (i.e. other prime agricultural lands) is not prohibited by the certified LUP or implementing ordinances. The continued prohibition of development on prime soils meets the balanced utilization of coastal resources identified in Section 30001.5 of the Coastal Act. The amendment cannot be approved based upon the above findings.

## 2. Planned Agricultural District Section 6353.B.15 Quarries

The proposed amendment would allow quarries as conditional uses on non-prime lands in the agriculture zone. Coastal Act Section 30242 requires agricultural conversions to demonstrate infeasibility of continued or renewed agriculture, to preserve prime land or concentrate development, and to be compatible with continued agricultural use on adjacent lands. Only coastal-dependent industrial uses are of equal priority with agriculture (30255).

The proposed amendment does not implement a Land Use Plan policy which is consistent with the Coastal Act, and cannot therefore be approved.

## 3. Rezoning of "Callan" property at Pillar Point Marsh to CCR/DR

The proposed amendment would allow numerous visitor-serving commercial uses on a portion of a parcel identified by the certified Land Use Plan as part of Pillar Point Marsh (map 7.1) and designated Open Space on the certified Midcoast Land Use Plan map.

Some disagreement may exist regarding the accuracy of certified LUP resource maps, which may be resolved through the availability of additional biological and hydrological information about this particular site. Since no such information was made available, and the County has not proposed changes in the relevant LUP maps, the Commission can only conclude that the LUP is correct and follow the Coastal Act requirement that zoning be consistent with the Land Use Plan. The proposed rezoning would not be consistent with, nor carry out, the resource protection requirements of the certified LUP policies regarding this sensitive wetland, and cannot therefore be approved.

## B. AMENDMENTS WHICH CAN BE CONDITIONALLY APPROVED

### 1. Policy 3.13 Demolition of Existing Affordable Housing

The proposed amendment would allow four types of demolition without replacement of any affordable housing lost. Coastal Act Section 30213 requires the protection of housing opportunities for low and moderate income persons.

Three of the proposed demolitions-without-replacement (hazard, code violation, owner-occupant) have been recognized by the Commission as unavoidable losses of individual affordable housing units which (opportunities) can be replaced through an active program of new construction for low and moderate income families. These are therefore consistent with Coastal Act requirements.

The fourth, however, would allow demolition of farm labor housing if the site is needed for an agricultural building. Although "agriculture" has the highest priority for use in the coastal zone, farm labor housing cannot be separated from other requirements for development directly supporting a viable agricultural economy. Certain sites where farm labor housing is now located may be better suited for barns or tractor sheds, but the housing opportunities should be replaced unless for some reason farm labor is no longer required. There nevertheless remains an overall shortage of farm labor housing on the South Coast (documented by the LUP). The LUP (policies 3.26, 3.27 and 3.32) supports additions to the farm labor housing supply in San Mateo County but no sites are designated and reliance may continue to be placed on private (grower) provision of housing opportunities.

If the policy amendment were modified to delete the fourth exception to the replacement requirement, Coastal Act requirements would be met.

## 2. Policy 3.24 Second Units in R-1 District

The proposed amendment deletes the cost and rent limitations on second ("granny") units developed in the R-1 districts of the Midcoast. Although cost and rent limitations would apply to any units developed as affordable units (Policy 3.28) the County's intent appears to have been to retain this policy as it was originally proposed (and certified): all second-units are required to be affordable. The Commission has also certified a similar policy in the Carmel City Land Use Plan.

If the policy is clarified to express this intent it could be found consistent with Coastal Act requirements.

## 3. Policy 5.5 Permitted Uses on Prime Lands

The proposed amendment adds three uses to the LUP's "Agriculture" land use designation for prime lands: private stables, residential additions, and oil and gas facilities. Sections 30241 and 30242 of the Coastal Act require protections of the maximum amount of prime agricultural land, and allow conversion of other agricultural land only in limited circumstances.

As noted in the staff analysis, "private stables" and "oil and gas exploration, production and storage" (as these terms are used in the proposed amendment) may include land uses and developments supportive of and compatible with agriculture, but also include developments which are detrimental to agriculture and maintenance of soil capability. The amendment is therefore unacceptable as submitted.

If these amendments are clarified to limit the allowed uses on agricultural land, they will be consistent with Coastal Act requirements.

## 4. Policy 5.6 Permitted Uses on Non-Prime Lands Designated Agriculture

The proposed amendment adds five uses and deletes one from the LUP's "Agriculture" designation for non-prime lands: adds residential additions, multi-family affordable housing, uses anallary to agriculture, dog kennels, quarries, and deletes solid waste disposal sites. Coastal Act Section 30242 allows conversion of non-prime agricultural lands under certain circumstances. These circumstances are reflected in Policy 5.10 which is not being amended.

Nevertheless, one use in particular (quarries) would eliminate any agricultural potential existing on its site, and could have significant impacts (dust, traffic, noise) on nearby agricultural uses as well. Since the only (abandoned) quarry in the coastal zone is already located in a zone (RM) where it is permitted, and no other quarry-able minerals have been identified, the identification of quarries as a permitted use on agricultural lands is at least premature and probably unnecessary.

If the amendment were modified to delete one use (quarries) which is clearly in conflict with agriculture, it could be approved.

## 5. Policy 5.8 Conversion Criteria for Prime Land

The proposed amendment would allow oil and gas facilities to convert prime lands if no other alternative site were available on the parcel. Sections 30241 and 30263 of the Coastal Act require protection of the maximum amount of prime agricultural land, and non-coastal-dependent oil industry is permitted if it can meet several tests.



Conversion of prime agricultural land is not specifically permitted by Coastal Act policy, however, the implications of many policies (30241, 30255, 30262) suggest priority for prime agriculture over virtually all other uses. An amendment which would in effect give priority to any oil and gas development on all prime lands (by displacing the agriculture if there is a conflict between the uses) is not consistent with the Coastal Act.

If the amendment were modified to reflect more limited permission for oil and gas facilities (see discussions of Policy 4.3 and 5.5, above), it could be approved.

#### 6. Policy 7.13 Wetland Buffer Zones

The proposal amendment would reduce the buffer zone around wetlands from 100 ft. to 50 ft. Coastal Act Sections 30231 and 30240 require protection for the biological productivity, water quality, habitat values, and recreational values of coastal wetlands.

San Mateo County has some of the coastal zone's most valuable wetlands, not all of which are in public ownership. The identification of a suitable and significant buffer area within which runoff can be controlled, vegetative barriers can be maintained, access can be limited and development can be minimized are critical and necessary part of wetland protection under the Coastal Act. Substantial Commission research and experience (culminating in the Interpretive Guidelines of 2/4/81) has found that a buffer area generally 100 ft. wide is needed to assure that wetland protection can be provided for, though site conditions may dictate a larger area or allow a smaller area if it can provide equal resource protection.

As proposed, therefore, the amendment is not consistent with Coastal Act requirements,. If it were modified to include the "equally protective" concept to justify any specific reduction of buffers, it could be approved.

#### 7. PAD Section 6351.F Definiton of Uses Accessory to Agriculture

The proposed amendment identifies "private stables" as an agriculture related use. Land Use Plan policy 5.5 which includes this use is discussed in Finding #3.

As proposed the identification of all private stables as an accessory to agricultural use is improperly broad, thereby threatening some agricultural operations and soils. If the amendment were modified to stress farm-related uses, it could be approved.

#### 8. PAD Sections 6353.A.5 and 6355.D.5 Oil and Gas Facilities

The proposed amendments allow oil and gas exploration, production, and storage on prime lands. Land Use Plan policies 5.5 and 5.8 which include these uses are discussed above in Findings #3 and #5.

As proposed, the permissibility of a wide variety of oil and gas facilities on prime lands, and the priority for some of these facilities over agriculture are inconsistent with Coastal Act protection for the maximum amount of prime land and requirements for oil and gas facilities. If the amendments were modified to limit oil storage and to protect prime soils, they could be approved.

9. COSC Section 6227.a.3 Permitted Uses

The proposed amendment adds single family dwellings as a permitted use in the urban open space zone district. No LUP policy is referenced, but one area zoned COSC is designated General Open Space in the Land Use Plan, which permits residential use at a density of one unit per 40-160 acres. The sites in question are one to six acres in size.

As proposed, the amendment makes the clear land use designation of open space confusing. If residential uses are permitted, and the only possible residential density range is substantially higher than identified in the LUP, the amendment clearly does not carry out the certified plan. Several possible modifications would eliminate this confusion and still meet the requirements for open space and community compatibility contained in the land use designation.

If modified to eliminate the potential for residential subdivision, and to make a residences a conditional rather than permitted use, the amendment could be approved.

RESOLUTION III: CONDITIONAL APPROVAL OF TEN AMENDMENTS TO THE CERTIFIED LOCAL COASTAL PLAN

MOTION: I move that the Commission conditionally certify ten amendments to the San Mateo County Local Coastal Program as identified in Resolution III of the staff recommendation dated November 20, 1981.

(Staff recommends a YES vote. Seven votes are required for approval.)

RESOLUTION III: The Commission hereby conditionally certifies ten amendments to the certified San Mateo County LCP according to the following conditions and for the following reasons discussed below on the grounds that, as conditioned, the amendments meet the requirements of and are in conformity with the provisions of Chapter 3 (Sections 30200-30264) and Section 30513(a) (Chapter 6) of the Coastal Act. Approval of the amendments as conditioned would not cause significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with the California Environmental Quality Act.

CONDITIONS

1. Amendment to Policy 3.13 Delete exception #4, so that nonhazardous farm labor housing cannot be demolished without replacement.
2. Amendment to Policy 3.24 Add "and the standards of Policy 3.28" to the end of this policy, to clarify its intent to require second-units to be affordable.
3. Amendment to Policy 5.5 Replace the term "private stables" in 5.5 with "stables for farm animals", to clarify its intent to be an agriculture related use. Insert the words "minimum necessary related" before "storage" in 5.5(b)(5), to clarify that storage is permitted only in conjunction with oil or gas production on site.
4. Amendment to Policy 5.6 Delete item (b) (15) so that quarries will not be permitted on agricultural lands.
5. Amendment to Policy 5.8 Insert the words "minimum necessary related" before "storage", and add "except that no wells shall be located on prime soil" to 5.8(5); these changes are necessary for consistency with LUP policies 4.3 and 5.5.
6. Amendment to Policy 7.18 Replace this policy with the following language which will allow buffers to be varied in a manner fully protective of wetlands, yet reflecting site conditions:

"Buffer zones shall extend a minimum of 100 feet landward from the outermost line of wetland vegetation. This setback may be reduced to no less than 50 feet only where 1) no alternative development site or design is possible; and 2) adequacy of the alternative setback to protect wetland resources is conclusively demonstrated by a professional biologist to the satisfaction of the County and the State Department of Fish and Game. A larger setback shall be required as necessary to maintain the functional capacity of the wetland ecosystem".

7. Amendment to PAD Section 6351.F Replace the term "private stables" with "stables for farm animals" consistent with LUP policy 5.5 and Condition #3.
8. Amendment to PAD Section 6353.A.5 Insert the words "minimum necessary related" before "storage", and add "except that no wells shall be located on prime soil"; these changes are necessary for consistency with LUP policy 5.8 and Condition #5.
9. Amendment to PAD Section 6355.D.5 Revise as follows: "Permissible onshore oil and gas exploration, production, and storage facilities," for consistency with Conditions #3, 5, and 8.
10. Amendment to COSC Section 6267.a Revise this section by deleting Section (a) (3) (single family residences as a permitted use) and inserting new sections (b) (5) and (b) (6) as follows:
- "(5) One single family residence per parcel less than 40 acres in size.
- (6) Divisions of land, except that no residential uses shall be permitted on a parcel recorded after 12/1/81".

#### FINDINGS

1. As conditioned, the amendments to Housing Component policies 3.13 and 3.24 are consistent with Coastal Act requirements because they protect housing opportunities for low and moderate income persons in agricultural areas, and provide such opportunities in a feasible manner in urbanized areas of the San Mateo Midcoast. Absent such conditions, these amendments could not be approved.
2. As conditioned, the amendments to Agriculture Component policies 5.5, 5.6, and 5.8 are consistent with Coastal Act requirements because they protect prime agricultural lands by permitting only those uses and conversion which are fully compatible with continued agricultural uses on site and on adjacent lands. Absent necessary clarifications, these amendments could not be approved.
3. As conditioned, the amendment to Sensitive Habitats Component policy 7.18 is consistent with Coastal Act requirements because it adequately provides protection for wetlands from the impacts of adjacent uses. Without modifications this amendment would reduce wetland protection and could not be approved.
4. As conditioned, the amendments to Planned Agriculture District Ordinance sections 6351.F, 6353.A.5, and 6355.D.5 are consistent with, and are adequate to carry out, policies of the certified San Mateo County Land Use Plan regarding farm-related uses and oil and gas facilities in agricultural areas. Absent such conditions, these ordinance amendments could not be approved.
5. As conditioned the amendment to Community Open Space Conservation District Ordinance section 6267 is consistent with, and adequate to carry out, policies and land use designations for urban open space areas to which the district is applied in the certified San Mateo County Land Use Plan. If such conditions were not applied, the proposed ordinance amendment could not be approved.

# ATTACHMENT A

## AMENDMENTS TO THE COUNTY LCP PUBLIC WORKS COMPONENT

### Policy 2.13. Coordination with the City of Half Moon Bay

Coordinate with the City of Half Moon Bay's certified Local Coastal Plan to take into consideration the policies of the City's LCP when determining: (1) Phase I sewer and water capacity and (2) when and how much to increase the capacity of all public works facilities after Phase I.

### Policy 2.19

- a. Require, as a condition of permit approval, that the Phase I capacity be allocated as follows: (1) .6 mgd adwf to the Granada Sanitary District and (2) .4 mgd adwf to the Montara Sanitary District until the City of Half Moon Bay's Local Coastal Plan is certified.
- b. After certification of the City of Half Moon Bay's Local Coastal Plan, and receipt from the City the information requested in 2.19(f), the allocations in 2.19(a) shall be amended so that capacity is allocated among the member agencies in proportion to the member agencies' respective service needs as identified in both the County and City certified Local Coastal Programs.
- c. Service need shall be defined as the ultimate need for sewage treatment capacity required to implement the buildout of the entire Land Use Plan portion of the City and County Local Coastal Programs.
- d. Need for the Granada and Montara Sanitary Districts shall be as shown on Tables 2.3 and 2.4 as amended to reflect changes in the Land Use Plan since they were prepared.
- e. Amend Tables 2.3 and 2.4 whenever all amendments to the certified Land Use Plan which affect these tables are approved by the Coastal Commission.
- f. Request the City of Half Moon Bay to submit information to the County on the: (1) population, dwelling units and acreages of non-residential land uses permitted at buildout of their land use plan and (2) sewage generation factors used to estimate need for sewage treatment capacity at buildout.
- g. Allow consideration of amendments to the sewage treatment allocations whenever an amendment to the certified City or County Local Coastal Programs is approved by the Coastal Commission.

### MID-COAST WATER SUPPLY

### Policy 2.28. Phase I Capacity Allocations

Require, as a condition of permit approval, that Phase I capacity to a particular area does not exceed the proportion of buildout that Phase I sewage treatment allocations permit. ~~Require that Phase I capacity allocations do not exceed the water supply which can be seweraged by (1) .4 mgd adwf sewer capacity in Montara-Moss-Beach-(CUG), (2) .6 mgd adwf sewer capacity in Pineetun-El-Granada-(CCWD), and (3) 1.0 mgd adwf sewer capacity in Half-Moon-Bay-(CCWD).~~

2-53-Regulating-Truck-Traffic

Require, as a condition of development permits to develop or expand their operations, that logging, quarrying and heavy industries, such as oil drilling, prohibit trucks from entering or leaving their premises between 7:00 and 9:00 a.m. and 4:00 to 6:00 p.m.

