



April 29, 2003

Sandy Emerson
Chair, Midcoast Community Council
P.O. Box 64
Moss Beach, CA 94038

**ENVIRONMENTAL
SERVICES
AGENCY**

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Commissioner/ Sealer of
Weights & Measures

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Dear Sandy:

SUBJECT: Urgency Interim Ordinance – Design Review Standards

At the retreat in February, the Midcoast Community Council requested that the proposed design review standards be separated from the larger Midcoast LCP Update Project and adopted through an urgency interim ordinance. For the reasons discussed below, we do not recommend this approach, but rather endorse the “fast tracking” proposal described in the April 14, 2003, letter from Marcia Raines to the Council (attached).

State Government Code Section 65858 establishes the requirements for a legislative body to adopt an urgency interim ordinance. In summary, the legislative body may adopt an urgency interim ordinance to prohibit uses that may be in conflict with a contemplated general plan or zoning proposal, when necessary to protect the public health, safety and welfare. Adoption of an urgency interim ordinance requires a four-fifths vote of the legislative body upon finding *“that there is a current and immediate threat to the public health, safety, or welfare and that approval of additional ... building permits, or any other applicable entitlement for use ... would result in that threat to public health, safety, or welfare.”* The law prescribes two scenarios related to expiration of an urgency interim ordinance; both involve minimum 45-day and maximum 2-year applicability.

The proposed design review standards are the product of a yearlong updating and revision process. They include many measures that clarify and expand on existing controls. Some may view the existing design regulations as inadequate and not sufficiently restrictive.

The existing design review regulations have been certified by the Coastal Commission as conforming to the Coastal Act and are similar to regulations currently in effect in the Bayside communities of Emerald Lake Hills and Palomar Park. The existing design regulations also operate in concert with recently adopted maximum floor area, daylight plane, and facade articulation zoning requirements aimed at reducing house size, scale and mass.

PLANNING AND BUILDING

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We believe that the evaluation of new house design under the existing design review criteria during the interim legislative process does not represent a current and immediate threat to the public health, safety, or welfare. In other words, house design resulting as a consequence of the existing controls does not constitute an imminent threat to the public welfare.

As an alternative to adopting an urgency interim ordinance, we propose a "fast tracking" process that involves:

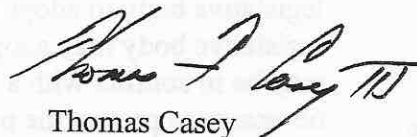
1. Sequencing Planning Commission consideration of the Midcoast LCP Update Project such that the design review standards and another key amendment are reviewed first.
2. Separating these amendments from the larger update project and transmitting them as a discreet project for Board of Supervisors and Coastal Commission consideration.

We believe that this is a workable approach that will contribute to an expeditious outcome.

Sincerely,



Marcia Raines
Director of Environmental Services



Thomas Casey
County Counsel

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cc. Supervisor Richard Gordon
John Maltbie, County Manager
Terry Burnes, Planning Administrator
George Bergman, Senior Planner