




COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building Department



DATE: April 26, 2010
BOARD MEETING DATE: May 11, 2010
SPECIAL NOTICE/HEARING: 10-Day Notice
VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors

FROM: Jim Eggemeyer, Interim Director of Community Development 

SUBJECT: Consideration of modifications proposed by the Coastal Commission to the County's Zoning and Local Coastal Program (LCP) amending the residential design standards in the unincorporated Midcoast.

RECOMMENDATION

1. Adopt a resolution accepting Coastal Commission suggested modifications to the County's Local Coastal Program (LCP) and Zoning Regulations amendments modifying Residential Design Standards in the Midcoast, and directing staff to transmit resolutions to the Coastal Commission for certification.
2. Adopt a resolution approving amendments to the San Mateo County Local Coastal Program Visual Resources Component to enact new Design Standards for One-Family and Two-Family Residential Development in the Midcoast.
3. Adopt an ordinance amending San Mateo County Ordinance Code (Zoning Annex) Chapter 28.1 to enact the "Design Standards for One-Family and Two-Family Residential Development in the Midcoast."

BACKGROUND

Proposal: County Planning staff is recommending that your Board accept modifications proposed by the Coastal Commission at its December 10, 2009 public hearing, to the proposed Zoning and Local Coastal Program (LCP) amendments for residential design standards in the urban Midcoast, which had been previously approved by your Board on April 20, 2004. The proposed amendments will go into effect if your Board approves the modifications proposed by the Coastal Commission, and if the Coastal Commission then determines that the County's approval is legally adequate.

Report Prepared By: Matt Seubert, Project Planner, Telephone 650/363-1829

Applicant: San Mateo County

Environmental Evaluation: Exempt from environmental review under CEQA. See Section G.

Zoning: Applies to single- and two-family development zoned Design Review (DR) in the urban Midcoast areas of Miramar, El Granada, Moss Beach and Montara.

General Plan Designation: Varies

Sphere-of-Influence: Half Moon Bay

Land Use: Existing land use varies. Applies to all single- and two-family development in the designated areas.

DISCUSSION

A. BACKGROUND

In April 2004, your Board approved amendments to the County's Local Coastal Program (LCP) Visual Resources Component Policies as well as to the Zoning Regulations. The purpose of these amendments was to establish new design review standards for one-family and two-family residential development in the urban Midcoast. In the terminology of the Coastal Commission in the supporting document at the end of this report, this constitutes an amendment to both the Land Use Plan (LUP) and to the Implementation Plan (IP). At a public hearing on December 10, 2009, the Coastal Commission proposed modifications to these amendments. The amendments will go into effect if your Board accepts the modifications, and the Coastal Commission then finds that the County's approval is legally adequate.

B. PURPOSE

The design standards will apply to all one-family and two-family developments in areas zoned "Design Review" (DR) within the urban Midcoast (El Granada, Miramar, Moss Beach, and Montara, but excluding Princeton). The new design standards incorporate updated criteria taken from the County's Community Design Manual. These new design standards will replace the Manual as well as the existing Design Review regulations in regulating single-family and duplex development in the urban Midcoast.

C. KEY DATES

2000 and 2001: Board establishes the Coastside Design Review Committee (CDRC). As part of the County's LCP Update Project, the Board requested that the CDRC develop new design review standards for the Midcoast.

October 2001 to May 2003: Coastsides Design Review Committee (CDRC) held public meetings and community workshops to develop design review standards for single-family and duplex development in the urban Midcoast.

December 10, 2003: Planning Commission unanimously recommends approval of the proposed design review standards, after first reviewing the proposal on August 27 of that year.

April 20, 2004: Board of Supervisors amends Zoning Regulations and LCP to incorporate proposed design review standards and directs staff to transmit the amendment to Coastal Commission for certification, after first reviewing the proposal on March 23 of that year.

October 13, 2004: County staff submits subject amendment to Coastal Commission.

January 7, 2005: Coastal Commission staff completes preliminary review of amendment, asks for additional information and changes to the proposal, including a corrected resolution from the Board of Supervisors specifying when the new regulations would take effect.

January 9 and 31, 2006: County Planning staff responds in writing to Coastal Commission staff's request for more information and changes to the proposal.

February 7, 2006: Board of Supervisors adopts corrected resolution as requested by Coastal Commission staff in their January 7, 2005 letter.

April 26, 2006: Coastal Commission staff sends letter requesting additional information.

March 20, 2009: County Planning staff responds to Coastal Commission's request.

December 10, 2009: Coastal Commission approves amendment with modifications.

D. SUMMARY OF COASTAL COMMISSION PROPOSED MODIFICATIONS

During the course of the preparation of the report to the Coastal Commission, San Mateo County staff worked with Coastal Commission staff to resolve outstanding issues on the proposed modifications. The two staffs were able to reach agreement on all but one proposed modification, which County staff then addressed orally at the December 10, 2009 Coastal Commission hearing. The Coastal Commission letter indicating the suggested modifications is included at the end of this report. In this letter, changes from the amendment originally adopted by the Board are indicated as follows: the existing text is in plain text, the originally adopted amendment is in underline, deletions to the existing text proposed in the original amendment are in ~~single strikethrough~~, deletions to the amendment proposed by the Coastal

Commission are in ~~double~~ strikethrough, and additions to the amendment proposed by the Coastal Commission are in double underline. Suggested Modifications #1 and #2 are proposed modifications to the County's Visual Resources Component of the LCP, which is called the Land Use Plan (LUP) by the Coastal Commission. The remainder of the proposed modifications are to the Design Review Standards at Section 6565.20 of the Zoning Regulations, which is called the Implementation Plan by the Coastal Commission.