# \* AMENDMENTS TO THE HOUSING COMPONENT

## \* 3.13 Demolition of Existing Structures

- a. --- ~~Prohibit the demolition of structures providing housing for low and moderate income persons when the structure(s) can be feasibly rehabilitated. --- To the extent of available public resources, provide for the rehabilitation of such structures.~~
- b. --- ~~When demolition is permitted, require replacement of lost affordable housing opportunities in an appropriate location.~~

Prohibit the demolition of structures providing affordable housing, unless: (1) the structure poses a serious health and safety hazard, cannot feasibly be rehabilitated and the County requires demolition; (2) the structure was built in violation of the zoning and building codes, cannot be brought into conformance with the building code through rehabilitation and the zoning ordinance through Policies 3.24 and 3.27 and the County requires demolition; (3) the landowner undertakes the demolition to build a house for his/her own habitation and executes a recordable agreement with the County that this is his/her intent; (4) the landowner undertakes the demolition to construct on the same site a building customarily considered accessory to agricultural use or (5) the person undertaking the demolition provides replacement affordable housing which is similar in size and location to the demolished structure.

## \* 3.24 Second Units in R-1 Zoning Districts in the Mid-Coast

Through a use permit procedure in R-1 zoning districts, permit a second unit to be constructed on legal, conforming lots as a modification or addition to a single-family dwelling, provided it meets S-17 zoning district regulations, ~~and the owner takes appropriate steps to insure that he and any successors will~~

- a. --- ~~Rent the additional unit for a monthly contract rent less than or equal to 10% of the current Section 8 fair market rent for existing housing, as established by HUD.~~
- b. --- ~~Each time the unit is rented, make a good faith effort to locate and rent to low and moderate income persons. --- A "good faith effort" shall mean, at a minimum, contacting the County Housing Authority and other agencies providing housing services to low and moderate income families to notify them of the unit's availability and to determine if there are low and moderate income persons seeking housing in the general area in which the unit is located.~~
- c. --- ~~Enter into a Section 8 housing assistance payments contract with the County Housing Authority if one is offered and housing subsidy funds are available.~~

\* 3.25 Density Bonus for Lot Consolidation in the Mid-Coast

Grant developers and/or property owners a 33% density bonus over what the R-1/S-17 zoning ordinance would normally allow when they do all of the following:

- (1) Consolidate contiguous lots to create lots which exceed the minimum lot area required by the zoning.
- (2) Provide a minimum lot area per dwelling unit of 3,500 sq. ft.
- (3) Meet the S-17 zoning district regulations.
- (4) Design development to be visually compatible within a single-family neighborhood.
- (5) Reserve the additional units permitted by the density bonus for low and moderate income households and accept the income, rent and cost controls set forth in Policy 3.28 and the guarantees of continued affordability set forth in Policy 3.29.



# \* AMENDMENT TO THE ENERGY COMPONENT

## OIL AND GAS WELLS (ONSHORE)

### General Regulations

#### 4.1 Permit Requirement

Require the issuance of Coastal Development Permit for the drilling, sinking, or boring of any well, hole, or bore for oil or gas or any other hydrocarbon substance, in the Coastal Zone. Permitted oil and gas well development shall be in accordance with all relevant Local Coastal Plan policies.

#### 4.2 Regulation of Oil and Gas Wells

- a. Revise the oil and gas well chapter of the County's Zoning Ordinance to reflect Coastal Act policies. Use the ordinance as the principle implementation device for regulating oil and gas well development.
- b. Recognize the State Division of Oil and Gas as the primary regulatory authority for oil and gas well development.
- c. Require all permits to conform to Division of Oil and Gas regulations and regulations of other responsible State agencies.
- d. In revising the County ordinance, do not supersede, duplicate, or exceed controls of these State agencies.

### Locational Criteria

#### 4.3 Appropriate Locations

- a. Prospect drilling and production of oil and gas wells may be permitted by oil and gas well permit in the following zones: Resource Management (RM), Timber Preserve Zone (TPZ), Planned Agricultural District (PAD), Heavy Industrial (M-2), Agricultural (A-1), and Exclusive Agricultural (A-2). Unless acceptable mitigation measures to the maximum feasible extent can be undertaken, prohibit wells and appurtenant facilities from locating in scenic corridors, hazardous areas, and recreation areas. Prohibit wells on-prime-agricultural soils-and-in sensitive habitats.
- b. Where drilling sites are located adjacent to sensitive habitat areas, prime agricultural soils, recreation areas, residential or hazardous areas, require mitigation to the maximum extent feasible to protect the adjacent resources.
- c. Require as far as practicable, consolidation of oil and gas well facilities.

# \* AMENDMENTS TO THE AGRICULTURE COMPONENT

## \* 5.5 Permitted Uses on Prime Agricultural Lands Designated as Agriculture

- a. Permit agricultural and agriculturally related development on prime soils agricultural lands. Specifically, allow only the following uses: (1) agriculture including but not limited to, the cultivation of food, fiber or flowers, and the grazing, growing, or pasturing of livestock; (2) non-residential development customarily considered accessory to agricultural uses including barns, storage/equipment sheds, private stables, fences, water wells, well covers, pump houses, and water storage tanks, water impoundments, water pollution control facilities for agricultural purposes; and (3) soil dependent greenhouses and nurseries, and (4) repairs, alterations, and additions to existing single-family residences.
- b. Conditionally allow the following uses: (1) single-family residences, (2) farm labor housing, (3) public recreation/shoreline access trail, and (4) non-soil dependent greenhouses and nurseries, ~~(5) solid waste disposal sites necessary for the health, safety and welfare of the County,~~ (5) onshore oil and gas exploration, production, and storage.

## \* 5.6 Permitted Uses on Other Lands Suitable for Agriculture Designated as Agriculture

- a. Permit agricultural and agriculturally related development on non-prime soils, land suitable for agriculture. Specifically, allow only the following uses: (1) agriculture including but not limited to, the cultivation of food, fiber or flowers, and the grazing, growing, or pasturing of livestock; (2) non-residential development customarily considered accessory to agricultural uses including barns, storage/equipment sheds, fences, water wells, well covers, pump houses, water storage tanks, water impoundments, water pollution control facilities for agricultural purposes; (3) dairies; and (4) greenhouses and nurseries, and (5) repairs, alterations, and additions to existing single-family residences.
- b. Conditionally allow the following uses: (1) single-family residences, (2) farm labor housing, (3) multi-family residences if for affordable housing, (4) public recreation, (5) schools, (6) fire stations, (7) commercial recreation including country inns, stables, riding academies, campgrounds, rod and gun clubs, and private beaches, (8) aquacultural activities, (9) wineries, (10) timber harvesting and commercial wood lots, (11) onshore oil and gas exploration, production, and storage, (12) agricultural processing plants, and ~~(12) solid waste disposal sites necessary for the health, safety and welfare of the County,~~ (13) uses ancillary to agriculture, (14) dog kennels and breeding facilities, and (15) quarries.

# \* AGRICULTURE

## 5.8 Conversion of Prime Agricultural Land Designated as Agriculture

Prohibit conversion of prime agricultural land within a parcel to conditionally permitted uses unless it can be demonstrated that no alternative building site exists on a parcel for:

- (1) a single-family residence.
- (2) farm labor housing.
- (3) a recreation facility on land owned by a public agency if:
  - (a) The agency, as a condition of approval of the Planned Agricultural Permit executes a recordable agreement with the County that all prime agricultural land and other land suitable for agriculture which is not needed for recreational development or for the protection and vital functioning of a sensitive habitat will be permanently protected.
  - (b) The agency, whenever legally feasible, agrees to lease the maximum amount of agricultural land to active farm-operators on terms compatible with the primary recreational and habitat use.
- (4) a shoreline access trail.
- (5) onshore oil and gas exploration, production, and storage.



# AMENDMENT TO SENSITIVE HABITATS COMPONENT

## 7.18 Establishment of Buffer Zones

Extend a buffer zone ~~100~~ 50 feet outward from the line of typical wetland vegetation.

## 7.19 Permitted Uses in Buffer Zones

Within buffer zones, permit the following uses only: (1) uses allowed within wetlands (Policy 7.16) and (2) public trails, scenic overlooks, and agricultural uses that produce no impact on the adjacent wetlands.

\* AMENDMENT TO AFFORDABLE HOUSING DISTRICT  
ORDINANCE

Section 1. Section 6300.3 is hereby repealed. ~~added to Chapter 20 of Part One of Division VI of the San Mateo County Ordinance Code to read as follows:~~

SECTION 6300.3---REGULATIONS FOR "S-5-A" COMBINING DISTRICT

~~The following regulations shall apply in any zone district with which the "S-5-A" is combined.~~

~~1.---MINIMUM BUILDING SITE~~

~~Minimum lot area---20,000-sq.-ft.~~

~~2.---MINIMUM LOT AREA PER DWELLING UNIT~~

~~a.---Minimum lot area per dwelling unit---2,500-sq.-ft.~~

~~b.---In order to facilitate the provision of affordable housing, maximum lot area per dwelling unit shall not exceed 5,000-sq.-ft.~~

~~3.---DEVELOPMENT STANDARDS~~

~~Areas where the S-5-A District is applied have potential to provide significant affordable housing opportunities when developed for residential use. The zoning requirements incorporate a density bonus to encourage residential uses of benefit to the surrounding community. Development plans must be submitted for an entire site (but may provide for staged construction) in order to assure the community adequate review of proposed projects. All S-5-A Districts combined with the GD District will be subject to the standards of the San Mateo County Local Coastal Program.~~

Section 2. ~~This Ordinance shall be in full force and effect thirty (30) days after its passage.~~

Replace the S-5-A (Combining District) with the R-3-A District.

Section 1. Chapter 8.5 is hereby added to Part One of Division VI of the San Mateo County Zoning Ordinance to read as follows:

# \*R-3-A

## CHAPTER 8.5 - "R-3-A" Districts (Affordable Housing Districts)

Section 6182. REGULATIONS FOR "R-3-A" DISTRICTS. The following regulations shall apply in all "R-3-A" Districts and shall be subject to the provisions of Chapter 22 of this Part.

Section 6183. PURPOSE. The purpose of the "R-3-A" District is to provide opportunities for low and moderate income households within new residential developments on designated sites.

### Section 6184. USES PERMITTED.

- (a) A use permit, as provided in Chapter 24 of this Part, shall be required for all uses in "R-3-A" Districts.
- (b) The granting of a use permit as required in Section 6184(a) shall be based on the required finding, in addition to those specified in Chapter 24 of this Part, that the residential development complies with Policies 3.19, 3.28, and 3.29 of the Local Coastal Plan Housing Component.
- (c) Prior to granting a use permit for any parcel, the granting authority shall require the owner of that parcel to submit for approval a development plan for that parcel. The development plan shall show: property lines; streets and parking; building sites and all proposed structures; building elevations; the number, size, location and method of financing of affordable housing units; landscaping plans, recreation facilities; and the reserved open space. Development shall be permitted in phases, but future development shall conform to the approved development plan.
- (d) The following uses shall be permitted in the R-3-A District:
1. One family dwellings.
  2. Multiple family dwellings.
  3. Accessory buildings and accessory uses appurtenant to a residential use, provided, however, that such accessory buildings shall not be constructed until the main building shall have been constructed.
  4. Institutional facilities, including but not limited to the following:
    - a. Community centers.
    - b. Day care centers.

Section 2. This Ordinance shall be in full force and effect thirty (30) days after its passage.

# \* AMENDMENTS TO PLANNED AGRICULTURAL DISTRICT ORDINANCE

## CHAPTER 21A. PLANNED AGRICULTURAL DISTRICT

SECTION 6350. PURPOSE OF THE PLANNED AGRICULTURAL DISTRICT. The purpose of the Planned Agricultural District is to: (1) preserve and foster existing and potential agricultural operations in San Mateo County in order to keep the maximum amount of prime agricultural land and all other lands suitable for agriculture in agricultural production, and (2) minimize conflicts between agricultural and non-agricultural land uses by employing all of the following techniques:

- (a) establishing stable boundaries separating urban and rural areas, and, when necessary, clearly defined buffer areas,
- (b) limiting conversions of agricultural lands around the periphery of urban areas to lands where the viability of existing agricultural use has already been severely limited by conflicts with urban uses and where the conversion of such land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development,
- (c) developing available lands not suitable for agriculture before converting agricultural lands,
- (d) assuring that public service and facility expansions and non-agricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality, and
- (e) assuring that all divisions of prime agricultural land (except those stated in (b)) and all adjacent development does not diminish the productivity of prime agricultural lands and other land suitable for agriculture.

SECTION 6351. DEFINITIONS. For the purposes of this Chapter, certain terms used herein are defined as follows:

A. Prime Agricultural Land

1. All land which qualifies for rating as Class I or Class II in the U.S. Department of Agriculture Soil Conservation Service Land Use Compatibility Classification, as well as all Class III lands capable of growing artichokes and Brussels sprouts.
2. All land which qualifies for rating 80-100 in the Storie Index Rating.
3. Land which supports livestock use for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the U.S. Department of Agriculture.
4. Land planted with fruit or nut bearing trees, vines, bushes, or crops which have a non-bearing period of less than five years and which normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$200 per acre.
5. Land which has returned from the production of an unprocessed agricultural plant product on an annual value that is not less than \$200 per acre within three of the five previous years.

The Williamson Act definition of \$200/acre gross yield for three of the preceding five years shall be interpreted to imply an inflation adjustment using 1965 as the base year (i.e., this will adjust upward the \$200 figure to a 1980 figure that reflects current costs with respect to 1965 dollars). The \$200 figure will be adjusted regularly to reflect a recognized Consumer Price Index.

B. Other Lands Suitable for Agriculture

Land other than Prime Agricultural Land on which existing or potential agricultural use is feasible, including dry farming, animal grazing, and timber harvesting.

C. Other Lands

Any portion of a parcel in the Planned Agricultural District which does not meet the definition of Prime Agricultural Land or Lands Suitable for Agriculture.

D. Agriculture

Activities, including, but not limited to, the cultivation of food, fiber, or flowers, and the grazing, growing or pasturing of livestock.

Minor

Minor





E. Uses Ancillary to Agriculture

Agricultural grading equipment supplies, agricultural rental supplies, topsoil stockpiling, and other similar uses determined to be appropriate by the Planning Director.



F. Non-Residential Development Customarily Considered Accessory to Agricultural Uses

Barns, storage/equipment sheds, private stables, fences, water wells, well covers, pump houses, water storage tanks, water impoundments, water pollution control facilities for agricultural purposes, and other similar uses determined to be appropriate by the Planning Director.

Minor

G. Commercial Recreation

Country inns, commercial stables, riding academies, campgrounds, rod and gun clubs, private beaches, food/gasoline/telephone services, hostels, and other similar uses determined to be appropriate by the Planning Commission.

Minor

H. Public Recreation

Lands and facilities serving primarily a recreation function which are operated by public agencies or other non-profit organizations. Public recreation facilities include, but are not limited to, public beaches, parks, recreation areas, natural preserves, wild areas and trails.

I. Land Division

The creation of any new property line whether by subdivision or other means.

J. Density Credit

The maximum number of land divisions permitted for a parcel computed in accordance with Section 6356. For Public and Commercial Recreation uses, each density credit equals 630 gallons per day of water. For all other uses, each density credit equals 315 gallons per day of water. Credits may be combined for uses on a single parcel if the number of land divisions permitted is reduced accordingly; however, only one credit shall be assigned to an agricultural parcel. Only one dwelling unit or non-agricultural use shall be permitted per parcel.

K. Feasible

Capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, environmental, social, and technological factors.

L. Non-Agricultural Parcel

After a Master Land Division Plan has been approved, the parcels which may be used for non-agricultural purposes.

M. Agricultural Parcel

After a Master Land Division Plan has been approved, the remaining, large residual parcel restricted to agricultural uses by an easement as specified in Section 6361 B.

SECTION 6352. USES PERMITTED. The following uses are permitted in the PAD:

A. On Prime Agricultural Lands

1. Agriculture.
2. Non-residential development customarily considered accessory to agricultural uses.
3. Soil dependent greenhouses and nurseries provided that a soil management plan is prepared showing how open prime soils on the site will be preserved and how soils will be returned to their original condition when operations cease.
4. Repairs, alterations, and additions to existing single-family residences.

B. On Other Land Suitable for Agriculture and Other Lands

1. Agriculture.
2. Non-residential development customarily considered accessory to agricultural uses.
3. Dairies.
4. Greenhouses and nurseries.
5. Repairs, alterations, and additions to existing single-family residences.

SECTION 6353. USES PERMITTED SUBJECT TO THE ISSUANCE OF A PLANNED AGRICULTURAL PERMIT. The following uses are permitted in the PAD subject to the issuance of a Planned Agricultural Permit, which shall be issued in accordance with the criteria set forth in Section 6355 of this Ordinance.

