

Additional notes from 4/26/00 MCC hearing on MidCoast Zoning Ordinance

Chair opens the floor to specific questions for County Staff George Bergman (GB) and Planning Director Terry Burns (TB) from the public.

Questions were asked by Leonard Woren of El Granada, Ann Forrister of Montara, Ethan Miller of Miramar, Jim Rudolph of Moss Beach, Robert Kosut of El Granada, Kathryn Slater-Carter of Montara, Wendy Bryant of El Granada, Michele Clement of El Granada, and Scott Boyd of Montara.

Questions concerned:

- Why is daylight plane application left to applicant?
A: Best to allow flexibility for different designs, would work best for community integration.
- How would the 3 members of the DRC be selected?
A: No real process yet, but probably Board acting on AIA and MCC recommendations.
- Does the proposed FAR cover outside structures?
A: Criteria would be same as for current regulations.
- How would "looming walls" in daylight plane diagram be dealt with?
A: DRC process, and requirement of articulation.
- Would architects from the Coastside be used on the DRC?
A: Possibly, if qualified - would need to get recommendation from AIA
- What protection of trees and vegetation would be afforded?
A: Staff doesn't feel that is within this exercise - LCP review could deal with that later. Landscaping is handled through Design Review, but not a definite requirement.
- Issue actually with existing vegetation and site conditions
A: LCP and zoning regulations are already in place - DRC would re-enforce these. DR process requires applicant to meet first with staff before submitting anything.
- Could the rotating public member of the DRC be the same person, or could extra people be added for a consistent overview?
A: Staff prefers smaller committee - constructed so that professional design experience would govern. Would like further input on DRC liaisons to community.
- How did houses on chart that exceed prior FAR regulations get approved?
A: FAR for prior regulations is just a projection of lot coverage multiplied by two. Steep lots sometime allow the creation of a third story, some of the house sizes were variances.
- How will variances and exceptions be handled?
A: Variances and Use permits could be handled as they presently are.
- Is there a way to get planning staff to come out and meet with community members to discuss proposals? Important tat County understand the perspective of the community, as most of them do not have the time to get over to Redwood City for meetings.

A: DRC meeting would be local and public, roundtable format to facilitate discussion - members usually do site visits. Currently, staff visits site, but not publicly. Community involvement is the essence of Design Review, and important in resolving most conflicts.

- How would this work with MCC and P&Z Committee?

A: It can work with or in place of current practices.

- How can additional comments regarding the proposal be submitted?

Additional comments can be sent to:

George Bergman

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Chair April Vargas then moved the discussion to public comment on the proposal.

Comments were heard from David Spiselman of Montara, Tom Mahon of Montara, Peck Drennen, architect, Elizabeth Vespremi of Moss Beach, Tom Mahon of Montara, Leonard Woren of El Granada, Kate Smit of Montara, Steve Terry* of El Granada, Leni Schultz of El Granada, Ethan Miller of Miramar, Joe Guntren* of Montara, Robert Kosut of El Granada, Don Johnson of Montara, Scott Boyd of Montara, Stephanie Morales of El Granada, Dennis Doherty* of Miramar, Arthur Hoffmayer of Montara, Kathryn Slater-Carter of Montara, and Karen Wilson* of Montara.

* = Zoning Ordinance Task Force Member.

Comments included:

- FAR reduction to 50% for consistency with Half Moon Bay
- Property owners should be compensated for loss of land value with new regulations
- Add allowance for extra stairwells or lesser setbacks to conform
- Height concept works well with contours
- Concern that Daylight Plane can result in an ugly house
- Would like to see built-in incentives for merging of substandard lots
- DRC should give community time to review project
- Need a book with examples of good design and architecture
- Professionals on DRC can help with problems in designing on slopes
- Consideration of minimum size standards, not just maximum
- Disagrees with entire proposal - houses need lots of space inside. Decisions should not be made by special interest groups but by property owners.
- Concerned about keeping affordable housing - keep prices down by keeping house size down
- Small ugly is better than large ugly.
- DRC meetings should be on coast.
- Timetable for implementation is critical - as soon as possible
- County should consider View Easement Laws - View corridor important for community and design.
- Daylight Plane does not encourage creativity.
- Work toward preserving large open spaces, wildlife corridors and ridgelines - putting energy in areas that have more impact on more people
- Consider performance standards of light and noise for residential development