For the most part, the modifications are clarifications in language that Coastal Commission staff thought important and do not change the intent or substance of the amendment. These include Suggested Modifications Numbers 1, 4, 6, 7, 9 and 11. In several other instances, the changes proposed by the Coastal Commission staff were minor and acceptable to County staff. For instance, Suggested Modification #2 to the Visual Resources Policy 8.13 of the LCP would allow the limited use of flat roofs if necessary to reduce view impacts or to accommodate varying but compatible architectural styles. Suggested Modification #5 to Section 6565.20(A)4 of the Zoning Regulations, clarifies that house size or height reductions will not be required as part of the design review process unless otherwise required by LCP policies. Suggested Modification #8 to Section 6565.20.C.1.c would add provisions to prohibit alteration of a site in a way that would cause significant drainage problems, erosion or flooding. Suggested Modification #10 to Section 6565.20.F.1 would require that landscaping be drought-tolerant, and either native or non-invasive, and prohibits plants deemed invasive, problematic, or noxious. For the most part, County staff concurred with Suggested Modification #10, except for the prohibition on non-drought plants, as discussed below.

County staff did not fully agree with the part of Suggested Modification #10 that required all landscaping to be drought-tolerant, as this would have precluded the planting of non-drought-tolerant fruit and vegetable gardens, flowers, and other landscaping. At the Coastal Commission hearing, County staff addressed this concern to the Coastal Commission, and the Coastal Commission added language that specifically excluded fruit and vegetable gardens from the requirement for drought-tolerant landscaping. County staff remains concerned that an outright prohibition on non-drought-tolerant landscaping is unnecessary and potentially problematic, especially because it would be difficult to enforce. However, the language added by the Coastal Commission does address part of this concern, and staff recognizes the many years of effort and varying points of view that went into this amendment, and therefore recommends accepting all of the Coastal Commission's modifications as proposed. In general, the County does not have the option of further modifying the Coastal Commission's recommended changes. It must either accept them in total, or else the entire amendment would be dropped. Under the existing circumstances, County Planning staff is recommending that the suggested changes to the amendment be accepted.

E. NEXT STEPS

The County has six months from the date of the Coastal Commission's December 10, 2009 action (that is, until June 10, 2010), to adopt a resolution accepting and agreeing to the Coastal Commission's proposed modifications to the amendment. Adopting the resolutions and approving the ordinance, as recommended by staff, would comply with this Coastal Commission requirement. Following this Board action, staff would then transmit this resolution and supporting materials to the Coastal Commission. If the Coastal Commission's Executive Director determines that the County's resolution is legally adequate and the Coastal Commission does not object, Coastal Commission staff would then file that determination with the Secretary of Resources, and then the proposed amendment would be effectively certified and have legal force.

F. PUBLIC COMMENT

Public comment at the December 10, 2009 Coastal Commission hearing was generally supportive of adopting the Coastal Commission staff's proposed changes to the amendment. No further written public comment has been received by County staff since that date, although staff has answered phone calls asking about the timing and process for the amendment.

G. ENVIRONMENTAL REVIEW

Under Section 21080.9 of the California Public Resources Code, local environmental review is not required in the preparation of an LCP. Rather, under Section 15265 of the CEQA Guidelines, responsibility for such review lies with the Coastal Commission. Review by the Coastal Commission is considered to be functionally equivalent to the environmental review that would be required by CEQA.

Livable Communities 2025 Shared Vision: The proposed amendment will establish new design review standards for one-family and two-family residential development in the urban Midcoast, promoting the vision of livable communities.

County Counsel has reviewed and approved the resolutions and ordinance as to form and content.

FISCAL IMPACT

It is not anticipated that this proposed action would have any fiscal impact.

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2 219
VOICE AND TDD (415) 904-5 280
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December 30, 2009

Lisa Grote
Director of Community Development
County of San Mateo
Planning and Building Department
455 County Center, 2nd Floor
Redwood City, CA 94063

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2010 JAN -4 P 4:17
SAN MATEO COUNTY
PLANNING DEPARTMENT

RE: Local Coastal Program Amendment No. SMC-MAJ-1-04-A (Residential Design Standards)

Dear Lisa:

This is to formally notify you of the Coastal Commission's action on the San Mateo County LCP amendment 1-04-A. As you are aware, the Commission completed its action on this LCP amendment at its December 10, 2009 public hearing. The Commission rejected the amendment as submitted and then approved the amendment with ten suggested modifications. The resolutions of certification and the suggested modifications as adopted by the Commission are listed in the Adopted Findings dated December 30, 2009, enclosed with this letter.

Pursuant to Section 13544 of the California Code of Regulations, effective certification of the LUP amendment will occur after:

1. The County acknowledges receipt of the enclosed resolutions as adopted by the Commission, and within six months of the December 10, 2009 action, through an adopted resolution:
 - a. accepts and agrees to the modifications that are suggested;
 - b. takes whatever formal action is necessary to implement the modifications; and
 - c. agrees to issue coastal development permits subject to the approved Local Coastal Program;
2. The Commission does not object to the Executive Director's determination that the resolution by the County is legally adequate; and

3. That determination is filed with the Secretary of Resources by the Coastal Commission staff.

If the County decides to accept and agree to the modifications as suggested, pursuant to no. 1(a) described above, it is important for the County to reprint the LCP, incorporating the suggested modifications into the document. Upon the submission of the resolution and supporting materials to the Commission, staff will then be able to review the document to determine whether it is legally adequate pursuant to no. 2 above and agendize the item for the Commission.