Applications for Planned Agricultural Permits shall be made to the County Planning Commission and shall be considered in accordance with the procedures prescribed by the San Mateo County Zoning Ordinance for the issuance of use permits and shall be subject to the same fees prescribed therefore.

A. On Prime Agricultural Lands

1. Single-family residences.
2. Farm labor housing.
3. Public recreation/shoreline access trail (see Section 6355.C.3 and 4).
4. Non-soil dependent greenhouses and nurseries if no alternative building site on the parcel exists.
- \* 5. Onshore oil and gas exploration, production, and storage subject to the issuance of an oil well permit.

B. On Other Lands Suitable for Agriculture and Other Lands

1. Single-family residences.
2. Farm labor housing.
- \* 3. Multi-family residences if for affordable housing.
4. Public recreation/shoreline access trail (see Section 6355.C.3 and 4).
5. Schools.
6. Fire stations.
7. Commercial recreation.
8. Aquacultural activities.
9. Wineries: provided that the annual storage capacity shall not exceed 10,000 gallons, the annual fermentation capacity shall not exceed 5,000 gallons, and the annual bottling shall not exceed 2,500 cases of wine; the only retail sales permitted will be those of wines produced on the premises.
10. Timber harvesting and commercial wood lots subject to the issuance of a timber harvesting permit.
11. Onshore oil and gas exploration, production, and storage subject to the issuance of an oil well permit.
12. Agricultural processing plants.
- \* 13. Uses ancillary to agriculture.
- \* 14. Dog kennels and breeding facilities.
- \* 15. Quarries subject to the issuance of a quarry permit.

\* PAD

SECTION 6354. LAND DIVISIONS. All land divisions permitted in the PAD are subject to the issuance of a Planned Agricultural Permit.

SECTION 6355. SUBSTANTIVE CRITERIA FOR ISSUANCE OF A PLANNED AGRICULTURAL PERMIT. It shall be the responsibility of an applicant for a Planned Agricultural Permit to provide factual evidence which demonstrates that any proposed land division or conversion of land from an agricultural use will result in uses which are consistent with the purpose of the Planned Agricultural District, as set forth in Section 6350. In addition, each application for a division or conversion of land shall be approved only if found consistent with the following criteria:

A. General Criteria

1. The encroachment of all development upon land which is suitable for agricultural use shall be minimized.
2. All development permitted on a site shall be clustered.
3. Every project shall conform to the Development Review Criteria contained in Chapter 20A.2 of the San Mateo County Ordinance Code.

B. Water Supply Criteria

1. The existing availability of a potable and adequate on-site well water source for all non-agricultural uses is demonstrated.
2. Adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed are not diminished.
3. All new non-agricultural parcels are severed from land bordering a stream and their deeds prohibit the transfer of riparian rights.

C. Criteria for the Division of Prime Agricultural Land

1. Prime Agricultural Land which covers an entire parcel shall not be divided.
2. Prime Agricultural Land within a parcel shall not be divided unless it can be demonstrated that existing or potential agricultural productivity of all resulting parcels would not be diminished.
3. Prime Agricultural Land within a parcel will not be divided when the only building site would be on such Prime Agricultural Land.

D. Criteria for the Conversion of Prime Agricultural Lands

Prime Agricultural Land within a parcel shall not be converted to

uses permitted by a Planned Agricultural Permit unless it can be demonstrated that no alternative building site exists on a parcel for:

1. a single-family residence.
2. farm labor housing.
3. a recreation facility on land owned by a public agency before the effective date of this Ordinance, and
  - (a) The agency, as a condition of approval of the Planned Agricultural Permit, executes a recordable agreement with the County that all prime agricultural land and other land suitable for agriculture which is not needed for recreational development or for the protection and vital functioning of a sensitive habitat will be permanently protected.
  - (b) The agency, whenever legally feasible, agrees to lease the maximum amount of agricultural land to active farm operators on terms compatible with the primary recreational and habitat use.
4. a shoreline access trail.
5. onshore oil and gas exploration, production, and storage.



E. Criteria for the Division of Other Lands Suitable for Agriculture and Other Lands

Minor

Other Lands suitable for agriculture and other lands shall not be divided unless it can be demonstrated that existing or potential agricultural productivity of any resulting agricultural parcel would not be diminished.

F. Criteria for the Conversion of Other Lands Suitable for Agriculture and Other Lands

Minor

All other lands suitable for agriculture and other lands within a parcel shall not be converted to uses permitted by a Planned Agricultural Permit unless all of the following criteria are met:

1. all agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable, and
2. continued or renewed agricultural use of the soils is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors (Section 30108 of the Coastal Act), and
3. clearly defined buffer areas are developed between agricultural and non-agricultural uses, and

4. the productivity of any adjacent agricultural lands is not diminished, including the ability of the land to sustain dry farming or animal grazing, and
5. public service and facility expansions and permitted uses do not impair agricultural viability, either through increased assessment costs or degraded air and water quality, and
6. in addition, for parcels adjacent to urban areas, the viability of agricultural uses is severely limited by conflicts with urban uses, and the conversion of land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

**SECTION 6356. MAXIMUM DENSITY OF DEVELOPMENT.** In the Planned Agricultural District, for purposes of determining the maximum total number of density credits accumulated on any parcel, the following system shall be used:

The total parcel shall be compared against the criteria of this Section in the order listed. Any segment of a parcel to which a criterion first applies shall be allowed a maximum accumulation of that density. Once considered under a criterion, a segment of the parcel shall not be considered under subsequent criteria. When the applicable criteria have been determined for each of the areas, any portion of the parcel which has not yet been assigned a maximum density accumulation shall be assigned a density of 1 density credit per 40 acres.

The sum of densities accrued under all applicable categories shall constitute the maximum density of development permissible under this Section. If the fractional portion of the number of density credits allowed is equal to or greater than .5, the total number of density credits allowed shall be rounded up to the next whole density credit. If the fraction is less than .5, the fractional unit shall be deleted. All legal parcels shall accumulate at least 1 density credit.

In order to equate the density accrued for different uses permitted in the PAD, one density credit shall equal 630 gallons/day of water for Public and Commercial Recreation uses and 315 gallons/day of water for all other uses. Any uses requiring more than 630 or 315 gallons/day of water shall consume the number of additional whole credits needed. When a Master Land Division Plan is approved, more than one density credit may be assigned to a new non-agricultural parcel if the number of permitted divisions is reduced accordingly; however, only one credit may be assigned to a new agricultural parcel.

The provisions of this Section will not apply to agriculture, farm labor housing, affordable housing as defined by Policy 3.26 of the Local Coastal Program, or other structures considered to be accessory to agriculture under the same ownership.

Minor

A. Prime Agricultural Lands

One density credit for that portion of a parcel which is Prime Agricultural Land as defined in Section 6351. For parcels with less than 160 acres of such land, density accumulation is proportioned on the basis of 1 credit per 160 acres.

B. Lands with Landslide Susceptibility

One density credit for that portion of a parcel which lies within any of the three least stable categories (categories V, VI and L) as shown on the U.S. Geological Survey Map MF 360, "Landslide susceptibility in San Mateo County." For parcels with less than 160 acres of such land, density accumulation is proportioned on the basis of 1 credit per 160 acres.

C. Land With Slope 50% or Greater

One density credit for that portion of a parcel which has a slope 50% or greater. For parcels with less than 160 acres of such land, density accumulation is proportioned on the basis of 1 credit per 160 acres.

D. Remote Lands

One density credit per 160 acres for that portion of a parcel over 1/2 mile from an existing, all-weather through public road which was in existence before the effective date of this Ordinance.

E. Land With Slope 30% But Less Than 50%

One density credit per 80 acres for that portion of a parcel which has a slope in excess of 30% but less than 50%.

F. Lands Within Rift Zones or Active Faults

One density credit per 80 acres for that portion of a parcel which is located within the rift zone or zone of fractured rock of an active fault as defined by the U.S. Geological Survey and mapped on USGS Map MF 355, "Active faults, probably active faults, and associated fracture zones in San Mateo County."

G. Lands Within 100 Year Flood Plain

One density credit per 60 acres for that portion of a parcel falling within a 100 year flood plain as defined by USGS. Where previous actions have eliminated such flood areas, the provisions of this subsection shall not apply.

H. Land With Slope 15% But Less Than 30%

One density credit per 60 acres for that portion of a parcel with a slope in excess of 15% but less than 30%.

I. Land Within Agricultural Preserves or Exclusive Agricultural Districts

One density credit per 60 acres for that portion of a parcel within agricultural preserves or the exclusive Agricultural Districts as defined in the adopted Resource Conservation Area Density Matrix policy.

J. All Other Lands

One density credit per 40 acres for that portion of a parcel not within the above areas.

SECTION 6357. DENSITY BONUS. In addition to the maximum density of development permitted, bonus densities shall be granted when contiguous parcels are combined to form a larger parcel. The bonuses for a proposed combination shall be calculated by determining the density credits permitted for each individual legal parcel and then granting a bonus based on the following table.

<u>Size of Original Legal Parcels to be Combined</u>	<u>Bonus</u>
Less than 40 acres	25%
40 acres or more	10%
Less than 40 acres and 40 acres or more (mixed combination)	10%

SECTION 6358. MAXIMUM HEIGHT OF STRUCTURES. In the Planned Agricultural District, no residential or commercial structure shall exceed three stories or 36 feet in height except as allowed by use permit provisions in Chapter 22, Article 2, Section 6405 of the San Mateo County Ordinance Code.

SECTION 6359. MINIMUM YARDS. In the absence of more restrictive provisions within this Ordinance, the minimum yards required in the Planned Agricultural District shall be as follows:

- Front: 50 feet
- Side: 20 feet
- Rear: 20 feet

SECTION 6360. PARCEL SIZE. The parcel size in the PAD shall be in accordance with the following:

A. Agricultural Parcels

For any parcel created after the effective date of this Ordinance which is to be used for agricultural purposes, the parcel size shall be as specified in the Planned Agricultural Permit issued pursuant to Section 6354 of this Ordinance.



**\* AMENDMENT TO COASTSIDE COMMERCIAL  
RECREATION DISTRICT ORDINANCE**

**CHAPTER 16.5. "CCR" DISTRICTS (COASTSIDE COMMERCIAL RECREATION DISTRICT).**

**Section 6265. REGULATIONS FOR "CCR" DISTRICTS.** The following regulations shall apply in all "CCR" districts and shall be subject to the provisions of Chapter 22 of this part.

**Section 6266. INTENT.** The CCR district is intended to limit and control the use and development of land designated as commercial recreation in the Local Coastal Program in order to establish commercial areas which:

- (a) are primarily oriented toward meeting the service and recreational needs of coastsiders, boat users and coastsiders seeking recreation;
- (b) are active and pedestrian-oriented, while meeting the need for safe and efficient automobile access and parking;
- (c) have an intimate, human scale;
- (d) have a unified design theme appropriate to their location;
- (e) size of the district permitting, have a balanced diversity of uses, within the limits of Section 6266(a);
- (f) provide public access to nearby coastal areas; and
- (g) protect coastal resources.

**Section 6267. USES PERMITTED.**

- (a) A use permit, as provided in Chapter 24 of this part, shall be required for uses in "CCR" districts. The requirement for a use permit shall apply to all new construction or upon alteration of, addition to, or change in occupancy or use of, a structure legally in existence prior to adoption of this Chapter.
- (b) The granting of a use permit as required in Section 6267(a) shall be based on the following required findings, in addition to those specified in Chapter 24 of this part:
  - 1. The design and operation of the proposed use will further the intent of this Chapter as stated in Section 6266.
  - 2. The design and operation of the proposed use will conform with the development standards stated in Section 6268.

# \*CCR

(c) Prior to granting a use permit for any parcel, the granting authority may require the owner of that parcel to submit a site plan for all lands owned or controlled by the owner, in total or in part, in the same CCR district. The site plan shall be reviewed and approved by the granting authority prior to approval of any use permit for property shown thereon. The site plan shall show ultimate development plans including: property lines; streets, parking, pedestrian and bicycle facilities; building sites and all proposed structures; reserved open space; coastal access routes; and major natural and man-made landscape features. In subsequent use permit applications, the owner or his/her successors in interest shall make reference to the approved site plan and explain any proposed changes to it.

(d) Lands in the "CCR District" ~~adjacent to the shoreline between the mean-high-tide-line and the nearest public road~~ shall be limited to the following visitor serving and commercial recreation uses:

1. Marinas.
2. Restaurants and bars associated with restaurants.
3. Hotels and motels.
4. Ship chandleries and marine supply stores.
5. Boat building and repair.
6. Harbor administration offices.
7. Public parking for shoreline access or recreation.
8. Fish processing and buying.

(e) The following visitor-serving and commercial recreation uses shall be permitted in that portion of the "CCR" districts not covered by paragraph (d), above:

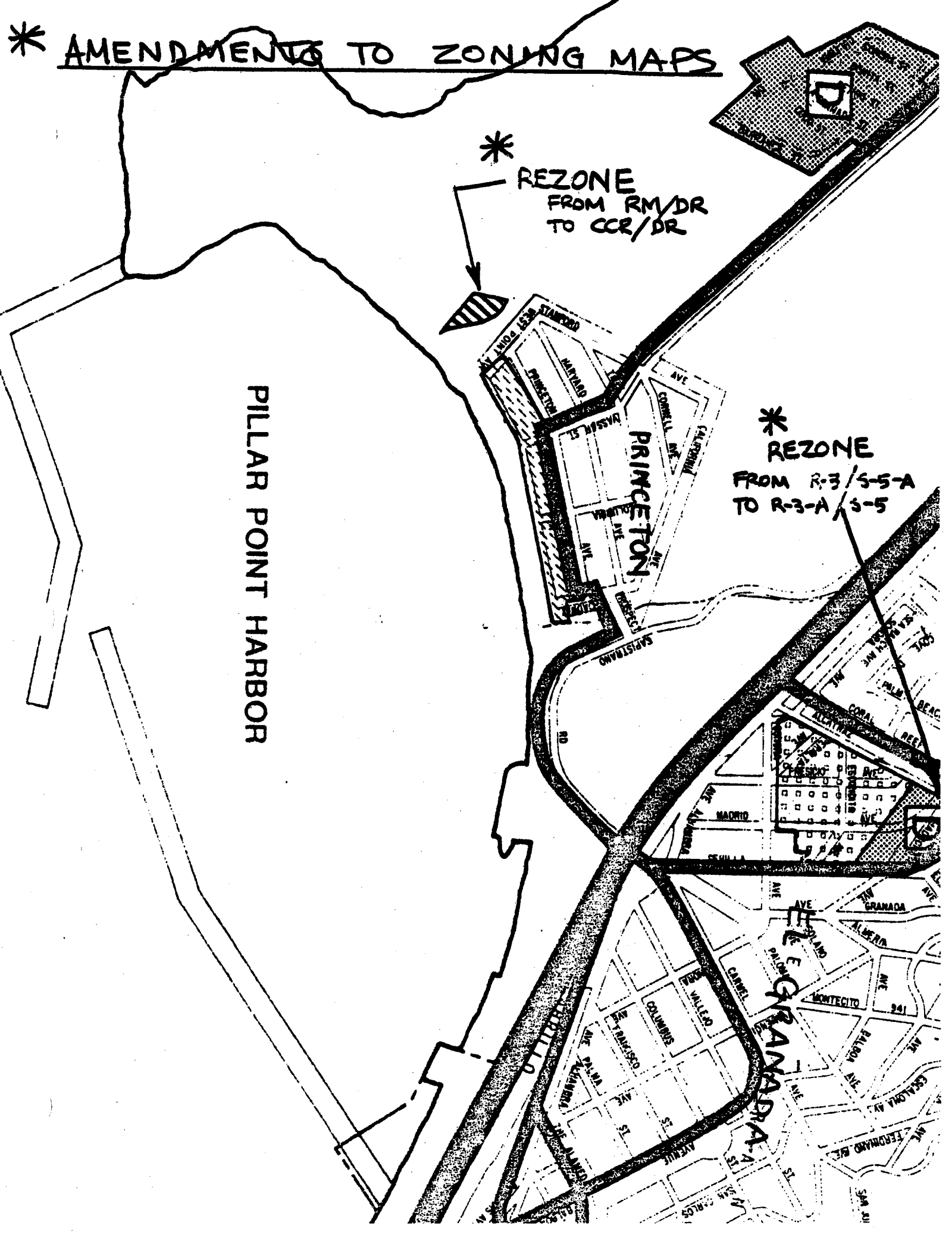
1. Residences above the first floor of a mixed use building.
2. Public restrooms.
3. Restaurants.
4. Bars.
5. Delicatessens, sandwich shops, bakeries, ice cream parlors, fish markets, wine and liquor stores, and small grocery stores, not exceeding 2,500 sq. ft. of total floor area.
6. Gasoline service stations provided such stations are located at or near the limits of CCR districts or on major highways.
7. Hotels and motels.
8. Bait and tackle shops.
9. Ship chandleries and marine supply stores.
10. Specialty shops retailing such items as books, clothing, antiques, gifts, sporting goods, cameras, photography, paintings and souvenirs, and not exceeding 2,500 sq. ft. of total floor area.
11. The sale or rental of bicycles, diving gear, small boats, and other recreational equipment which does not require licensing by the State Department of Motor Vehicles.
12. Other uses determined by the Planning Director to be (a) primarily visitor-serving or of a commercial recreation nature, and (b) compatible with surrounding uses.

