

**Planning & Zoning
Committee of the
MidCoast
Community Council**
PO Box 64, Moss Beach
CA 94038
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February 28, 2005

To: Farhad Mortazavi and the Coastside Design Review Committee

San Mateo County Planning and Building Division
Mail Drop PLN122, 455 County Center
Redwood City, CA 94063
650.363.1831 - FAX: 650.363.4849

Re: PLN2004-00609: Consideration of a CDP, CDR and Off-Street Parking Exception to construct a 1549 s/f addition to rear of existing house on a 5000 s/f parcel at 532 6th St, Montara. The OSPEX is necessary because the house has only 1 covered parking space. APN: 036-093-060

Farhad:

Please disregard the previous letter from Planning & Zoning regarding this project dated February 17, 2005. I was looking at the wrong notes when I wrote that letter. I apologize for any inconvenience this may have caused.

The Planning and Zoning Committee of the MidCoast Community Council reviewed the above-referenced project on February 16, 2005 with the applicant/owner in attendance.

We are concerned about the Off-Street Parking Exception and have the following comments regarding this issue:

In order to grant the Off-Street Parking Exception, the county "must make all" the required findings in Chapter 25 of the Zoning Regulations, section 6534.1 which provides as follows:

SECTION 6534.1 VARIANCE FINDINGS. In order to approve an application for a variance, the approving authority must make all of the following findings in writing:

- (1) 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.
- (2) 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.
- (3) 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.
- (4) The variance authorizes only uses or activities which are permitted by the zoning district.
- (5) The variance is consistent with the objectives of the General Plan, the Local Coastal Program (LCP) and the Zoning Regulations.

While recognizing that off-street parking is a very sensitive issue, we spent quite a bit of time trying to make the required five findings:

- Regarding finding (1), we were unable to identify anything substantially different about this parcel to make this finding. It is a rectangular 5,000 s/f parcel on a block of nearly identical 5,000 s/f parcels with similar topography.
- Regarding finding (2), we had a discussion as to whether the design of the existing house made the addition of a two car garage a substantially unrealistic option – there was nothing specific we could find that would indicate that the extra financial burden would allow this finding to be made, although it might be put forth as an argument.
- Regarding finding (3), we were unable to make this finding, because with the FAR cap, the applicant would have the special privilege of more floor area than a house on the same sized lot with a two car garage.

In further discussion, it was suggested that if the house were to be limited to 250 feet less floor area because of the lack of a space for a second car in the garage, then this might alleviate the "special privilege" of more house area, but still leave the issue of being allowed to have extra uncovered vehicle storage either on the street or in the driveway.

- Regarding finding (4), we were able make this finding because this type of project is permitted by the zoning district.
- Regarding finding (5), if it is determined that the applicant does in-fact have sufficient off-street parking for two cars, out of the setback areas, then one could argue that this might meet the spirit of finding (5).

Although one committee member believes that there would be no great detriment to the community by granting this exception, the committee is concerned that if the county makes the required five findings using any of our suggestions that the granting of this exception may not be defensible on appeal.

We have determined at this time that this is the only outstanding issue to address outside of the Coastside Design Review Process. The MidCoast Community Council Planning and Zoning Committee reserves the right to submit comments to CDRC if we deem necessary, or to ask for hearing on this project if other issues come to light during the review process, although in his case we recommend that the project not be forwarded to the CDRC until the variance issue is clarified and settled with the applicant.

Finally, we request that if the applicant decides not to pursue this exception, then he should receive a refund of all fees paid for this exception and the associated CDP because it appears that he was under the impression that the variance was only a matter of paying the fees, and was not clearly informed of the required findings for this exception to be granted nor was he given a copy of the brochure, "How To Apply For A Variance." We believe that the immediate problem with finding (1) should have been pointed out to him at the planning desk before he was asked to pay the required fees.

We recommend that this case be referred to the Planning and Building Task Force as an example of intake problems at the Planning Desk.

Thank you for your help. We request that you keep us informed of any further developments, redesigns, hearings, approvals or appeals concerning this application.

For the MidCoast Community Council Planning & Zoning Committee,



Sara Bassler
Chair, MCC Planning & Zoning Committee

cc: Karen Wilson, Coastside Design Review Committee