- Comparison of proposal with other zoning shows that FAR is one of highest in the County
- House size should be proportional - consider a straight line FAR
- San Mateo, Menlo Park, Burlingame and Millbrae all have daylight planes
- Agrees with performance standards - lighting is problem in El Granada - Burlingame adopted standards for light emission beyond property lines
- Why smaller proportionally on larger lots? Consider straight line.
- Consideration of owner/builder - not in either of the "two camps"
- Builders cannot work with daylight plane - difficult to design architecturally pleasing homes.
- Design is the real issue - DRC should be implemented immediately with this ordinance.
- 33' height exception should be implemented on 20% slopes.
- As a builder, can live with FAR, height measurement method.
- "Falling Waters" (Frank Lloyd Wright) violates everything you could think of, but its still a desirable house - DRC should have exemption power.
- Proposal would allow density greater than cities like HMB or cities on the bayside - how can this relate to reflecting the surrounding community?
- Houses being built with no regard for surrounding neighborhood - "statement homes" with our little homes as backdrop.
- Take into account San Mateo County Community Design Manual - since 1976, and house built since then have been in violation of everything in it. Need solid, enforceable ordinances.

- Chair April Vargas called a 10 minute break at 9:48 PM.

- Meeting reconvened at 9:59 PM.

Comments, continued:

- Big houses along highway are eyesores, would like to see more consistency. Supports growth that is supported by infrastructure and well-planned.
- SMC Co Community Design Manual doesn't have any reference to daylight plane - doesn't feel task force discussed it fully. DP does not address design, diagrams shown were for flat lots. Need better designs.
- Bayside communities were built out after WW2 - small, 1300 sq. ft. houses. That type of character is partially what their ordinances are protecting.
- Many 1300 sq. ft. houses in Montara.
- Would like to thank County for original staff proposal of 12/7/99 (the "blue line" shown on the graph prepared by Steve Terry). Would support keeping those levels.
- Foster City has ordinances protecting private views - these exist and can be done for the asking.
- Percentage of proposal for small, 2500 sq. ft. lots is larger than any other community with these regulations.
- Under CEQA, County needs to consider the cumulative impact of these developments.
- Homeowner's Exemption allows addition of 256 sq. ft. into existing setbacks, with the proposal, this could result in FARs as high as 63% for 2500 - 3500 sq. ft. lots.
- Maintain views and sense of space in community as specified in Coastal Act.
- Maintain Community Character by controlling size of houses and views - supports implementation of original staff ("blue line") proposal.
- Remember that the DRC can deal with an reasonable exemption from daylight plane requirement.
- On the graph, most of the recent development was under the "blue line" - these are reasonable limits that help with space and congestion.

- Concerns for future use of larger homes as multi-family units, adding to population and congestion.

Comment from Terry Burnes: Original staff proposal was designed to "cool down" new applications when new construction was an issue - an oil on water thing - so that nothing significant would happen to compromise what gets eventually worked out. Like stopping two kids fighting, or a moratorium - not to do nothing forever.

- Two children not a good analogy - a few people with a lot of money vs. the rest of us.
- In favor of proposal, with modifications to ease up on daylight plane, feels they will consolidate community - a substantial decrease from what was previously allowed.
- Number of appeals to county was only 4, why was this such an issue to start this process?

Comment from George Bergman: Appeals were all addressing same issues and coming back to back - an obvious trend was developing.