# \* AMENDMENTS TO ZONING MAPS

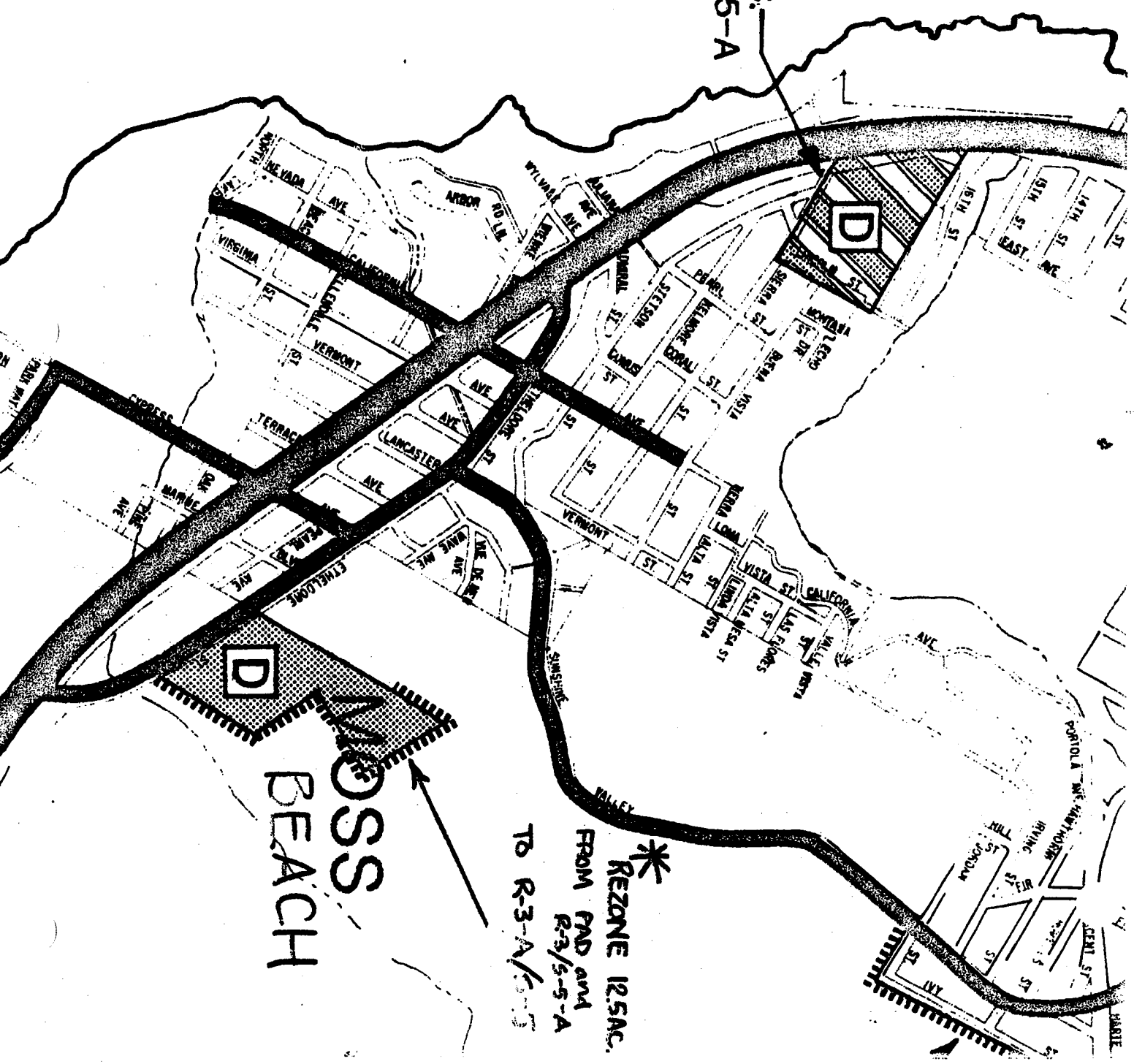
\* REZONE FROM RM/DR TO CCR/DR

\* REZONE FROM R-3/S-5-A TO R-3-A/S-5

PILLAR POINT HARBOR



\* ZONE: CHANGE 6 AC.  
FROM R-3/S-5-A  
TO R-3-A/5-5



MOSS  
BEACH

\* REZONE 125 AC.  
FROM PAD and  
R-3/S-5-A  
TO R-3-A/5-5

# \* AMENDMENT TO "COSC" DISTRICT ORDINANCE

## CHAPTER 12.5. COSC" DISTRICT (COMMUNITY OPEN SPACE CONSERVATION DISTRICT)

Section 6225. REGULATIONS FOR "COSC" DISTRICTS. The following regulations shall apply in all "COSC" Districts and shall be subject to the provisions of Chapter 22 of this part.

Section 6226. PURPOSE. The purpose of the "COSC" District is to protect areas designated for general open space in adopted Community Plans by providing for planned low intensity development which preserves, to the greatest degree possible, the visual and open characteristics of the land.

### Section 6227. USES PERMITTED.

(a) The following uses shall be permitted in Community Open Space Conservation District:

1. Agricultural Uses and Accessory Structures: On-Site Sales of Agricultural Products, including, but not limited to, the following:
  - a. Flowering Crops
  - b. Vegetable Crops
  - c. Truck Gardening
  - d. Community Gardens
  - e. Christmas Tree Farms
2. Public Recreation Facilities, including, but not limited to the following uses:
  - a. Parks
  - b. Play Fields
  - c. Tot Lots
3. Single-Family Residences.

\* (b) The following uses shall be permitted in the Community Open Space Conservation District subject to the securing of a use permit in each case:

1. Nurseries
2. Livestock and Grazing
3. Commercial Recreation Facilities; including, but not limited to the following uses:
  - a. Stables and Riding Academies
  - b. Golf Courses
  - c. Driving Ranges
  - d. Campgrounds (Non-vehicular)
  - e. Swimming Pools
  - f. Athletic or Sports Clubs and Facilities
4. Institutional Facilities; including, but not limited to, the following:
  - a. Community Centers
  - b. Day Care Centers
  - c. Interpretive Centers

# AMENDMENTS TO THE "RM/CZ" DISTRICT ORDINANCE

**SECTION 6905. PERMITTED USES.** The following uses only shall be permitted in the RM District, except those subject to the provisions of Section 6500 which require a use permit.

- a) Agricultural uses and accessory structures; on-site sales of agricultural products.
- b) Nurseries and greenhouses.
- c) Temporary trailer parks and other housing for farm laborers.
- d) Livestock raising and grazing.
- e) Dairies.
- <sup>1</sup>f) Dog kennels and breeding facilities.
- <sup>2</sup>g) Timber harvesting and commercial wood lots.
- <sup>4</sup>h) Quarries and waste disposal sites.
- i) Single-family residences.
- j) Multi-family residences.
- \*k) Hotels, motels and restaurants.
- \*l) Churches.
- \*m) Schools.
- \*n) Fire stations.
- \*o) Public and private clubs.
- p) Public recreation.
- \*q) Commercial recreation, including but not limited to stables and riding academies, golf courses, campgrounds, dude ranches; and motorcycle parks in accordance with adopted policies on motorcycle parks and related facilities.
- <sup>3</sup>r) Oil and gas exploration, production and storage.
- s) Home occupations.
- \*t) Wineries; provided that the annual storage capacity shall not exceed 10,000 gallons, the annual fermentation capacity shall not exceed 5,000 gallons, and the annual bottling shall not exceed 2,500 cases of wine; the only retail sales permitted will be those of wines produced on the premises.
- \*u) Exotic animals for which a use permit has been obtained in accordance with Division III, Part II, Chapter 6 of the San Mateo County Ordinance Code are permitted in addition to those animals otherwise permitted by this Chapter.
- v) Aquaculture development.

---

\*Uses allowed subject to a use permit.

<sup>1</sup>Allowed subject to kennel permit.

<sup>2</sup>Allowed subject to timber harvesting permit.

<sup>3</sup>Allowed subject to oil well permit.

<sup>4</sup>Allowed subject to quarry permit.

ORDINANCE NO. 02774

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

\* \* \* \* \*

AN ORDINANCE AMENDING SECTION 6227(b) OF CHAPTER 12.5 OF PART ONE OF DIVISION VI OF THE SAN MATEO COUNTY ORDINANCE CODE (ZONING ANNEX) TO ALLOW SINGLE-FAMILY RESIDENCES BY USE PERMIT IN THE COMMUNITY OPEN SPACE CONSERVATION DISTRICT REGULATIONS

\* \* \* \* \*

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

Section 1. Section 6227(b) of Chapter 12.5 of Part One of Division VI of the San Mateo County Ordinance Code is hereby amended to read as follows:

CHAPTER 12.5. COSC DISTRICT (COMMUNITY OPEN SPACE CONSERVATION DISTRICT)

Section 6227. USES PERMITTED.

(b) The following uses shall be permitted in the Community Open Space Conservation District subject to the securing of a use permit in each case:

1. Nurseries
2. Livestock and Grazing
3. Commercial Recreation Facilities; including, but not limited to the following uses:
  - a. Stables and Riding Academies
  - b. Golf Courses
  - c. Driving Ranges
  - d. Campgrounds (Non-vehicular)
  - e. Swimming Pools
  - f. Athletic or Sports Clubs and Facilities
4. Institutional Facilities; including, but not limited to, the following:
  - a. Community Centers

- b. Day Care Centers
  - c. Interpretive Centers
5. One single-family residence per parcel less than 40 acres in size.
  6. Division of land, except that no residential uses shall be permitted on a parcel recorded after 12/1/81.

Section 2. This Ordinance shall be in full force and effect thirty (30) days after its passage.



Regularly passed and adopted this 6th day of  
April 1982 .

AYES and in favor of said ordinance:

Supervisors: K. JACQUELINE SPEIER  
JOHN M. WARD  
EDWARD J. BACCIOCCO, JR.  
ARLEN GREGORIO  
WILLIAM J. SCHUMACHER

NOES and against said ordinance:

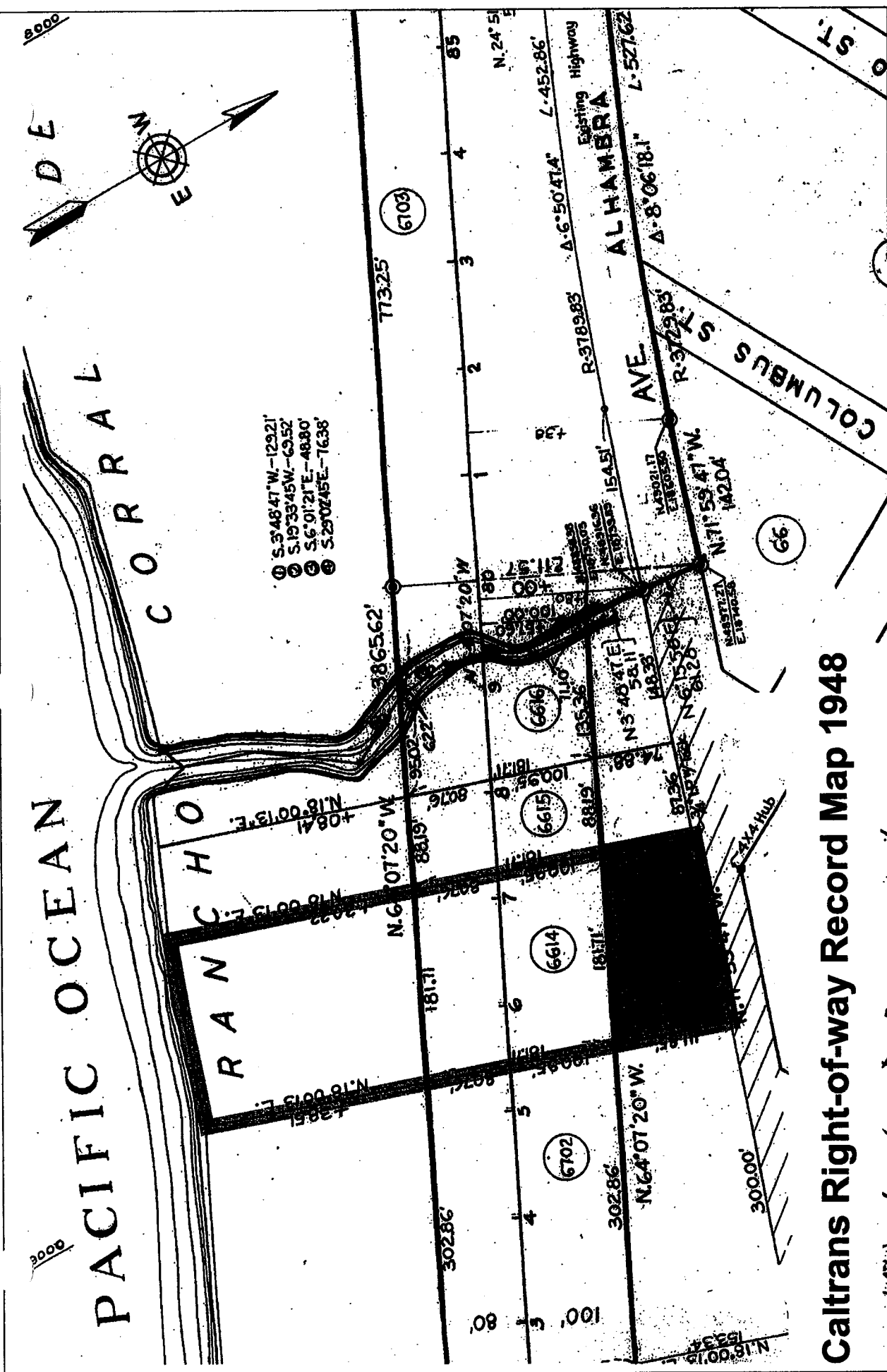
Supervisors: NONE

Absent Supervisors: NONE

EDWARD J. BACCIOCCO, JR.  
Chairman, Board of Supervisors  
County of San Mateo  
State of California

ATTEST:

MINERVA I. TAKIS  
Clerk of said Board of Supervisors



- ① S. 3° 46' 47.1" W. - 129.21'
- ② S. 19° 33' 45.1" W. - 63.52'
- ③ S. 6° 01' 21.1" E. - 48.80'
- ④ S. 29° 02' 45.1" E. - 76.38'

**Caltrans Right-of-way Record Map 1948**

San Mateo County Board of Supervisors' Meeting

Applicant: **JIM IRIZARRY** Attachment: **D**

File Numbers: **PLN 2003-00226**

COUNTY OF SAN MATEO  
PLANNING AND BUILDING DIVISION

Date: May 20, 1993

To: Zoning Hearing Officer  
From: Planning Staff  
Subject: Consideration of a Certificate of Compliance, pursuant to Section 66499.35(b) of the State Subdivision Map Act and a Coastal Development Permit, pursuant to Zoning Code Section 6328.4, to legalize a parcel created through an illegal land sale in 1960. This project is appealable to the Coastal Commission.

File Numbers: CC 90-16 and CDP 90-48 (Licata)

**PROPOSAL**

The applicant proposes to legalize a 1.97 acre vacant lot in El Granada.

**RECOMMENDATION**

That the Zoning Hearing Officer approve CC 90-16 and CDP 90-48 by making the findings and adopting to the conditions contained in Attachment A of this report.