Section 13542(b) of the Commission's Regulations states that the Commission's certification of an LCP amendment with suggested modifications shall expire six months from the date of the Commission's action, unless the deadline is extended by the Commission pursuant to Section 30517 of the Coastal Act and Section 13535(c) of the Commission's Regulations.

If you have any questions, please don't hesitate to contact me at (831) 427-4887 or mcavaleri@coastal.ca.gov.

Sincerely,



Madeline Cavalieri
Coastal Planner
North Central Coast District

cc: Matt Seubert

Enclosure (1)

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE

45 FREMONT STREET, STE. 2000

SAN FRANCISCO, CA 94105

(415) 904-5260

**Th18b****ADOPTED FINDINGS**

DATE: December 30, 2009

TO: Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director
Charles Lester, Deputy Director
Ruby Pap, North Central Coast District Supervisor
Madeline Cavalieri, Coastal Program Analyst

SUBJECT: County of San Mateo LCP Amendment No. SMC-MAJ-1-04-A (Midcoast Residential Design Standards)

HEARING DATE: December 10, 2009

COMMISSION ACTION: Certified with suggested modifications

STAFF NOTES

The Commission held a public hearing and certified the LCP amendment at the meeting of December 10, 2009. The adopted findings for approval differ from those contained in the written staff recommendation dated November 20, 2009. At the hearing, the Commission modified Suggested Modification 10. This Suggested Modification requires landscaping to be drought-tolerant and non-invasive, and the Commission added language clarifying that the requirement does not apply to fruit or vegetable gardens.

The following summary, resolution, suggested modifications, and findings were adopted by the Commission on December 10, 2009 upon conclusion of the public hearing.

SUMMARY OF AMENDMENT REQUEST

The proposed LCP Amendment would amend both the Land Use Plan (LUP) and the Implementation Plan (IP) to establish new design review standards for one-and two-family residential development in the Midcoast. The new design review standards would replace the Community Design Manual and the standards in the design review district regulations (Section 6565.17 of the zoning regulations) for this type of residential development.

The proposed LUP amendment would modify policies to reference the new design standards in the IP, and to remove several special design guidelines from applying to one- and two-family development in the Midcoast. The proposed IP amendment would incorporate the new design review standards into the design review chapter of the zoning regulations (Chapter 28.1). The IP amendment would also repeal an outdated version of Chapter 28.1 that applies only to the coastal zone, and replace it with the version of Chapter 28.1 that applies to the entire county.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission deny the proposed LUP amendment and approve it with suggested modifications. The motion can be found on page 3 of this report. Staff also recommends that the Commission reject the proposed IP amendment and approve it with suggested modifications.

Existing certified policy 8.12 of the Visual Component of the LUP explains which design ordinances (i.e. the Design Review Zoning District regulations and the Community Design Manual) apply to development in urban and rural service areas. The proposed LUP amendment would delete 8.12.b, which, under the existing LUP, applies the Community Design Manual to all new development in urban and rural service areas. Although, under the proposed amendment, the Community Design Manual would only apply to some types of development, including multi-family and commercial, deleting this section altogether eliminates the clarity provided by referencing the relevant design standards applicable to specific types of development. Therefore, staff recommends Suggested Modification 1, which would clarify which design ordinances apply to each type of development in the urban and rural service areas of the County.

The proposed LUP amendment would also eliminate design standards for one- and two-family residential development from policy 8.13. These standards ensure alteration of natural land forms is minimized and new development is visually compatible with the character of surrounding areas, consistent with Coastal Act section 30251. Therefore, staff recommends Suggested Modification 2, which reinserts the policies of the existing LUP.

Therefore, staff recommends that the Commission deny the proposed LUP amendment as submitted and approve the proposed LUP amendment if modified as suggested by staff. Modification of the proposed LUP amendment is necessary to ensure that the LUP clearly states which IP regulations apply to each type of development, and to ensure alteration of natural land forms is minimized and new development is visually compatible with the character of surrounding areas.

The proposed IP amendment would establish new design standards that are generally adequate to carry out the policies of the certified LUP, as recommended to be modified by staff. However, several modifications are necessary to ensure complete consistency.

For example, staff recommends modifications that protect water quality by limiting excavation and requiring measures that maximize on-site infiltration of runoff. Staff also recommends modifications that ensure homes are sited to reduce visual impacts, and require drought-tolerant, non-invasive landscaping.

County staff opposes the requirement for drought-tolerant landscaping because they claim it is too restrictive and that such a requirement does not belong in residential design standards. However, the proposed design standards already address drought-tolerant landscaping; Proposed section 6565.20(F) states that drought-tolerant landscaping is preferred. In addition, existing section 6565.20, Standards for the Protection of Trees and Vegetation, which applies to all areas zoned DR, including the Midcoast, requires the use of native or other drought-tolerant trees and shrubs. Further, the requirement for drought-tolerant landscaping is not only appropriate given the nature of current water supply issues in the Midcoast, as described in staff reports for the Midcoast LCP Update (SMC-MAJ-1-07), but also because drought-tolerant landscaping is more visually compatible with the area. LUP Policy 8.10 in the Visual Resources Component requires vegetation removed for construction to be replaced with vegetation that is compatible with surrounding vegetation and suitable to the climate, soil and ecological characteristics of the area. Green lawns and other lush landscaping are not compatible with the Midcoast climate or surroundings. The requirement for drought-tolerant landscaping conforms to this LUP policy. Therefore, staff recommends the Commission adopt the suggested modification requiring drought-tolerant landscaping in the Midcoast residential design standards.

Finally, Commission staff recommends a modification clarifying that size and/or height reductions may be required during the review process to ensure compliance with LCP policies.