- Builders need regulations they can work with - they employ a lot of people on the Coastside, good times and bad.
- Let's figure out what we're trying to solve - no neighbors staring in your window, no blocking of views or sunshine. If you're going to throw out the daylight plane, you must solidify the principles behind what it was trying to protect.
- Consider threat of multi-family use developing from large houses - take into account access and egress from public roads.
- Ordinance should apply a multiplier like HMB proportionality rule for smaller lots.
- Clarification that HMB proportionality rule is "approved", but not enacted or adopted - that it will be subject to study and hearings.
- Supports proposed regulations, but points out that HMB is not like unincorporated coast - mostly flat, and we have hills and other terrain to deal with.

Chair April Vargas closed public comment at 10: 27 PM, and directed the hearing to questions from council members.

Council member Perkovic: Took issue with comments of property being devalued, as this ordinance was being asked for by property owners - the community uses many dimensions to measure value, and this is behind a lot of the passion on this issue.

Noted that Community Design Manual is the law, as referenced in LCP and Zoning regulations, which are a part of the General Plan, and it is the General Plan that governs - it is not beneficial to bring in non conforming projects that get appealed.

Views & sunlight are significant issues, and are the basis for appealed projects. Council had been told that regulations on private views are not enforceable, but Foster City and other cities have such regulations. Process has been stuck, and we would like to see these issues addressed. Believes that FAR is a diversionary issue, and would like to see residential regulations brought into compliance with General Plan and Community Design Manual. Doesn't think this process is addressing community issues. Was he charge to the study group to stay within these narrow confines or to address the "real" issues?

Council member Bassler: To put together a Design Review process takes a long time - we had to start with some concrete numbers, and work to build Design Review up from that point.

Council member Kozak: Can a Design Review Committee process be implemented immediately with this ordinance, based on existing regulations, guidelines and principles while the more detailed regulations are being developed?

TB: DRC could probably not be implemented administratively, but would need to go with the ordinance through the level of review to the Coastal Commission. But thinks it could be implemented at the same time under those ideas.

Kozak: Regarding 200 or 400 sq. ft "garage credit" in FAR description, how is it determined whether a house is required to have one or two covered parking spaces?

GB: One bedroom requires one covered space, two or more requires at least two. The removal of the covered parking requirement below 3500 sq. ft changes this to what might be called a "living space" credit.

Council member Stein: What are the common lot sizes we are talking about? Can we get a feel for the "average" sized lot that is available for development?

GB: Over last five years, a clustering in the 5000 - 7000 sq. ft. area. Would expect that average to hold on future developed lots.

Stein: An idea of where they might be geographically?

GB: Would think more empty lots are in Montara/Moss Beach as there has been less development there in the last 10 years than El Granada.

Stein: As a question to the study group members, why are these numbers higher than any others in the County?

Kozak: Point out that these are not numbers from the study group, but instead a proposal put together by County staff from what they heard in the meetings. Does not agree with the numbers that are in there, would like to lower FAR, for instance, and that others in study group would have liked to have higher numbers.

TB: Accentuate that this is STAFF proposal - task force did not vote on any of it, and thinks it is unlikely that any member of it agrees with everything the way it is in the proposal.

Stein: Do you think it would have been useful to have professional input from staff in other cities?

Council member Vargas: Some of the study group had visited Belmont with locals from there to see how theirs worked. Noted constraint of Board of Supervisors that this would be finished by end of year, and it was hard to see how to get that much work done in that time.

Stein: These time constraints are scary - decisions of this import should not be made this fast.

Bassler: Board's time constraints were influenced by Real Estate and Building lobbying, and their desire to make use of current favorable economic factors - they have a lot of political clout.

Kozak: Believes that the direction that the process took was a beneficial one, given the constraints, regardless of how forced or artificial they may have been - the factors in this ordinance lay a good groundwork to address the bigger issues during the LCP review, and it was best to focus on just these, rather than branch out to larger issues that there was not time to sufficiently research and analyze. Small errors at the base turn into large ones as things are built upon it.