**BACKGROUND**

Report Prepared By: Valerie J. Barone

Applicant: Robert A. Coibion

Owner: Antoinette Licata

Location: 380 Avenue Alhambra, El Granada

APN's: (a) 047-251-040; (b) 047-252-230

Size: (a) 39,800 sq. ft.; (b) 46,173.6 sq. ft.; TOTAL 1.97 acres

Existing Zoning: (a) COSC/DR--Community Open Space Conservation District with Design Review; (b) CCR/DR--Coastside Commercial Recreation District with Design Review

---

General Plan Designation: (a) General Open Space; (b) Coastside Commercial Recreation and Public Recreation (Low intensity)

Sphere-of-Influence: Half Moon Bay

Attachment E

Existing Land Use: Vacant

Environmental Evaluation: Exempt from CEQA, Class 15; Minor Land Division

Setting: The subject parcel is bisected by the Cabrillo Highway. The paved portion of the highway lies approximately 7 feet lower in elevation than the subject property. The portion of the property lying east of the Highway (APN 047-251-040) is .91 acres, flat and undeveloped; it is zoned COSC/DR. The portion of the property lying west of the Highway (APN 047-252-230) is 1.06 acres, undeveloped and flat, except for a 20-foot bluff that drops to the beach; it is zoned CCR/DR. At the base of the bluff adjacent to this parcel is a public access pathway which extends from the boat launching pier to the north past the subject property ending at the RV parking lot to the south. This portion of the parcel lies between the sea and the first through road.

Chronology:

<u>Date</u>	<u>Action</u>
December 7, 1908	- Parcel recorded consisting of the following: APN's 047-251-040, 047-252-230, and 047-252-240; the section of Cabrillo Highway between the parcels, and the Harbor dedication along the west edge of APN's 047-252-230 and -240.
April 5, 1948	- Mr. and Mrs. Licata acquired the above described property in its entirety.
May 25, 1949	- Cabrillo Highway right-of-way was granted bisecting the property. Property on both sides of the highway together still considered one legal parcel.
October 10, 1960	- APN 047-252-240 was sold to Treacy and Frey creating two illegal parcels.
April 25, 1972	- The San Mateo Harbor District acquired a westerly portion of APN's 047-252-230 and -240.
March 24, 1989	- APN 047-252-240 was legalized through a Certificate of Compliance (CC 88-19). The remaining property made up of APN's 047-251-040 and 047-252-230 is still illegal.
May 23, 1990	- Applicant submitted for a Certificate of Compliance to legalize APN's 047-251-040 and 047-252-230 as two separate parcels.
July 12, 1990	- Staff met with County Counsel regarding possibility of legalizing APN's 047-251-040 and 047-252-230 as two separate parcels. County Counsel determined the property may only be legalized as one parcel because the Subdivision Map Act specifically states that "Property shall be considered as contiguous units, even if it is separated by roads. . ." (Section 66424).

- August 20, 1990 - Applicant phoned Planning Division requesting that staff proceed with the legalization of APN's 047-251-040 and 047-252-230 together as one parcel.
- October 26, 1990 - Applicant with drew applications prior to public hearing.
- March 2, 1993 - Ten-foot right-of-way along Avenue Alhambra purchased by the County through eminent domain procedure.
- March 22, 1993 - Applicant resubmitted for legalization.

## DISCUSSION

### A. KEY ISSUES

#### 1. Certificate of Compliance Process

The current owner, Antoinette Licata, bought a legal parcel that consisted of the subject property and APN 047-252-240 in 1948. This original legal parcel was subdivided without benefit of County approval in 1960, when parcel 047-252-240 was deeded to Treacy & Frey. Any land division occurring on or after August 15, 1946, the effective date of subdivision regulation in San Mateo County, must have been processed in accordance with County subdivision regulations and the State Subdivision Map Act to be considered legal. Therefore, the subject property is not legal. The County cannot approve any development permits for illegal parcels.

To legalize this property the State Subdivision Map Act requires that a Certificate of Compliance be recorded. Because the subject property is still in the same ownership as it was when the illegal subdivision occurred, the State Subdivision Map Act allows a local agency to impose those conditions which would be applicable to a current division of the property (Section 66499.35 of the State Subdivision Map Act). This application has been processed in accordance with both County and State Subdivision regulations.

#### 2. Conformance With the County General Plan

A review of the General Plan, particularly the Urban Land Use Chapter indicates that the proposal is consistent with plan policies, specifically Policies 8.1 and 8.3 c. The legalization of this parcel will create a lot that has three General Plan designations--General Open Space, Commercial Recreation, and Public Recreation. Any plans for the future development of this site, after legalization, will have to be in conformance with the General Plan's Land Use Designations.

General Plan Policy 11.9 provides sewer capacity for priority land uses, such as those allowed within the CCR/DR zoning. Policy 10.10 would allow the development of a well if the project qualified.

### 3. Conformance With the Local Coastal Program

A Coastal Development Policy Checklist was completed for this proposal and the project was found to be consistent with the policies and standards of the Local Coastal Program.

Policy 1.29(d), the applicable LCP Policy on legalization for this parcel, requires "that a Coastal Development Permit be issued to legalize the parcel if the parcel configuration will not have any substantial adverse impacts on coastal resources in conformance with the standards of review of the Coastal Development District regulations. Coastal Development Permits issued to legalize this type of parcel may be conditioned to maximize consistency with LCP resource protection policies. A separate Coastal Development Permit, subject to all applicable LCP requirements, shall be required for any development of the parcel."

The parcel configuration will not have any substantial adverse impacts on coastal resources and currently no development is proposed for the subject site.

### 4. Conformance With the Zoning Ordinance

Legalization of the 1.97 acre parcel will create a lot that has two zoning districts--Community Open Space (COSC) and Coastside Commercial Recreation (CCR), both of which are subject to Design Review (DR).

In the CCR zone there is no minimum building site requirement; so, the subject parcel conforms. In the COSC zone the minimum building site requirement is 2 acres. The subject parcel has only .91 acres (APN 047-251-040) in the COSC zone; therefore, the subject parcel does not conform with the development standards of the COSC zone.

Due to this substandard building site, development of the COSC portion of the site is limited to uses which do not include the erection of structures. Other possible uses for this portion of the parcel include accessory uses to any development of the CCR portion of the parcel, such as a parking lot, agriculture or a public recreational use (see Zoning Ordinance Section 6227.a).

The Certificate of Compliance, which must be recorded, will be conditioned to prohibit the erection of any structures in the COSC portion of this parcel. Development which includes the erection of structures may occur on the CCR portion of the property. This zone allows visitor serving and commercial recreation uses. The CCR zone also receives priority sewer capacity.

### 5. Future Development

The legalization of the subject parcel is only the first step towards development. Any future proposal for development would have to obtain all necessary permits, including a Coastal Development Permit.

All proposed development would be required to conform with the General Plan, the LCP and the Zoning Regulations. This would include meeting a variety of design standards as required in Design Review districts, County Scenic Corridors, and in the Community Design Manual. All development would also be subject to various land use controls, bluff top development standards, exterior noise limits, coastal access requirements and possibly additional public parking requirements for shoreline visitors.

**B. REVIEWING AGENCIES**

San Mateo County Geotechnical Section  
San Mateo County Department of Public Works  
San Mateo County Environmental Health Division  
Half Moon Bay Fire Protection District  
County Counsel

**ATTACHMENTS**

- A. Recommended Findings and Conditions of Approval
- B. Location Map
- C. Tentative Map

VJB:dld - VJBD0875.ADU

County of San Mateo  
Planning and Building Division

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Numbers:  
CC 90-16 and CDP 90-48

Hearing Date: May 20, 1993

Prepared By: Valerie J. Barone

For Adoption By: Zoning Hearing Officer

**RECOMMENDED FINDINGS**

A. Regarding the Certificate of Compliance, find:

1. That the processing of the Certificate of Compliance is in full conformance with the Illegal Parcel Policies approved by the County Board of Supervisors on April 14, 1985.
2. That the processing of the Certificate of Compliance is in full conformance with Government Code Section 66499 et seq.

B. Regarding the Coastal Development Permit, find:

1. That the parcel configuration will not have any substantial adverse impacts on coastal resources in conformance with the standards of review of the Coastal Development District regulations.
2. That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6238.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program.
3. That the project conforms to specific findings required by policies of the San Mateo County Local Coastal Plan.

**RECOMMENDED CONDITIONS OF APPROVAL**

**Planning Division**

1. The applicant shall provide a legal description of the subject property as one parcel.
2. No structures may be constructed on the .91 acre portion of the parcel which is zoned COSC (APN 047-251-040) due to its substandard building site. Use of this portion of the parcel will be reviewed in the context of the total parcel. ~~Possible uses for this portion of the parcel include~~ accessory uses to any structural development of the CCR portion (APN 047-252-230) of the parcel, such as a parking lot, agricultural or a public recreational use. The recorded Certificate of Compliance will include this condition.



Department of Public Works

3. The applicant shall submit a parcel map or record of survey to the Department of Public Works for review and recording.

Environmental Health Division

4. At the time of development, the applicant shall demonstrate to the satisfaction of the Environmental Health Division that the site has an adequate water supply and a sewer hook-up.

VJB:dld - VJBD0875.ADU

---

## 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: Camille Leung  
(650) 363-1826**

July 16, 2009

Mr. Jim Irizarry  
1200 Bear Gulch Road  
Woodside, CA 94062

Mr. and Mrs. Craig Caron  
1200 Pacific Coast Highway, #421  
Huntington Beach, CA 92648

### Notice of Public Hearing Continuation

Dear Mr. Irizarry and Mr. and Mrs. Caron:

Subject: Certificate of Compliance (Type B)  
County File No.: PLN2003-00226  
Location: Avenue Alhambra, El Granada, CA

On July 14, 2009, the San Mateo County Board of Supervisors considered: (1) a Coastal Development Permit and Certificate of Compliance, Type B, to legalize a 17,900 sq. ft. parcel, (2) a Use Permit, Coastal Development Permit, and Design Review Permit to construct a new single-family residence and septic system, (3) a Variance to allow a 20-foot front yard setback and 35-foot rear yard setback where 50 feet is required for each, (4) a Grading Permit to perform approximately 175 cubic yards of fill and approximately 13 cubic yards of excavation, and (5) certification of a Mitigated Negative Declaration, on a parcel located within the Community Open Space Conservation (COSC) Zoning District on the west side of Avenue Alhambra, between Palma Avenue and Francisco Street, in the unincorporated El Granada area of San Mateo County. This project is appealable to the California Coastal Commission.

---

(Appeal from decision of the Planning Commission to deny the project.)

Based on information provided by staff and evidence presented at the hearing, the Board of Supervisors **continued this item to August 25, 2009.**

Mr. Jim Irizarry  
Mr. and Mrs. Caron  
July 16, 2009  
Page 2

If you have questions regarding this matter, please contact the project planner listed on page one.

Sincerely,

A handwritten signature in cursive script that reads "Rosario Fernandez". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Rosario Fernandez  
Planning Commission Secretary  
Bosdec0714T\_rf\_Caron(cont).doc

cc: Board President Supervisor Mark Church  
Supervisor Carol Groom, Board of Supervisors  
Supervisor Rich Gordon, Board of Supervisors  
Supervisor Rose Jacobs Gibson, Board of Supervisors  
Supervisor Adrienne Tissier, Board of Supervisors  
Rebecca Romero, Agenda Coordinator  
Michael McCracken  
Steve Conran  
Kathryn Slater-Carter  
Jamie McEachen  
Leonard Woren  
Paul Perkovic  
Len Erickson  
Leni Schultz  
Fran Pollard  
Lennie Roberts  
Merrill Bobele  
Morris D. Bell

---

**Order No.**  
**0360010061-ERS**

**Ref No.**

**Guarantee No.**  
**A04201-PIGA-116442**

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE LIMITS OF LIABILITY AND THE CONDITIONS AND STIPULATIONS OF THIS GUARANTEE,



**OLD REPUBLIC NATIONAL  
TITLE INSURANCE COMPANY**  
a Corporation, of Minneapolis, Minnesota

**GUARANTEES**

the Assured named in Schedule A against actual monetary loss or damage not exceeding the liability amount stated in Schedule A, which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**  
A Corporation  
400 Second Avenue South, Minneapolis, Minnesota 55401  
(612) 371-1111

Countersigned:

By *Dawanna Hood*  
Validating Officer

By

*[Signature]*  
*[Signature]*

President

Attest

Secretary

## SCHEDULE A

### Plant Information Guarantee

Order No. 0360010061-ERS

Liability 10,000.00

Fee \$ 300.00

[Guarantee No. A04201-PIGA-116442 ]

1. Name of Assured:

Jim Irizarry

2. Date of Guarantee: July 22nd, 2009 at 8:00:00 AM

The assurances referred to on the face page hereof are:

That, according to the Company's property records subsequent to July 23, 1947, relative to the following described land (but without examination of those Company records maintained and indexed by name), there are no Conveyance Documents describing said land or any portion thereof, other than those shown below under Exceptions.

The following matters are excluded from the coverage of this guarantee:

1. Unpatented mining claims, reservations or exceptions in patents or in acts authorizing the issuance thereof;
2. Water rights, claims or title to water;
3. Tax Deeds to the State of California;
4. Instruments, proceedings or other matters which do not specifically describe said land

Exceptions:

1. Deed  
Grantor: Dante Dianda and Sylvia Dianda ETAL  
Grantee: Louise W. Souza  
Recorded : 7-23-1947 Book 1374 Page 123  
Affects this and other property
2. Deed  
Grantor: Bank of America, Executor  
Grantee: Louise W. Souza  
Recorded : 7-23-1947 Book 1352 Page 363  
Affects this and other property
3. Order  
Grantor : Estate of Louise W. Souza  
Grantee : Lynette Souza Gunda and Norman Arthur Souza  
Recorded 8-16-1996 Recorded No. 1996-100650

Deed

Grantor : Norman Arthur Souza  
Grantee : Craig Caron and Deborah Caron  
Recorded 8-16-1996 Recorded No. 1996-100651

5. Deed

Grantor : Lynette Souza Gunda  
Grantee : Craig Caron and Deborah Caron  
Recorded 8-16-1996 Recorded No. 1996-100652

The land described in this guarantee is described as follows:

The land referred to in this Report is situated in the County of San Mateo, in the unincorporated area, State of California, and is described as follows:

A portion of that certain 2.085 acre tract of land deeded to Louise W. Souza by Executor's Deed recorded July 23<sup>rd</sup> 1947 in Book 1352, Page 363 and by Deed recorded July 23<sup>rd</sup> 1947 in Book 1374, Page 123, both official Records of San Mateo County, said portion being described as follows:

BEGINNING for reference at the Northwesterly corner of said 2.085 acre tract of land; thence along the property line common to the lands, now or formerly, of Louise W. Louisa W. Souza and of Francis Ortisi S. 18° 00' West, 6 feet to the Northerly line of Cabrillo Highway as conveyed by Louise W. Souza to the State of California by deed dated May 14, 1979 and recorded July 8, 1949 in Book 1685 of Official records at Page 367 (file 98779-H) San Mateo County Records; thence South 64° 07' 20" East along said Northerly line a distance of 181.71 feet to the Southeasterly line said 2.085 acre tract; thence along said Southerly line North 18° 00' 13" East 111.85 feet to the Northerly line of said 2.085 acre tract aforementioned, said Northerly line being also the Southerly line of Avenue Alhambra, now Obispo Road, as shown on the map entitled "Plat Of Subdivision No. 2 and 3 of Granada, San Mateo County", filed in the office of the recorder of San Mateo County on August 4, 1908 in Volume 6 of Maps at Page 29; thence North 72° 00' West along said Southerly line 180 feet to the point of beginning.

A.P.N : 047-251-120      J.P.N : 047-025-251-03 A

**SCHEDULE OF EXCLUSIONS FROM COVERAGE OF THIS GUARANTEE**

1. Except to the extent that specific assurances are provided in Schedule A of this Guarantee, the Company assumes no liability for loss or damage by reason of the following:

- (a) Defects, liens, encumbrances, adverse claims or other matters against the title, whether or not shown by the public records.
- (b) (1) Taxes or assessments of any taxing authority that levies taxes or assessments on real property; or, (2) Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not the matters excluded under (1) or (2) are shown by the records of the taxing authority or by the public records.
- (c) (1) Unpatented mining claims; (2) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (3) water rights, claims or title to water, whether or not the matters excluded under (1), (2) or (3) are shown by the public records.