Therefore, staff recommends that the Commission deny the proposed IP amendment as submitted and approve the proposed IP amendment if modified as suggested by staff.

Additional Information

For further information about this report or the amendment process, please contact Madeline Cavaliere, Coastal Planner, at the North Central Coast District Office of the Coastal Commission, North Central Coast District, 45 Fremont St., Ste. 2000, San Francisco, CA 94105; telephone number (415) 904-5260.

EXHIBIT LIST

1. Board of Supervisors Resolution
2. Proposed LUP Amendments
3. Proposed IP Amendments

1. STAFF RECOMMENDATION

COMMISSION RESOLUTION ON SAN MATEO COUNTY LAND USE PLAN AMENDMENT 1-04-A

Following a public hearing, staff recommends the Commission adopt the following resolution and findings.

Motion #1

I move that the Commission **CERTIFY** County of San Mateo Land Use Plan Amendment SMC-MAJ-1-04-A as submitted.

Staff Recommendation for Denial

Staff recommends a **NO** vote. Failure of this motion will result in denial of the land use plan amendment as submitted and adoption of the following resolutions and findings. The motion to certify as submitted passes only upon affirmative vote of a majority of the appointed Commissioners.

Resolution for Denial

The Commission hereby **DENIES** certification of County of San Mateo Land Use Plan Amendment 1-04-A as submitted and adopts the findings stated below on the grounds that the amendment will not meet the requirements of and is not in conformity with the policies of Chapter 3 of the California Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act as there are feasible mitigation measures and alternatives that would substantially lessen the significant adverse impacts on the environment that will result from certification of the land use plan amendment as submitted.

Motion #2

I move that the Commission **CERTIFY** County of San Mateo Land Use Plan Amendment 1-04-A if modified as suggested in this staff report.

Staff Recommendation for Certification

Staff recommends a **YES** vote. Passage of this motion will result in the certification of the land use plan with suggested modification and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of the appointed Commissioners.

Resolution for Certification with Suggested Modifications

The Commission hereby certifies the Land Use Plan Amendment SMC-MAJ-1-04-A for the County of San Mateo if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

COMMISSION RESOLUTION ON COUNTY OF SAN MATEO IMPLEMENTATION PLAN AMENDMENT 1-04-A

Following a public hearing, staff recommends the Commission adopt the following resolution and findings.

Motion #3

I move that the Commission reject Implementation Program Amendment No. SMC-MAJ-1-04-A for the County of San Mateo as submitted.

Staff Recommendation of Rejection:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the implementation plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution for denial:

The Commission hereby denies certification of the Implementation Program Amendment No. SMC-MAJ-1-04-A as submitted for the County of San Mateo and adopts the findings set forth below on grounds that the implementation plan amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified land use plan as amended. Certification of the implementation plan amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially

lessen the significant adverse impacts on the environment that will result from certification of the implementation program amendment as submitted.

Motion #4

I move that the Commission certify Implementation Plan Amendment No. SMC-MAJ-1-04-A for the County of San Mateo if it is modified as suggested in this staff report.

Staff Recommendation for Certification

Staff recommends a **YES** vote. Passage of this motion will result in certification of the implementation program amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution for Certification with Suggested Modifications

The Commission hereby certifies the Implementation Plan Amendment SMC-MAJ-1-04-A for the County of San Mateo if modified as suggested and adopts the findings set forth below on grounds that the implementation plan amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified land use plan as amended. Certification of the implementation plan amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the implementation plan amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

2. SUGGESTED MODIFICATIONS

The Commission suggests the following modifications to the proposed LCP amendment be adopted. The County's proposed amendments are shown in underline for language to be added, and ~~strikethrough~~ for language proposed to be deleted. The language shown in double underline represents language that the Commission suggests to be added and the language shown in ~~double-strike-through~~ represents language that the Commission suggests be deleted from the language as originally submitted.

2.1. LAND USE PLAN SUGGESTED MODIFICATIONS

Suggested Modification 1:

Modify LUP Policy 8.12 to clarify which design ordinances apply to each type of development.

8.12 General Regulations

- a. Apply the Design Review (DR) Zoning District to urbanized areas of the Coastal Zone. (1) For one- and two-family development in the Midcoast, apply the design standards contained in Section 6565.20. (2) For all other development, apply the design standards contained in Section 6565.17 and the design criteria set forth in the Community Design Manual.
- ~~b. Employ the design criteria set forth in the Community Design Manual for all new development in urban areas.~~
- ~~e.b. Locate and design new development and landscaping so that ocean views are not blocked from public viewing points such as public roads and publicly-owned lands.~~

Suggested Modification 2:

Modify LUP Policy 8.13 to retain originally certified language that ensures new development is designed to be visually compatible with the character of the surrounding area.

8.13 Special Design Guidelines for Coastal Communities

~~The following special design guidelines supplement the design criteria in the Community Design Manual:~~

a. Montara-Moss Beach-El Granada – Miramar

~~(1) All Development~~

~~To the extent feasible, design development to minimize the blocking of views to or along the ocean shoreline from Highway 1 and other public viewpoints between Highway 1 and the sea. Public viewpoints include coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches. This provision shall not apply in areas west of Denniston Creek zoned either Coastside Commercial Recreation or Waterfront.~~

~~(2) One Family and Two Family Development~~

~~Apply the Standards for Design of One Family and Two Family Residential Development in the Midcoast, contained in the Design Review (DR) Zoning District regulations.~~

~~(3) All Development Other than One Family and Two Family Development~~

~~In addition to applying the appropriate design standards contained in the Design Review (DR) Zoning District regulations (Standards for Design in Other Areas), apply the following special design guidelines to supplement the design criteria in the Community Design Manual.~~

~~(1)(a)(1)~~ Design structures which that fit the topography of the site and do not require extensive cutting, grading, or filling for construction.