2. Notwithstanding any specific assurances which are provided in Schedule A of this Guarantee, the Company assumes no liability for loss or damage by reason of the following:

- (a) Defects, liens, encumbrances, adverse claims or other matters affecting the title to any property beyond the lines of the land expressly described in the description set forth in Schedule (A), (C) or in Part 2 of this Guarantee, or title to streets, roads, avenues, lanes, ways or waterways to which such land abuts, or the right to maintain therein vaults, tunnels, ramps or any structure or improvements; or any rights or easements therein, unless such property, rights or easements are expressly and specifically set forth in said description.
- (b) Defects, liens, encumbrances, adverse claims or other matters, whether or not shown by the public records; (1) which are created, suffered, assumed or agreed to by one or more of the Assureds; (2) which result in no loss to the Assured; or (3) which do not result in the invalidity or potential invalidity of any judicial or non-judicial proceeding which is within the scope and purpose of the assurances provided.
- (c) The identity of any party shown or referred to in Schedule A.
- (d) The validity, legal effect or priority of any matter shown or referred to in this Guarantee.

**GUARANTEE CONDITIONS AND STIPULATIONS**

**1. DEFINITION OF TERMS**

The following terms when used in this Guarantee mean:

- (a) the "Assured": the party or parties named as the Assured in this Guarantee, or on a supplemental writing executed by the Company.
- (b) "land": the land described or referred to in Schedule (A) (C) or in Part 2, and improvements affixed thereto which by law constitute real property. The term "land" does not include any property beyond the lines of the area described or referred to in Schedule (A) (C) or in Part 2, nor any right, title, interest estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
- (c) "mortgage": mortgage, deed of trust, trust deed, or other security instrument.
- (d) "public records": records established under state statutes at Date of Guarantee for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.
- (e) "date": the effective date.

**2. NOTICE OF CLAIM TO BE GIVEN BY ASSURED CLAIMANT**

An Assured shall notify the Company promptly in writing in case knowledge shall come to an Assured hereunder of any claim of title or interest which is adverse to the title to the estate or interest, as stated herein, and which might cause loss or damage for which the Company may be liable by virtue of this Guarantee. If prompt notice shall not be given to the Company, then all liability of the Company shall terminate with regard to the matter or matters for which prompt notice is required; provided, however, that failure to notify the Company shall in no case prejudice the rights of any Assured under this Guarantee unless the Company shall be prejudiced by the failure and then only to the extent of the prejudice.

**3. NO DUTY TO DEFEND OR PROSECUTE**

The Company shall have no duty to defend or prosecute any action or proceeding to which the Assured is a party, notwithstanding the nature of any allegation in such action or proceeding.

**4. COMPANY'S OPTION TO DEFEND OR PROSECUTE ACTIONS; DUTY OF ASSURED CLAIMANT TO COOPERATE**

Even though the Company has no duty to defend or prosecute as set forth in Paragraph 3 above:

- (a) The Company shall have the right, at its sole option and cost, to institute and prosecute any action or proceeding, interpose a defense, as limited in (b), or to do any other act which in its opinion may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured, or to prevent or reduce loss or damage to the Assured. The Company may take any appropriate action under the terms of this Guarantee, whether or not it shall be liable hereunder, and shall not thereby concede liability or waive any provisions of this Guarantee. If the Company shall exercise its rights under this paragraph, it shall do so diligently.
- (b) If the Company elects exercise its options as stated in Paragraph 4(a) the Company shall have the right to select counsel of its choice (subject to the right of such Assured to object for reasonable cause) to represent the Assured and shall not be liable for and will not pay the fees of any other counsel, nor will the Company pay any fees, costs or expenses incurred by an Assured in the defense of those causes of action which allege matters not covered by this Guarantee.
- (c) Whenever the Company shall have brought an action or interposed a defense as permitted by the provisions of this Guarantee, the Company may pursue any litigation to final determination by a court of competent jurisdiction and expressly reserves the right, in its sole discretion, to appeal

from an adverse judgment or order.



## GUARANTEE CONDITIONS AND STIPULATIONS (Continuation)

(d) In all cases where this Guarantee permits the Company to prosecute or provide for the defense of any action or proceeding, an Assured shall secure to the Company the right to prosecute or provide for the defense of any action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of such Assured for this purpose. Whenever requested by the Company, an Assured, at the Company's expense, shall give the Company all reasonable aid in any action or proceeding, securing evidence, obtaining witnesses, prosecuting or defending the action or lawful act which in the opinion of the Company may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured. If the Company is prejudiced by the failure of the Assured to furnish the required cooperation, the Company's obligations to the Assured under the Guarantee shall terminate.

### 5. PROOF OF LOSS OR DAMAGE

In addition to and after the notices required under Section 2 of these Conditions and Stipulations have been provided to the Company, a proof of loss or damage signed and sworn to by the Assured shall be furnished to the Company within ninety (90) days after the Assured shall ascertain the facts giving rise to the loss or damage. The proof of loss or damage shall describe the matters covered by this Guarantee which constitute the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage. If the Company is prejudiced by the failure of the Assured to provide the required proof of loss or damage, the Company's obligation to such Assured under the Guarantee shall terminate. In addition, the Assured may reasonably be required to submit to examination under oath by any authorized representative of the Company and shall produce for examination, inspection and copying, at such reasonable times and places as may be designated by any authorized representative of the Company, all records, books, ledgers, checks, correspondence and memoranda, whether bearing a date before or after Date of Guarantee which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Assured shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect and copy all records, books, ledgers, checks, correspondence and memoranda in the custody or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by the Assured provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Assured to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information from third parties as required in the above paragraph, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this Guarantee to the Assured for that claim.

### 6. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS: TERMINATION OF LIABILITY

In case of a claim under this Guarantee, the Company shall have the following additional options:

(a) To Pay or Tender Payment of the Amount of Liability or to Purchase the Indebtedness.

The Company shall have the option to pay or settle or compromise for or in the name of the Assured any claim which could result in loss to the Assured within the coverage of this Guarantee, or to pay the full amount of this Guarantee or, if this Guarantee is issued for the benefit of a holder of a mortgage or a lienholder, the Company shall have the option to purchase the indebtedness secured by said mortgage or said lien for the amount owing thereon, together with any costs, reasonable attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of purchase.

Such purchase, payment or tender of payment of the full amount of the Guarantee shall terminate all liability of the Company hereunder. In the event after notice of claim has been given to the Company by the Assured the Company offers to purchase said indebtedness, the owner of such indebtedness shall transfer and assign said indebtedness, together with any collateral security, to the Company upon payment of the purchase price.

Upon the exercise by the Company of the option provided for in Paragraph (a) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 4, and the Guarantee shall be surrendered to the Company for cancellation.

(b) To Pay or Otherwise Settle With Parties Other Than the Assured or With the Assured Claimant. To pay or otherwise settle with other parties for or in the name of an Assured claimant any claim assured against under this Guarantee, together with any costs, attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay.

Upon the exercise by the Company of the option provided for in Paragraph (b) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 4.

### 7. DETERMINATION AND EXTENT OF LIABILITY

This Guarantee is a contract of Indemnity against actual monetary loss or damage sustained or incurred by the Assured claimant who has suffered loss or damage by reason of reliance upon the assurances set forth in this Guarantee and only to the extent herein described, and subject to the Exclusions From Coverage of This Guarantee.

The liability of the Company under this Guarantee to the Assured shall not exceed the least of:

(a) the amount of liability stated in Schedule A or in Part 2;

(b) the amount of the unpaid principal indebtedness secured by the mortgage of an Assured mortgagee, as limited or provided under Section 6 of these Conditions and Stipulations or as reduced under Section 9 of these Conditions and Stipulations, at the time the loss or damage assured against by this Guarantee occurs, together with interest thereon; or

(c) the difference between the value of the estate or interest covered hereby as stated herein and the value of the estate or interest subject to any defect, lien or encumbrance assured against by this Guarantee.

**GUARANTEE CONDITIONS AND STIPULATIONS (Continuation)****8. LIMITATION OF LIABILITY**

(a) If the Company establishes the title, or removes the alleged defect, lien or encumbrance, or cures any other matter assured against by this Guarantee in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.

(b) In the event of any litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title, as stated herein.

(c) The Company shall not be liable for loss or damage to any Assured for liability voluntarily assumed by the Assured in settling any claim or suit without the prior written consent of the Company.

**9. REDUCTION OF LIABILITY OR TERMINATION OF LIABILITY**

All payments under this Guarantee, except payments made for costs, attorneys' fees and expenses pursuant to paragraph 4 shall reduce the amount of liability pro tanto.

**10. PAYMENT OF LOSS**

(a) No payment shall be made without producing this Guarantee for endorsement of the payment unless the Guarantee has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.

(b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Stipulations, the loss or damage shall be payable within thirty (30) days thereafter.

**11. SUBROGATION UPON PAYMENT OR SETTLEMENT**

Whenever the Company shall have settled and paid a claim under this Guarantee, all right of subrogation shall vest in the Company unaffected by any act of the Assured claimant. The Company shall be subrogated to and be entitled to all rights and remedies which the Assured would have had against any person or property in respect to the claim had this Guarantee not been issued. If requested by the Company, the Assured shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The Assured shall permit the Company to sue, compromise or settle in the name of the Assured and to use the name of the Assured in any transaction or litigation involving these rights or remedies.

If a payment on account of a claim does not fully cover the loss of the Assured the Company shall be subrogated to all rights and remedies of the Assured after the Assured shall have recovered its principal, interest, and costs of collection.

**12. ARBITRATION**

Unless prohibited by applicable law, either the Company or the Assured may demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association.

Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Assured arising out of or relating to this Guarantee, any service of the Company in connection with its issuance or the breach of a Guarantee provision or other obligation. All arbitrable matters when the amount of liability is \$1,000,000 or less shall be arbitrated at the option of either the Company or the Assured. All arbitrable matters when the amount of liability is in excess of \$1,000,000 shall be arbitrated only when agreed to by both the Company and the Assured.

The Rules in effect at Date of Guarantee shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located permits a court to award attorneys' fees to a prevailing party.

Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

The law of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules.

A copy of the Rules may be obtained from the Company upon request.

**13. LIABILITY LIMITED TO THIS GUARANTEE; GUARANTEE ENTIRE CONTRACT**

(a) This Guarantee together with all endorsement, if any, attached hereto by the Company is the entire Guarantee and contract between the Assured and the Company. In interpreting any provision of this Guarantee, this Guarantee shall be construed as a whole.

(b) Any claim of loss or damage, whether or not based on negligence, or any action asserting such claim, shall be restricted to this Guarantee.

(c) No amendment or endorsement to this Guarantee can be made except by a writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

**14. NOTICES, WHERE SENT**

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this Guarantee and shall be addressed to the Company at the office which issued this Guarantee or to its Home Office: 400 Second Avenue South, Minneapolis, Minnesota 55401, (612) 371-1111.

**From:** "Ruby Pap" <rpap@coastal.ca.gov>  
**To:** "Lisa Grote" <LGrote@co.sanmateo.ca.us>, "Camille Leung" <CLeung@co.sanm...>  
**Date:** 7/30/2009 5:05 PM  
**Subject:** FW: Preliminary Response to San Mateo County Request for Assistance on Irizarry/Caron Appeal of Planning Commission Denial of PLN 2003-00226

Hi Lisa and Camille,

Please see our preliminary response below, written by Senior Staff Counsel Ann Cheddar. She has uploaded some reports to our FTP site for your review. To access the FTP Server, type or click:  
<ftp://username@ftp.coastal.ca.gov> <<ftp://username@ftp.coastal.ca.gov>> .  
Type the user name: northcentral and password: ncentral. Once inside the FTP site, scroll down until you reach the individual files. Doud and Spector are listed as separate files. If you have trouble accessing the site, please contact Doug Macmillan at 415-904-5266.

Take Care, -Ruby

Ruby Pap

District Supervisor

North Central Coast District

California Coastal Commission

45 Fremont St., Ste. 2000

San Francisco, CA 94105-2219

phone (415) 904-5260

fax (415) 904-5400

-----Original Message-----

From: Ann Cheddar

Sent: Thursday, July 30, 2009 2:38 PM

To: Ruby Pap

Cc: Charles Lester

Subject: Preliminary Response to San Mateo County Request for Assistance on Irizarry/Caron Appeal of Planning Commission Denial of PLN 2003-00226

Ruby, I have uploaded to the North Central FTP site two recent Coastal Commission staff reports: (1) Item Wed 11d of the November 12, 2008 Coastal Commission Hearing on the Doud Property Rezone; and (2) Thursday

Attachment H

Item 9a of the April 9, 2009 hearing on the Spector CDP application. Both of these Commission staff reports are public documents responsive to San Mateo County's request for assistance on the Irizarry/Caron Appeal of Planning Commission Denial of PLN2003-00226. The Spector staff report was adopted by the Commission on April 9, 2009. Although the Doud staff report was never acted upon by the Commission this past November 2008 because the applicant withdrew their application after the staff report was published, this staff report also accurately represents Commission staff's opinion, albeit in the context of a different factual scenario, on the questions raised by San Mateo County in their July 20, 2009 email to you.

The Coastal Commission and Commission staff's position on lot creation acknowledges the Subdivision Map Act's certificate of compliance process. (See Government Code section 66499.35.) Subdivision (a) of section 66499.35 provides for the issuance of an unconditional certificate when the owner of a lot that was legally created under the Subdivision Map Act, or a local ordinance enacted pursuant to it, desires documentary proof from the local government that he or she has, and has always had, a legal lot. No land division is accomplished by such a certificate; there is merely a confirmation that a legal land division has occurred at some time in the past. Thus, a coastal permit would be required with regard to a subdivision (a) unconditional certificate (i.e. all Map Act and local ordinances were satisfied) only if (1) the land division occurred after February 1, 1973, the effective date of Proposition 20, the predecessor Coastal Act, and (2) no coastal permit was previously issued for the land division.

With a subdivision (b) conditional certificate, however, the local government is acting with reference to a lot that was created illegally, without benefit of the government review and approval that was required at the time of its purported creation. In such instances, the local government is empowered to impose conditions on a certificate of compliance, if it chooses to issue one. Under subdivision (b), a certificate of compliance creates for the first time with the issuance of the conditional certificate a legal land division. Because a legal lot is created at a time when the Coastal Act requirement for a permit for land divisions is in full force and effect, a coastal permit is required for the land division. In fact, a coastal development permit is required in all cases if a conditional certificate of compliance is being issued under subdivision (b) of section 66499.35 because the certificate of compliance process was enacted in 1977, after the effective date of the Coastal Act.

These basic concepts are more fully explicated on pages 6-8 of the Doud staff report (Item Wed 11d of November 12, 2008 hearing-Monterey LCPA 2-07 Part 2) and pages 14-22 of the Spector Staff report (Item TH 9a of the April 9, 2009 hearing-CDP 4-07-040). Regarding the County's inquiry about whether the Cabrillo Highway severs the parcel at issue, pages 6-8 of the Doud staff report also explicate that separate parcels do not

exist solely by virtue of their separation by a road, street, utility easement or railroad right of way. (See also Government Code section 66424).

Although state mandated furloughs, previously planned vacations and other work matters have prevented us from reviewing the County record on the Planning Commission Denial, and subsequent appeal, of PLN2003-00226, the attached materials substantiate the Commission and Commission staff's position in the context of 2 other factual scenarios. We can provide further assistance on the County's inquiry, in the specific context of the Irizarry/Caron Appeal, as soon as time permits after North Central Coast staffs' collective returns from vacation August 17.

Please feel free to forward this preliminary email response directly to your contact at the County along with instructions on how to access the North Central FTP site.

Ann Cheddar

Senior Staff Counsel

California Coastal Commission

45 Fremont Street, Suite 2000

San Francisco, CA 94105

[acheddar@coastal.ca.gov](mailto:acheddar@coastal.ca.gov) <<mailto:acheddar@coastal.ca.gov>>

415-904-5220

31

RECORDING REQUESTED BY  
ORDER # Old Republic Title Company  
238073-CI  
APN 047-251-120  
WHEN RECEIVED MAIL TO



OFFICIAL RECORDS OF SAN MATEO COUNTY  
ASSESSOR-COUNTY CLERK-RECORDER  
WARREN SLOCUM

Recorded at Request of  
OLD REPUBLIC TITLE INSURANCE COMP  
96-100652 08/16/96 08:00

Recording Fee: 8- REALS

NAME CRAIG CARON & DEBORAH CARON  
OWN F.O. BOX 567  
ADDRESS EL GRANADA, CA 94018

SPACE ABOVE THIS LINE FOR RECEIPT USE

### Grant Deed

THE WITHIN DOCUMENT IS EXECUTED IN TWO COUNTERPARTS FOR THE PURPOSE OF FACILITATING ITS EXECUTION BY THE PARTIES HERETO. THE TWO COUNTERPARTS ARE TO BE CONSTRUED AND INTERPRETED AS A SINGLE DOCUMENT.