~~(2)(b)(2)~~ Employ the use of natural materials and colors which that blend with the vegetative cover of the site.

~~(3)(c)(3)~~ Use pitched, ~~rather than flat,~~ roofs which that are surfaced with non-reflective materials except for the employment of solar energy devices. The limited use of flat roofs may be allowed if necessary to reduce view impacts or to accommodate varying architectural styles that are compatible with the character of the surrounding area.

~~(4)(d)(4)~~ Design structures which that are in scale with the character of their setting and blend rather than dominate or distract from the overall view of the urban landscape.

~~(5)(5)~~ To the extent feasible, design development to minimize the blocking of views to or along the ocean shoreline from Highway 1 and other public viewpoints between Highway 1 and the sea. Public viewpoints include coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches. This provision shall not apply in areas west of Denniston Creek zoned either Coastsides Commercial Recreation or Waterfront. To the extent feasible, design development to minimize the blocking of views to or along the ocean shoreline from Highway 1 and other public viewpoints between Highway 1 and the sea. Public viewpoints include coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches. This provision shall not apply in areas west of Denniston Creek zoned either Coastsides Commercial Recreation or Waterfront.

~~(6)(e)(6)~~ In areas east of Denniston Creek zoned Coastside Commercial Recreation, the height of development may not exceed 28 feet from the natural or finished grade, whichever is lower.

2.2 IMPLEMENTATION PLAN SUGGESTED MODIFICATIONS

Suggested Modification 4:

Modify 6565.1.D.2 (Purpose of the Design Review Districts) as follows:

To encourage development of private property in harmony with the desired character of the community or area in conformance with an adopted set of community design principles as well as the County General Plan, the Local Coastal Program (where applicable), and other Precise Plans;

Suggested Modification 5:

Insert the following into Section 6565.20(A)4 – Relationship to Other County Regulations (page 1):

The emphasis for design review will be on a home's appearance, not on its actual size or height. As such, compliance with design standards will be achieved solely by requiring design techniques consistent with zoning development standards and, where applicable, LCP policies, that make homes appear smaller, lower or less massive; house size or height reductions will not be required unless otherwise required by LCP policies. ~~This does not preclude an applicant from voluntarily choosing a home design that is actually smaller, lower, or less massive than the maximum allowed by the zoning development standards.~~

Suggested Modification 6:

Delete the following from 6565.20(A)4 (page 2):

~~Where conflicts exist between the provisions of this section and other provisions of the Zoning Regulations, they shall be resolved in a manner that on balance most protects significant coastal resources consistent with Coastal Act Section 30007.5.~~

Suggested Modification 7:

Modify standard 2 from 6565.20.C.1.b – Grading on page 5.

(2) Encourage Allow limited excavation when needed to blend the house into the site.

Suggested Modification 8:

Add the following standards to 6565.20.C.1.c – Streams on page 6

(3) Do not alter the site in a way that would cause significant drainage problems, erosion or flooding.

(4) Locate structures outside of flood zones, drainage channels and other areas subject to inundation.

Suggested Modification 9:

Add the following standards to 6565.20.C.1.d – Ridgelines, Skylines and View Corridors on page 7

(2) If development is proposed on a ridgeline because there is no other developable building site on the parcel, ensure construction blends with the existing silhouette by maintaining natural vegetative masses and land forms and does not extend above the height of the forest or tree canopy.

Suggested Modification 10:

Delete the following from the Discussion section of 6565.20.F.1 – Landscaping on page 25

~~While no plant species is prohibited by policy, native and drought tolerant species are preferred.~~

And add the following standards to 6565.20.F.1

(f) All landscaping shall be drought-tolerant, and either native or non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. The requirement for drought-tolerant landscaping shall not apply to fruit or vegetable gardens.

(g) A smooth transition between development and adjacent open areas should be maintained through the use of landscaping and plant materials which are native or appropriate to the area.

(h) Utilize vegetated swales and bioretention cells to aid in treatment of stormwater and dry weather runoff, where appropriate.

Suggested Modification 11:

Add the following language to the Standards in 6565.20(H) – Second Units on page 31:

The following design standards shall apply in addition to the design standards in this section (6565.20) and the standards for second dwelling units contained in Chapter 22.5 of the County Zoning Regulations:

3. STANDARD OF REVIEW

Section 30512 of the Coastal Act requires the Commission to certify an LUP amendment if it finds that it "meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act." A decision to certify an LUP requires a majority vote of the appointed membership of the Commission. Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission must act by majority vote of the Commissioners present when making a decision on the implementing portion of a local coastal program.

4. LAND USE PLAN FINDINGS AND DECLARATIONS

4.1. Visual Resources

Coastal Act Policies

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Consistency Analysis

The proposed LUP amendment would modify LUP policies 8.12 and 8.13 to apply the new residential design standards to one- and two-family development, by deleting 8.12.b and adding 8.13.a(2) and 8.13.a(3). The amendment would also modify 8.13.a so that the special design guidelines in 8.13.a(1) through 8.13.a(4) no longer apply to one and two-family development.