The undersigned grantor(s) declare(s):  
Documentary transfer tax is \$ ~~60000~~ 0.00 - See previous Deed  
( X ) computed on full value of property conveyed, or  
( ) computed on full value less value of liens and encumbrances remaining at time of sale.  
( X ) Unincorporated area: ( ) City of \_\_\_\_\_  
( ) Realty not sold.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
Norman Arthur Souza, by Devise and Lynette Souza Gunda, by Devise

hereby GRANT(S) to CRAIG CARON and DEBORAH CARON, husband and wife, as  
Joint Tenants

that property is SAN MATEO County, State of California, described as:  
\* \* \* See "Exhibit A" attached hereto and made a part hereof. \* \* \*

Mail Tax Statements to Grantees at address above

Date July 25, 1996

"SEE COUNTERPART"

Norman Arthur Souza

*Lynette Souza Gunda*  
Lynette Souza Gunda

Hawaii  
STATE OF CALIFORNIA  
COUNTY OF Hendricks

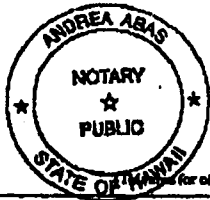
On August 7, 1996 before me, the undersigned, a Notary Public in and for said State, personally appeared Lynette Souza Gunda

*Lynette Souza Gunda*

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Andrea Abas  
Name Andrea Abas  
(typed or printed)



My Commission Expires: 8-17-98

MAIL TAX STATEMENTS AS DIRECTED ABOVE

96100652

COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL OF THE PERMITS FOR THE CERTIFICATE OF COMPLIANCE (TYPE B) FOR PARCEL LEGALIZATION AND DENIAL OF THE SINGLE-FAMILY RESIDENCE**

Permit File Number: PLN 1999-00082

Board Meeting Date: July 14, 2009

Prepared By: Camille Leung

For Adoption By: Board of Supervisors

**RECOMMENDED FINDINGS FOR APPROVAL OF THE PERMITS FOR THE CERTIFICATE OF COMPLIANCE (TYPE B) FOR PARCEL LEGALIZATION**

**Regarding the Revised Mitigated Negative Declaration, Find:**

1. That the Mitigated Negative Declaration (MND) is complete, correct and adequate and prepared in accordance with the California Environmental Quality Act and applicable State and County Guidelines. An Initial Study and a Mitigated Negative Declaration were prepared and issued with a public review period from October 27, 2008 to November 17, 2008, per the provisions of the California Environmental Quality Act (CEQA). Planning staff revised the MND (Attachment N) to remove the proposed single-family residence from the scope of the project. The revision results in a decrease of the project's environmental impact and does not require re-circulation of the revised Initial Study and revised Mitigated Negative Declaration.
2. That, on the basis of the Initial Study and comments received hereto, and testimony presented and considered at the public hearing, there is no substantial evidence that the project, if subject to the mitigation measures contained in the Mitigated Negative Declaration, will have a significant effect on the environment. The mitigation measures contained in the revised Mitigated Negative Declaration and the conditions of approval in this document adequately mitigate any potential significant effect on the environment.
3. That the mitigation measures identified in the revised Mitigated Negative Declaration, agreed to by the applicant, placed as conditions on the project, and identified as part of this public hearing, have been incorporated into a Mitigation Monitoring and Reporting Plan in conformance with the California Public Resources Code Section 21081.6. The property owners have agreed to comply with the mitigation measures contained in the revised Mitigated Negative Declaration. In addition, applicable mitigation measures have been incorporated as conditions of approval for this project.

4. That the revised Mitigated Negative Declaration reflects the independent judgment of San Mateo County.

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

5. That the processing of the Certificate of Compliance is in full conformance with Section 7134(2) of the County Subdivision Regulations. Processing of the Certificate of Compliance has followed the procedure as outlined in the Subdivision Regulations Section 7134(2) of the County Subdivision Regulations.

**Regarding the Coastal Development Permit for the Parcel Legalization, Find:**

6. That the project, as described in the application and accompanying materials required by Section 6328.7 of the Zoning Regulations (*Application Requirements*) and as conditioned in accordance with Section 6328.14 (*Conditions*), conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program. LCP Policy 1.29(d) requires that the Coastal Development Permit (CDP) be conditioned to maximize consistency with the LCP resource protection policies and requires a separate CDP, subject to all applicable Local Coastal Program requirements, for any development of the parcel. Staff finds that there are no applicable resource protection policies other than the visual issues related to the proposed development. The proposal includes a request for a separate CDP for development of the parcel.
7. That where the project is located between the nearest public road and the sea, or the shoreline of Pescadero Marsh, the project is in conformity 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). The project site is not located between the nearest public road and the sea or the shoreline of Pescadero Marsh.

**RECOMMENDED CONDITIONS OF APPROVAL OF THE PERMITS FOR THE CERTIFICATE OF COMPLIANCE (TYPE B) FOR PARCEL LEGALIZATION**

**Current Planning Section – Certificate of Compliance (Type B)**

1. The Coastal Development Permit for the parcel legalization shall be valid for one (1) year from the date of approval. Any extension of this permit shall require submittal of a request for permit extension and payment of applicable extension fees, no less than 60 days prior to expiration.
2. The property owner(s) shall submit a legal, written description of the subject property for review, approval and inclusion in the Certificate of Compliance (Type B) document. Once this document is submitted, the Current Planning Section will record the Certificate of Compliance (Type B) with the County Recorder. The



Certificate of Compliance shall be recorded prior to the issuance of a building permit on this property.

**Condition Nos. 3 through 6 are mitigation measures from the REVISED Mitigated Negative Declaration, dated July 14, 2009 (a revised version of the Mitigated Negative Declaration made available to the public on October 27, 2008):**

3. **Mitigation Measure 1:** The applicant is responsible for ensuring that all contractors minimize the transport and discharge of pollutants from the project site into local drainage systems and water bodies by adhering to the San Mateo Countywide Water Pollution Prevention Program's "General Construction and Site Supervision Guidelines," including:
- a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15. Stabilizing shall include both proactive measures, such as the placement of straw bales or coir netting, and passive measures, such as revegetating disturbed areas with vegetation that is compatible with the surrounding environment.
  - b. Storing, handling, and disposing of construction materials and wastes properly, so as to prevent their contact with stormwater.
  - c. Controlling and preventing the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.
  - d. Using sediment controls or filtration to remove sediment when dewatering site and obtaining all necessary permits.
  - e. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
  - f. Delineating with field markers clearing limits, setbacks, and drainage courses.
  - g. Protecting adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
  - h. Performing clearing and earth-moving activities only during dry weather.
  - i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.
  - j. Limiting construction access routes and stabilizing designated access points.

- k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
  - l. The contractor shall train and provide instruction to all employees and subcontractors regarding the construction best management practices (as listed above).
4. **Mitigation Measure 2:** Construction activities shall be limited from the hours of 7:00 a.m. until 6:00 p.m., Monday through Friday, and Saturdays from 9:00 a.m. until 5:00 p.m. Construction is not permitted on Sundays, Thanksgiving, or Christmas.
  5. **Mitigation Measure 3:** Prior to commencement of project activities at the site, the applicant shall arrange for the completion of a study by a qualified archaeologist of the project area (including all areas to be excavated) and submit a copy of the study to the Current Planning Section. All identified archaeological sites should be evaluated using the California Register of Historical Resources (Cal Register) criteria.
  6. **Mitigation Measure 4:** The applicant and contractors must be prepared to carry out the requirements of California State law with regard to the discovery of human remains during grading and construction, whether historic or prehistoric. In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and the County coroner shall be notified immediately. If the coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within 24 hours. A qualified archaeologist, in consultation with the Native American Heritage Commission, shall recommend subsequent measures for disposition of the remains.

**Department of Public Works – Certificate of Compliance (Type B)**

7. The property owners shall submit a parcel map or record of survey to the Department of Public Works for review and recording.

**RECOMMENDED FINDINGS FOR DENIAL OF THE PERMITS FOR THE SINGLE-FAMILY RESIDENCE**

**Regarding the Coastal Development Permit for the Single-Family Residence, Find:**

1. That the project does not conform to policies of the Visual Resources Chapter of the San Mateo County Local Coastal Program, including Policy 8.15 (*Coastal Views for Structural and Community Features*), requiring the protection of coastal views and the prohibition of development which substantially blocks views to or

along the shoreline from coastal roads, roadside rest areas, vista points, recreation areas, and beaches.

**Regarding the Variance, Find:**

2. That the parcel's location, size, shape, topography and/or other physical conditions do not vary substantially from those of other parcels in the same zoning district or vicinity. The wide and shallow parcel is similar to two other undeveloped parcels on the Strip.

**Regarding the Use Permit, Find:**

3. That the establishment, maintenance, and/or conducting of the proposed use would, 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. The single-family residential use does not comply with LCP policies regarding protection of views from public lands.

COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT

**ALTERNATIVE**  
**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL OF THE PERMITS**  
**FOR THE CERTIFICATE OF COMPLIANCE (TYPE B) FOR PARCEL**  
**LEGALIZATION AND SINGLE-FAMILY RESIDENCE**

Permit File Number: PLN 2003-00226

Board Meeting Date: July 14, 2009

Prepared By: Camille Leung

For Adoption By: Board of Supervisors

**RECOMMENDED FINDINGS**

**Regarding the Mitigated Negative Declaration, Find:**

1. That the Mitigated Negative Declaration is complete, correct and adequate and prepared in accordance with the California Environmental Quality Act and applicable State and County Guidelines. An Initial Study and a Mitigated Negative Declaration (Attachment O) were prepared and issued with a public review period from October 27, 2008 to November 17, 2008, per the provisions of the California Environmental Quality Act (CEQA).
2. That, on the basis of the Initial Study and comments received hereto, and testimony presented and considered at the public hearing, there is no substantial evidence that the project, if subject to the mitigation measures contained in the Mitigated Negative Declaration, will have a significant effect on the environment. The mitigation measures contained in the Mitigated Negative Declaration and the conditions of approval in this document adequately mitigate any potential significant effect on the environment.
3. That the mitigation measures identified in the Mitigated Negative Declaration, agreed to by the applicant, placed as conditions on the project, and identified as part of this public hearing, have been incorporated into a Mitigation Monitoring and Reporting Plan in conformance with the California Public Resources Code Section 21081.6. The property owners have agreed to comply with the mitigation measures contained in the Mitigated Negative Declaration. In addition, applicable mitigation measures have been incorporated as conditions of approval for this project.
4. That the Mitigated Negative Declaration reflects the independent judgment of San Mateo County.

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

5. That the processing of the Certificate of Compliance (Type B) is in full conformance with Section 7134(2) of the County Subdivision Regulations. Processing of the Certificate of Compliance has followed the procedure as outlined in the Subdivision Regulations Section 7134(2) of the County Subdivision Regulations.

**Regarding the Coastal Development Permit for the Parcel Legalization, Find:**

6. That the project, as described in the application and accompanying materials required by Section 6328.7 of the Zoning Regulations (*Application Requirements*) and as conditioned in accordance with Section 6328.14 (*Conditions*), conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program. LCP Policy 1.29(d) requires that the Coastal Development Permit (CDP) be conditioned to maximize consistency with the LCP resource protection policies and requires a separate CDP, subject to all applicable Local Coastal Program requirements, for any development of the parcel. Staff finds that there are no applicable resource protection policies other than the visual issues related to the proposed development. The proposal includes a request for a separate CDP for development of the parcel.
7. That where the project is located between the nearest public road and the sea, or the shoreline of Pescadero Marsh, the project is in conformity 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). The project site is not located between the nearest public road and the sea or the shoreline of Pescadero Marsh.

**Regarding the Use Permit, Find:**

8. 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 the said neighborhood. The proposed use is for a single-family residential development and is one of the uses permitted with a use permit within the COSC Zoning District. As discussed in the Mitigated Negative Declaration, the project, as proposed and mitigated, will not result in any significant environmental impacts.

**Regarding the Coastal Development Permit for the Single-Family Residence, Find:**

9. That the project, as described in the application and accompanying materials required by Section 6328.7 of the Zoning Regulations (*Application Requirements*) and as conditioned in accordance with Section 6328.14 (*Conditions*), conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program (LCP). The project, as proposed and conditioned,

complies with the policies of the LCP. Specifically, Planning staff has added Condition No. 7 to require the property owners to shift the location of the house to House Location B in order to preserve the visual and open space qualities of the parcel to the extent feasible, Condition No. 15 to require the property owners to incorporate low-height landscaping that would help to blend the structure into the existing landscape, and Condition Nos. 11, 12, 21 and 23 to minimize impacts associated with the proposed grading.

10. That where the project is located between the nearest public road and the sea, or the shoreline of Pescadero Marsh, the project is in conformity 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). The project site is not located between the nearest public road and the sea or the shoreline of Pescadero Marsh.

**Regarding the Design Review, Find:**

11. That this project has been reviewed under and found to be in compliance with the Standards of Review Criteria as stipulated in Chapter 28.1 of the San Mateo County Zoning Regulations. The project, as proposed and conditioned, complies with applicable Design Review policies. Specifically, the residence would employ color and materials to match the surrounding environment. Staff has added Condition Nos. 8, 10 and 15, to construct the driveway and walkway using a pervious material in order to maximize surface water infiltration, replace vegetation removed during construction, and require the property owners to incorporate low-height landscaping that would help to blend the structure into the existing landscape, respectively.

**Regarding the Variance, Find:**

12. That the parcel's location, size, shape, topography and/or other physical conditions vary substantially from those of other parcels in the same zoning district or vicinity. The subject parcel is both unique in the process of its creation and its resulting size and shape. The State's acquisition of the area of the Cabrillo Highway in 1949 reduced the parcels on the Strip to their current size, resulting in the creation of the subject parcel, which varies substantially in parcel depth from most parcels on the Strip, which do not require a variance to accommodate development. Application of the 50-foot minimum front and rear yard setbacks would largely prohibit development of the site.
13. That without the variance, the landowner would be denied the rights and privileges that are enjoyed by other landowners in the same zoning district or vicinity. The COSC Zoning District allows for single-family residential uses with the issuance of a use permit. A single-family residence already exists on the Strip. Due to the shallow depth of the subject parcel, application of the 50-foot minimum front and rear yard setbacks would largely prohibit development of the site. A variance is

required to allow the property owners the same rights as other property owners on the Strip.

14. That the variance does not grant the landowner a special privilege which is inconsistent with the restrictions placed on other parcels in the same zoning district or vicinity. A variance to front and rear yard setbacks would be necessary for the construction of any structure on the parcel. Denial of a variance would prohibit the property owners the right to develop the parcel and unduly restrict use of the parcel beyond the restrictions of the COSC Zoning District.
15. That the variance authorizes only uses or activities which are permitted by the zoning district. The COSC Zoning District allows for single-family residential uses with the issuance of a use permit.
16. That the variance is consistent with the objectives of the General Plan, the Local Coastal Program (LCP) and the Zoning Regulations. The variance would allow development as permitted by the COSC Zoning District on the subject parcel. As proposed and conditioned, the project complies with applicable policies of the General Plan, Local Coastal Program and Zoning Regulations.