Existing certified policy 8.12 of the Visual Component of the LUP explains which design ordinances (i.e. the Design Review Zoning District regulations and the Community

Design Manual) apply to development in urban and rural service areas. The proposed LUP amendment would delete 8.12.b, which, under the existing LUP, applies the Community Design Manual to all new development in urban and rural service areas. Although, under the proposed amendment, the Community Design Manual would only apply to some types of development, including multi-family and commercial, deleting this section eliminates the clarity provided by referencing the relevant design standards applicable to specific types of development. According to section 13511 of the Commission's regulations, the LCP must guide the kind, location and intensity of development in conformity with the policies of the Coastal Act. To do this, the Commission adopts **Suggested Modification 1**. This modification would add language to policy 8.12.a clarifying that Section 6565.20 of the design review chapter would apply to one- and two-family development in the Midcoast, and Section 6565.17 would apply to all other development in the urban areas and rural service areas. The modification would also add language clarifying that the Community Design Manual would apply to all development except one- and two-family development in the Midcoast. Only as modified can the Commission find that the proposed LUP amendment is consistent with Section 30251 of the Coastal Act.

Section 8.13.a of the Visual Component of the LUP contains standards for development in the Midcoast that require structures to be designed to blend with the surroundings. The County's proposed LUP amendment would eliminate standards one through four for one- and two-family residential development. These standards would still apply to other types of development, including multi-family and commercial.

County staff puts forth that the reason to eliminate these standards from the LUP is to locate the standards regulating design of this residential development in one IP document, making it more user-friendly. However, as outlined below, the LUP standards that would no longer apply to one- and two-family development are important policies that ensure alteration of natural land forms is minimized and new development is visually compatible with the character of surrounding areas, consistent with Coastal Act section 30251. Deleting this important LUP policy language and replacing it with a simple reference to the IP would render the LUP inconsistent with the Coastal Act visual resources policies for one- and two-family development in the Midcoast.

Standards one through four are necessary to carry out the requirement in 30251 that permitted development be designed to be visually compatible with the character of surrounding areas and minimize alteration of natural landforms. Standard one requires designing structures to fit the topography of the site; Standard two requires using materials and colors that blend with vegetation on the site; Standard three requires pitched roofs with non-reflective materials; and Standard four requires designing structures that are in scale with the character of their setting.

Without the standards contained in 8.13(a)(1) – (4), the only visual policies restricting one- and two-family development would be policies 8.1 through 8.7 protecting land

forms, 8.8 through 8.10 protecting vegetative forms, 8.25 through 8.27 protecting special features and 8.28 through 8.34 protecting scenic roads and scenic corridors. These policies would only regulate a home's design if structures had the potential to impact specific resources. Otherwise, the home would not be required to be designed to be visually compatible with the character of surrounding areas. Therefore, to ensure that the LUP continues to meet the requirements of section 30251 to ensure all development, including one- and two-family residential development on the Midcoast, is designed to be visually compatible with the character of the surrounding area, the Commission adopts **Suggested Modification 2**, which reinserts the policies as they are in the existing LUP. **Suggested Modification 3** adds that the limited use of flat roofs is allowed when compatible with neighboring homes to provide flexibility in the plan. This reflects the existing varied design character of the Midcoast and ensures that new development can be designed consistent with the character of its surroundings.

5. IMPLEMENTATION PLAN FINDINGS AND DECLARATIONS

5.1. Visual Resources

LUP Policies

8.5 Location of Development

a. Require that new development be located on a portion of a parcel where the development (1) is least visible from State and County Scenic Roads, (2) is least likely to significantly impact views from public viewpoints, and (3) is consistent with all other LCP requirements, best preserves the visual and open space qualities of the parcel overall. Where conflicts in complying with this requirement occur, resolve them in a manner which on balance most protects significant coastal resources on the parcel, consistent with Coastal Act Section 30007.5.

Public viewpoints include, but are not limited to, coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches.

...

8.6 Streams, Wetlands, and Estuaries

a. Set back development from the edge of streams and other natural waterways a sufficient distance to preserve the visual character of the waterway.

b. Prohibit structural development which will adversely affect the visual quality of perennial streams and associated riparian habitat, except for those permitted by Sensitive Habitats Component Policies.

c. Retain the open natural visual appearance of estuaries and their surrounding beaches.

d. Retain wetlands intact except for public accessways designed to respect the visual and ecological fragility of the area and adjacent land.

8.7 Development on Skylines and Ridgelines

a. Prohibit the location of development, in whole or in part, on a skyline or ridgeline, or where it will project above a skyline or ridgeline, unless there is no other developable building site on the parcel.

Consistent with Policy 9.18, a site of greater than 30% slope may be deemed developable if it is the only other building site on the parcel and can be developed consistent with all other applicable LCP policies.

Prohibit the location of development, in whole or in part, on a skyline, or where it will project above a skyline, when a developable building site exists on a ridgeline.

A skyline is the line where sky and land masses meet, and ridgelines are the tops of hills or hillocks normally viewed against a background of other hills (General Plan Policy 4.7).

b. Where no other developable building site exists on a parcel, limit development on a skyline or ridgeline to 18 feet in height from the natural or finished grade, whichever is lower.

c. Prohibit the creation of new parcels which have no developable building site other than on a skyline or ridgeline.

8.9 Trees

a. Locate and design new development to minimize tree removal.

b. Employ the regulations of the Significant Tree Ordinance to protect significant trees (38 inches or more in circumference) which are located in urban areas zoned Design Review (DR).

c. Employ the regulations of the Heritage Tree Ordinance to protect unique trees which meet specific size and locational requirements.

d. Protect trees specifically selected for their visual prominence and their important scenic or scientific qualities.

e. Prohibit the removal of trees in scenic corridors except by selective harvesting which protects the existing visual resource from harmful impacts or by other cutting methods necessary for development approved in compliance with LCP policies and for opening up the display of important views from public places, i.e., vista points, roadways, trails, etc.

...

8.10 Vegetative Cover
(with the exception of crops grown for commercial purposes)

Replace vegetation removed during construction with plant materials (trees, shrubs, ground cover) which are compatible with surrounding vegetation and is suitable to the climate, soil, and ecological characteristics of the area.

8.12 General Regulations

...

c. Locate and design new development and landscaping so that ocean views are not blocked from public viewing points such as public roads and publicly-owned lands.

8.13 Special Design Guidelines for Coastal Communities (as modified)

a. Montara-Moss Beach-El Granada- Miramar

- (1) Design structures which fit the topography of the site and do not require extensive cutting, grading, or filling for construction.*
- (2) Employ the use of natural materials and colors which blend with the vegetative cover of the site.*
- (3) Use pitched, rather than flat, roofs which are surfaced with non-reflective materials except for the employment of solar energy devices. The limited use of flat roofs may be allowed if necessary to reduce view impacts or to accommodate varying architectural styles that are compatible with the character of the surrounding area.*
- (4) Design structures which are in scale with the character of their setting and blend rather than dominate or distract from the overall view of the urban landscape.*

- (5) *To the extent feasible, design development to minimize the blocking of views to or along the ocean shoreline from Highway 1 and other public viewpoints between Highway 1 and the sea. Public viewpoints include coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches. This provision shall not apply in areas west of Denniston Creek zoned either Coastside Commercial Recreation or Waterfront.*
- (6) *In areas east of Denniston Creek zoned Coastside Commercial Recreation, the height of development may not exceed 28 feet from the natural or finished grade, whichever is lower.*

Consistency Analysis

The proposed IP amendment would repeal Section 28.1 (Coastal) and replace it with Section 28.1 (Bayside), and it would add section 6565.20 (Design Review Standards for One- and Two-Family Development) to Chapter 28.1 of the zoning regulations.

The County adopted Chapter 28.1 of its Zoning Regulations in 1976. These regulations were then certified by the Commission as part of the original IP. In 1989, the County adopted amendments to Chapter 28.1 that related only to the bayside, not the coastal zone and these amendments were not submitted to the CCC since they did not pertain to the Coastal Zone. This resulted in two separate documents which are referred to by the county as Chapter 28.1 (Bayside) and Chapter 28.1 (Coastal).

In 2000, the County accidentally submitted amendments to Chapter 28.1 (Bayside) to the Commission for certification. The amendments pertained to both Chapter 28.1 (Bayside) and Chapter 28.1 (Coastal), but only the Bayside version was proposed for revision. The Commission certified these amendments in 2001. Therefore, Chapter 28.1 (Coastal) does not include all of the amendments that were certified by the Commission in Chapter 28.1 (Bayside).

The proposal to repeal Chapter 28.1 (Coastal), which had not been revised consistent with Chapter 28.1 (Bayside), and add the revised version of Chapter 28.1 (Bayside) will result in a single set of design standards in one Chapter 28.1, thereby avoiding confusion. The changes that result from this swap are minor. The Commission adopts one minor modification related to the change, **Suggested Modification 4**, which references the Local Coastal Program along with the General Plan in the "purpose" section of the design review chapter.

The new residential design standards contained in Chapter 28.1 would guide the development of one- and two-family residential development in the Midcoast. Under the existing LCP, one- and two-family residential development must comply with the design standards contained in 6565.17 and the design standards in the Community Design

Manual. Under the proposed amendment, 6565.17 and the Community Design Manual would no longer apply to this residential development. Chapter 6565.17 and the Community Design Manual would continue to apply to all other types of development in the Midcoast, including multi-family and commercial development.

Although the proposed new standards for one- and two- family residential development generally carry out the policies of the certified LUP, there are several places where modifications are necessary to ensure complete conformance with the LUP.

Proposed section 6565.20.A provides background information about the design standards, explaining how the standards should be applied and the purpose and intent of the standards. Subsection 4, Relationship to Other County Regulations, states that compliance with the design standards would be achieved only through design techniques that change the appearance of a home, and that house size and/or height reductions would not be required. However, house size and/or height reductions may be necessary to comply with LCP policies, including policies that may require that a house size be reduced to comply with certain requirements, such as the protection of public views to the coast or sensitive habitats. Therefore, the Commission adopts **Suggested Modification 5**. This modification would clarify that size and/or height reductions may be required to ensure compliance with LCP policies.

As proposed, Section 6565.20.A also states that conflicts between this section and other sections of the zoning regulations should be resolved on balance to most protect significant coastal resources, consistent with Coastal Act Section 30007.5. However, balancing, as provided in Coastal Act Section 30007.5, is reserved for use by the Commission in its application of the Chapter 3 policies of the Coastal Act. The Coastal Act only authorizes the resolution of conflicts between the application of Chapter 3 policies, not between LCP policies, and it does not delegate the Commission's conflict resolution authority to a local government after certification of its LCP.

Further, conflict resolution between the design standards and the remainder of the zoning regulations is not necessary because the zoning regulations determine what can be built and where, while the design regulations determine how to build the project within the limitations of the zoning regulations. Therefore, **Suggested Modification 6** deletes the last sentence in 6565.20.A.4.

Proposed Section 6565.20.C.1.b provides standards for grading. In general, the standards require grading to be minimized in conformance with LUP policy 8.13.a(1) which prohibits extensive grading. However, standard two states: "Encourage excavation when needed to blend the house into the site." Although this standard would reduce the visual impact of homes built on slopes by requiring structures that fit the topography of the site, in compliance with LUP policy 8.13.a(1), the standard does not specify that extensive grading is prohibited. Therefore, the proposed standard is not adequate to carry out LUP policy 8.13.a(1) and the Commission adopts **Suggested**

Modification 7. This modification would clarify that only limited grading is allowed when necessary to blend the house into the site.