**Regarding the Grading Permit, Find:**

17. That the project will not have a significant adverse effect on the environment. Grading associated with construction of proposed improvements will cause some minor erosion and siltation. Staff has added Condition Nos. 11 and 12 to require the issuance of a building permit prior to the start of grading activities in order to minimize the duration of ground disturbance and the potential for erosion, as well as project compliance with the San Mateo Countywide Water Pollution Prevention Program's "General Construction and Site Supervision Guidelines" and the approved erosion and sediment control plan during grading and construction activities. As discussed in the Mitigated Negative Declaration, the project as proposed and conditioned, would not result in a significant adverse effect on the environment.
  18. That the project conforms to the criteria of Chapter 8, Division VII, San Mateo County Code (Grading Regulations), including the standards referenced in Section 8605. The project has been reviewed by the County's Department of Public Works and the Planning and Building Department's Geotechnical Engineer. Applicable requirements of these agencies have been incorporated as conditions of approval, including those regulating the timing of grading activity, erosion and sediment control, and dust control.
  19. That the project is consistent with the General Plan. As proposed and conditioned, the project complies with applicable policies of the General Plan.
-

## **RECOMMENDED CONDITIONS OF APPROVAL**

### **Current Planning Section – Certificate of Compliance (Type B)**

1. The Coastal Development Permit for the parcel legalization shall be valid for one (1) year from the date of approval. Any extension of this permit shall require submittal of a request for permit extension and payment of applicable extension fees, no less than 60 days prior to expiration.
2. The property owner(s) shall submit a legal, written description of the subject property for review, approval and inclusion in the Certificate of Compliance (Type B) document. Once this document is submitted, the Current Planning Section will record the Certificate of Compliance (Type B) with the County Recorder. The Certificate of Compliance shall be recorded prior to the issuance of a building permit on this property.
3. Prior to the issuance of the grading permit hard card, the property owners shall submit, to the satisfaction of the Geotechnical Section, an updated geotechnical report.

### **Current Planning Section – Single-Family Residence**

4. This approval applies only to the proposal as described in this report and plans dated May 18, 2006 and January 16, 2009. Minor adjustments to the project in the course of applying for building permits may be approved by the Community Development Director if they are consistent with the intent of and in substantial conformance with this approval.
5. The property owners shall obtain a building permit and develop in accordance with the approved plans and conditions of approval.
6. No site disturbance shall occur, including any grading, until a valid building permit has been issued.
7. In order to preserve open space at the end of this view corridor, the property owners shall shift the location of the house to House Location B, approximately 22 feet to the south (left when facing the parcel from Avenue Alhambra) such that the residence would be located at the minimum 20-foot side setback, as shown in approved plans dated January 16, 2009. The property owners shall demonstrate compliance with this condition prior to the Building Inspection Section's issuance of a building permit for the residence.



8. The proposed driveway and walkway shall be constructed of a pervious material in order to maximize surface water infiltration. This requirement shall be illustrated on the required building plans prior to the issuance of the Certificate of Occupancy for the residence. Construction of the driveway and walkway with the approved materials shall be confirmed by Planning and Building Department staff.
9. The property owner(s) shall record the following deed restrictions and provide evidence of compliance with this condition prior to the Building Inspection Section's issuance of the Certificate of Occupancy for the residence:
  - a. The planting of trees is prohibited at the subject property for as long as a single-family residential use exists at the property.
  - b. Additional structures (over 18 inches in height) are prohibited at the subject property. As the proposed development has maximized the permitted lot coverage, no further structures shall be built or placed on this property.
  - c. Shrubs shall be maintained at a maximum height of 4 feet.
10. The applicant shall comply with LCP Policy 8.10, which requires the applicant to minimize vegetation removal and replace vegetation removed during construction. Replacement plant materials (trees, shrubs, groundcover) shall be compatible with surrounding vegetation and shall be suitable to the climate, soil, and ecological characteristics of the area. The property owners shall utilize native, non-invasive plant species when replanting.

Condition Nos. 11 through 21 are mitigation measures from the Mitigated Negative Declaration made available on October 27, 2008 (please note that Mitigation Measure 5 was revised in order to reduce visual impacts):

11. Mitigation Measure 1: No grading activities shall commence until the applicant has been issued the following: (1) a building permit for the proposed residence by the Building Inspection Section and (2) a grading permit (issued as the "hard card" with all necessary information filled out and signatures obtained) by the Current Planning Section.
12. Mitigation Measure 2: Prior to the issuance of the grading permit "hard card," the applicant shall schedule an erosion control inspection by Current Planning Section staff to demonstrate that the approved erosion control plan has been implemented. The applicant is responsible for ensuring that all contractors minimize the transport and discharge of pollutants from the project site into local drainage systems and water bodies by adhering to the San Mateo Countywide Water Pollution Prevention Program's "General Construction and Site Supervision Guidelines," including:
  - a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15. Stabilizing shall include both

proactive measures, such as the placement of straw bales or coir netting, and passive measures, such as minimizing vegetation removal and revegetating disturbed areas with vegetation that is compatible with the surrounding environment.

- b. Storing, handling, and disposing of construction materials and wastes properly, so as to prevent their contact with stormwater.
  - c. Controlling and preventing the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.
  - d. Using sediment controls or filtration to remove sediment when dewatering site and obtaining all necessary permits.
  - e. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
  - f. Delineating with field markers clearing limits, setbacks, and drainage courses.
  - g. Protecting adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate
  - h. Performing clearing and earth-moving activities only during dry weather.
  - i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.
  - j. Limiting construction access routes and stabilizing designated access points.
  - k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
  - l. The contractor shall train and provide instruction to all employees and subcontractors regarding the construction best management practices (as listed above).
13. **Mitigation Measure 3:** The applicant shall indicate the use of solid core exterior doors, double pane windows, and weather-stripping on the construction set of plans. The applicant shall demonstrate use of these noise mitigation features prior to the Building Inspection Section's issuance of a building permit.
-

14. **Mitigation Measure 4:** Construction activities shall be limited from the hours of 7:00 a.m. until 6:00 p.m., Monday through Friday, and Saturdays from 9:00 a.m. until 5:00 p.m. Construction is not permitted on Sundays, Thanksgiving, or Christmas.
15. **Mitigation Measure 5 (Revised):** The applicant shall submit a landscape plan prepared by a landscape architect or certified arborist for review and approval by the Current Planning Section. The approved landscaping plan shall be implemented prior to the Current Planning Section gives a final approval on the building permit and prior to the Building Inspection Section's issuance of the Certificate of Occupancy. The landscaped areas shall be designed to be water efficient, require minimal use of fertilizers, herbicides and pesticides, soften and screen the west and east building elevations, and avoid obstruction of coastal views. Specifically, the plan shall comply with the following requirements:
- a. The plan shall include a minimum of fifteen (15) low-height shrubs (minimum one gallon), including six (6) at the front (Avenue Alhambra side) and nine (9) at the rear (Cabrillo Highway side) of the property, to soften view impacts of the residence from these viewing locations and minimize the obstruction of coastal views. Shrubs shall be maintained at a maximum height of 4 feet.
  - b. All exposed soil areas that do not contain trees or shrubs shall be covered with a combination of turf or groundcover and/or a minimum of 2 inches of mulch.
  - c. An irrigation plan shall be submitted with the planting plan. All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff and promote surface filtration.
  - d. The property owners shall utilize native, non-invasive plant species when replanting.
16. **Mitigation Measure 6:** The exterior colors and materials of the house shall blend with the surrounding vegetation in this area. Prior to the issuance of a Certificate of Occupancy for this project, the applicant shall provide photographs to the Current Planning Section staff to demonstrate utilization of the approved color and materials. Materials and colors shall not be highly reflective.
17. **Mitigation Measure 7:** All new power and telephone utility lines from the street or nearest utility pole to the main dwelling shall be placed underground starting at the closest property line. The applicant shall provide a note on the construction plans to reflect this condition.
18. **Mitigation Measure 8:** All proposed exterior lighting should be the minimum required to illuminate that area of the house exterior for safety purposes. Exterior lighting shall employ warm colors rather than cool tones and shield the scenic

corridor from glare. The applicant shall submit the manufacturer's "cut sheets" for review by the Current Planning Section prior to the issuance of a building permit.

19. **Mitigation Measure 9:** In order to ensure the height of the house does not exceed the maximum height permitted, staff requires the applicant to adhere to the following height verification procedure during the building permit process:
- a. 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.
  - b. 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.
  - c. 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).
  - d. 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.
  - e. 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).
  - f. 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.
  - g. 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.
-

20. **Mitigation Measure 10:** Prior to the issuance of a grading permit "hard card" for the commencement of grading operations at the site, the applicant shall arrange for the completion of a study by a qualified archaeologist of the project area (including all areas to be excavated) and submit a copy of the study to the Current Planning Section. All identified archaeological sites should be evaluated using the California Register of Historical Resources (Cal Register) criteria.
21. **Mitigation Measure 11:** The applicant and contractors must be prepared to carry out the requirements of California State law with regard to the discovery of human remains during grading and construction, whether historic or prehistoric. In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and the County coroner shall be notified immediately. If the coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within 24 hours. A qualified archaeologist, in consultation with the Native American Heritage Commission, shall recommend subsequent measures for disposition of the remains.
22. Upon the start of grading activities and through to the completion of the project, the applicant shall be responsible for ensuring that the following dust control guidelines are implemented:
- a. All graded surfaces and materials, whether filled, excavated, transported or stockpiled, shall be wetted, protected or contained in such a manner as to prevent any significant nuisance from dust, or spillage upon adjoining water body, property, or streets. Equipment and materials on the site shall be used in such a manner as to avoid excessive dust. A dust control plan may be required at anytime during the course of the project.
  - b. A dust palliative shall be applied to the site when required by the County. The type and rate of application shall be recommended by the soils engineer and approved by the Department of Public Works, the Planning and Building Department's Geotechnical Engineer, and the Regional Water Quality Control Board.
23. During construction activities, the applicant shall be required to implement the following erosion and sediment control practices:
- a. No construction activities shall commence until the applicant has been issued a building permit by the Building Inspection Section of the County of San Mateo.
  - b. Prior to commencement of construction, the applicant shall install the approved erosion and sediment control plan. During construction, it shall be the responsibility of the applicant to regularly inspect the erosion control measures and determine that they are functioning as designed and that the

proper maintenance is being performed. Deficiencies shall be immediately corrected.

- c. No grading shall be allowed during the winter season (October 15 to April 15) to avoid potential soil erosion unless approved, in writing, by the Community Development Director. The property owners shall submit a letter to the Current Planning Section, at least two weeks prior to commencement of grading, stating the date when grading will begin.
- d. While the applicant must adhere to the approved erosion and sediment control plan, it is the responsibility of the civil engineer and/or construction manager to implement the Best Management Practices (BMPs) that are best suited for this project site. If site conditions require additional measures in order to comply with the SMCWPPP and prevent erosion and sediment discharges, said measures shall be installed immediately under the direction of the project engineer. If additional measures are necessary, the erosion and sediment control plan shall be updated to reflect those changes and shall be resubmitted to the Planning and Building Department for review. The County reserves the right to require additional (or entirely different) erosion and sediment control measures during grading and/or construction if the approved plan proves to be inadequate for the unique characteristics of each job site.

- 24. Where subsurface conditions allow, the roof downspout systems from all structures shall be designed to drain into a designated, effective infiltration area or structure (refer to BMPs Handbook for infiltration system designs and requirements).
- 25. The applicant shall pay the environmental filing fee (currently \$1,993.00), as required under Fish and Game Code Section 711.4(d), plus a \$50.00 County Recorder filing fee to the San Mateo County Clerk within four (4) working days of the final approval date of the Coastal Development Permit.

#### Building Inspection Section

- 26. Prior to pouring any concrete for foundations, written verification from a licensed surveyor will be required confirming that the required setbacks as shown on the approved plans have been maintained.
- 27. An automatic fire sprinkler system will be required. This permit must be issued prior to or in conjunction with the building permit.
- 28. 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 which will ensure the work will be completed prior to finalizing the building permit.

29. Sediment and erosion control measures must be installed prior to beginning any site work and maintained throughout the project. 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.

**Department of Public Works – Certificate of Compliance (Type B)**

30. The property owners shall submit a parcel map or record of survey to the Department of Public Works for review and recording.

**Department of Public Works – Single-Family Residence**

31. Prior to final approval of the subdivision improvements, the applicant shall have prepared by a registered civil engineer a drainage analysis of the proposed improvements for submittal to the Department of Public Works in compliance with the San Mateo County Drainage Guidelines for review and approval. The drainage analysis shall consist of a written narrative and a plan. The plan shall detail the flow of the stormwater onto, over, and off the property being subdivided 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 volumes 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.
32. a. 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 residence per Ordinance No. 3277.
- b. Prior to the issuance of a final approval, the applicant must repair damaged roadway areas caused by construction as directed by Public Works.
33. The applicant shall submit a plan to the Department of Public Works, showing driveway access to residence complying with County standards for driveway slopes from the property line to the garage slab not exceeding a 20% slope and the driveway elevation, at the property line, being the same elevation as the center of the access roadway (Alhambra Avenue).
34. No construction work within the County right-of-way shall begin until Public Works requirements for the issuance of an encroachment permit, including review of applicable plans, have been met and an encroachment permit issued by Public Works.

## Environmental Health Division

35. At the building application stage, the applicant shall submit septic application and septic design plans to the Environmental Health Division for review and approval.

## Coastside Fire Protection District

36. **Occupancy Separation:** As per the 2007 CBC, Section 406.1.4, a one-hour occupancy separation wall shall be installed with a solid core, 20-minute fire rated, self-closing door assembly with smoke gasket between the garage and the residence.
37. **Fire Hydrant:** As per 2007 CFC, Appendix B and C, a fire district approved fire hydrant (Clow 960) must be located within 250 feet of the proposed single-family dwelling unit measured by way of drivable access. As per 2007 CFC, Appendix B, the hydrant must produce a minimum fire flow of 1,000 gallons per minute at 20 pounds per square inch residual pressure for 2 hours. Contact the local water purveyor for water flow details.
38. **Automatic Fire Sprinkler System:** As per San Mateo County Building Standards and Coastside Fire District Ordinance 2007-01, the applicant is required to install an automatic fire sprinkler system throughout the proposed or improved dwelling and garage. All attic access locations will be provided with a pilot head on a metal upright. All areas that are accessible for storage purposes shall be equipped with fire sprinklers including closets and bathrooms. The only exception is small linen closets less than 24 sq. ft. with full depth shelving. The plans for this system must be submitted to the San Mateo County Planning and Building Department. A building permit will not be issued until plans are received, reviewed and approved. Upon submission of plans, the County will forward a complete set to the Coastside Fire District for review. The fee schedule for automatic fire sprinkler systems shall be in accordance with Half Moon Bay Ordinance 2006-01. Fees shall be paid prior to plan review. Installation of underground sprinkler pipe shall be visually inspected and flushed by Fire District prior to hookup to riser. Any soldered fittings must be pressure tested with trench open.
39. Exterior bell and interior horn/strobe are required to be wired into the required flow switch on your fire sprinkler system. The bell, horn/strobe and flow switch, along with the garage door opener, are to be wired into a separate circuit breaker at the main electrical panel and labeled.
40. **Smoke Detectors which are Hardwired:** As per the California Building Code, State Fire Marshal regulations, and Coastside Fire District Ordinance 2007-01, the applicant is required to install State Fire Marshal approved and listed smoke detectors which are hardwired, interconnected, and have battery backup. These detectors are required to be placed in each sleeping room and at a point centrally located in the corridor or area giving access to each separate sleeping area. A minimum of



one detector shall be placed on each floor. Smoke detectors shall be tested and approved prior to the building final.

41. **Address Numbers:** As per Coastside Fire District Ordinance 2007-01, building identification shall be conspicuously posted and visible from the street. (TEMPORARY ADDRESS NUMBERS SHALL BE POSTED PRIOR TO COMBUSTIBLES BEING PLACED ON-SITE.) The letters/numerals for permanent address signs shall be 4 inches in height with a minimum 3/4-inch stroke. Such letters/numerals shall be internally illuminated and facing the direction of access. Finished height of bottom of address light unit shall be greater than or equal to 6 feet from finished grade. When the building is served by a long driveway or is otherwise obscured, a reflectorized address sign shall be placed at the entrance from the nearest public roadway. See Fire Ordinance for standard sign.
42. **Roof Covering:** As per Coastside Fire District Ordinance 2007-01, the roof covering of every new building or structure, and materials applied as part of a roof covering assembly, shall have a minimum fire rating of Class "B" or higher as defined in the current edition of the California Building Code.
43. **Solar Photovoltaic Systems:** These systems shall meet the requirements of the Coastside Fire Protection District as outlined in Standard Detail DI-007 Solar Photovoltaic Systems.
44. **Vegetation Management:** The Coastside Fire District Ordinance 2007-01, the 2007 California Fire Code and Public Resources Code 4291 require a minimum clearance of 100 feet, or to the property line of all flammable vegetation to be maintained around all structures by the property owner. This does not include individual species of ornamental shrubs and landscaping.