The certified design standards that currently regulate one- and two-family development are contained in Section 6565.17 of the zoning regulations. Under the proposed amendment, 6565.17 would no longer apply to one- and two-family development. Section 6565.17 includes several important standards that ensure homes are sited to reduce impacts to streams and other drainage features and to reduce impacts to skylines and ridgelines. These standards are not incorporated into the proposed new design standards. Therefore, the Commission adopts **Suggested Modifications 8 and 9** and a portion of **Suggested Modification 10**, which retain various standards from Section 6565.17 as described below.

Suggested Modification 8 adds two new standards regarding streams and drainage features. The Commission finds that these standards are necessary to ensure that the IP conforms with the LUP. Specifically, these standards will carry out LUP policies 7.7 through 7.13 protecting riparian corridors, and LUP policy 9.9 regulating development in flood plains.

Suggested Modification 9 adds a new standard regarding development on ridgelines. This standard would carry out LUP policy 8.7. Policy 8.7 specifies that development may not be on a skyline or ridgeline unless there is no other developable building site on the parcel, and that if development must be on the skyline or ridgeline it can be no higher than 18 feet. The standard added by Suggested Modification 9 would carry the policy out further to ensure that any development proposed on a ridgeline would blend with the existing silhouette. This ensures potential visual impacts would be minimized.

Proposed Section 6565.20.F provides standards for landscaping. While these standards are generally adequate to carry out the policies of the LUP, several modifications are necessary. First, the discussion section states that no plant species is prohibited by policy. However, LUP policy 8.10 requires vegetation removed during construction to be replaced with plants that are suitable to the climate, soil and ecological characteristics of the area. LUP policies 7.10 and 7.13 require native and non-invasive plantings in riparian areas and LUP policies 7.51 through 7.54 encourage the removal of several invasive species. Further, invasive landscaping may be harmful to sensitive habitats that are protected by the LCP. Therefore, **Suggested Modification 10** deletes the statement mentioned above and adds a standard requiring non-invasive plant species.

Suggested Modification 10 also includes a requirement for drought-tolerant landscaping. This requirement is not only appropriate given the nature of current water supply issues in the Midcoast, as described in staff reports for the Midcoast LCP Update (SMC-MAJ-1-07), but also because drought-tolerant landscaping is visually compatible with the area. LUP Policy 8.10 requires vegetation removed for construction to be replaced with vegetation that is compatible with surrounding vegetation and suitable to

the climate, soil and ecological characteristics of the area. Green lawns and other lush landscaping are not suitable to the Midcoast climate, and are not visually compatible with the surroundings. The requirement for drought-tolerant landscaping would ensure vegetation is compatible with the climate and the surroundings, in conformance with LUP policy 8.10.

Suggested Modification 10 also requires landscaping to create a smooth transition between development and adjacent open areas. This standard is from section 6565.17, which, as described above, would be replaced with the proposed design guidelines. It carries out LUP policy 8.5.a(3) preserving the open space qualities of the parcel, and LUP policy 8.10 requiring vegetation removed during construction to be replanted with plants that are compatible with surrounding vegetation and suitable to the ecological characteristics of the area.

Suggested Modification 10 also requires that, where appropriate, development utilize vegetated swales and bioretention cells to aid in treatment of runoff. This standard protects water quality and minimizes impacts to land and marine habitats as required by LUP policies protecting sensitive habitats.

Finally, **Suggested Modification 11** clarifies that the new design standards would apply to development of second dwelling units. This modification is only a clarification and does not result in a substantive change.

For the reasons above, the Commission finds that the proposed Implementation Plan amendment is not in conformance with or adequate to carry out the provisions of LUP Policies with respect to visual resources, environmentally sensitive habitat areas, and water quality, unless modified as suggested above.

6. California Environmental Quality Act

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) – exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Therefore, local governments are not required to prepare an EIR in support of their proposed LCP amendments, although the Commission can and does use any environmental information that the local government submits in support of its proposed LCPA. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5. Therefore the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in approving an LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment (14 C.C.R. §§ 13542(a), 13540(f), and 13555(b)).

The County's LCP Amendment consists of a Land Use Plan amendment (LUP) and an Implementation Plan (IP) amendment. The Commission incorporates its findings on Coastal Act and land use plan conformity into this CEQA finding as it is set forth in full. The LUP amendment as originally submitted cannot be found to be consistent with the Coastal Act with respect to protection of visual resources. The Implementation Plan amendment as originally submitted does not conform with and is not adequate to carry out the policies of the certified LUP with respect to the protection of visual resources and conflict resolution.

The Commission, therefore, has suggested modifications to bring the Land Use Plan into full conformance with the Coastal Act and the Implementation Plan amendment into full conformance with the certified Land Use Plan (See sections 2 and 3). As modified, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts under the meaning of the California Environmental Quality Act. Absent the incorporation of these suggested modifications to effectively mitigate potential resource impacts, such a finding could not be made.

The Commission finds that the Local Coastal Program Amendment, as modified, will not result in significant unmitigated adverse environmental impacts under the meaning of the CEQA. Further, future individual projects would require coastal development permits and/or design review permits (in areas that are Categorically Excluded from CDP requirements), issued by the County of San Mateo, and in the case of areas of original jurisdiction, by the Coastal Commission. Specific impacts to visual resources resulting from individual development projects are assessed through the coastal development review and design review process; thus, an individual project's compliance with CEQA would be assured. Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures under the meaning of CEQA which would further reduce the potential for significant adverse environmental impacts.