Bassler: the "Blue Line" numbers of the original staff recommendations were based on other sections of the County Zoning Regulations that had been approved by the Board. Why were these used in the first recommendations?

TB: Philosophy is to present board with something it has already adopted. Combinations of regulations from three neighborhoods, skewed toward the low side.

Perkovic: Why come out with recommendations for exemptions, rather than use the variance mechanism. Sees exemptions and exceptions as things that become standards after time.

TB: Doesn't see variance as providing flexibility sought in these regulations. Variances are there to defend zoning regulations from charges of takings.

GB: Exceptions provided as anticipatory for Design Review, setting up a choice or flexibility in design.

Vargas: Can an allowance be made or worked out so that Home Improvement Exemption won't exceed FAR?

TB: We will look seriously at that, and the relation of its use to these ordinances. It is usually used for remodeling and expansion of rooms.

Chair April Vargas directed the hearing to comments from council members.

Council member Kozak: As study group member, not in agreement with proposal. Thinks staff did exemplary work in putting together this "composite" proposal, but disagrees with the actual numbers. Details proposal he had presented, with a 45% FAR w/o garage credit, bonus FAR for single story houses, height regulations that centered mass of building away from walls, daylight planes based on proportionality of building size, etc. Felt it addressed an adequate sized house on the average parcel size of 6000 sq. ft, maintained better proportionality, and allowed enough flexibility for builders and designers.

Council member Stein: Thinks FAR should be 50% or lower, without garage credit. Sees a problem with the third member of the DRC being from different communities, would like to include member of MCC or P&Z as fourth member for continuity.

Council member Lohman: Even number would mean a more positive approval process: 3-1 is a clear agreement.

Stein: Has issue with how Supervisor Gordon set up study group membership - Council members in group sets up potential split on Council. 50% of group membership are people who make their livelihood directly off building and selling homes, and this is not representative of the community as a whole.

Kozak: Points out that makeup of committee was directed by Board of Supervisors.

Stein: So her issue is with the entire Board, and not just Supervisor Gordon.

Lohman: Its a good thing P&Z committee has been doing the Design Review work. In comparing original staff recommendations to HMB regulations, it seemed like a good idea to "step up" to 50% - now, looking at current proposal, seems like a good idea to "step back down." Comments on historical aspects of task force processes as potential ways of circumventing public participation and approvals, would encourage vote if necessary. This is an apples to apples to comparisons - low numbers and Design Review process works fine in bayside communities. Need to establish what the baseline for that is.

50% FAR is non-negotiable - worries that control will be lost at Board of Supervisors level, that votes would be lost to lobbying from SMCo Board of Realtors. Would like to see our ideas incorporated into proposal, to come up with something people will support, not play the games, to avoid process of appeals and having to do an initiative. Agrees with Paul's (Perkovic) concerns, but realizes the need to go forward. Design Review needs to enforce regulations so community members don't need to appeal and sue. Would like to see an incentive for merger of substandard lots.

Council member Bassler: Staff did good job pulling together composite proposal. Need to decrease FAR for lots below 5000 sq. ft. Affordable housing needs creative solutions; really small houses on substandard lots would discourage bidding wars so that houses might stay affordable. Would like incentive and encouragement for cottage-type buildings. Is okay with Daylight plane as proposed.

Would like to 28' height limit extended to multi-family and commercial zoning districts, for consistency with LCP and Community Design Manual, and would like to encourage exploration of underground parking concept.

Council member Gore: Complements County on responding to this issue. Points out it is a substantial decrease from what was there, and is a compromise for everyone. A tremendous amount of work. Agrees with idea of 4 members on Design Review Committee, because the communities are very different. Agrees with council member Perkovic that views are important. Would support Staff draft proposal.

Council member Perkovic: No comments, because it is getting too late.

Council chair Vargas: Encourage that it seems that most of the council would support 50% FAR. says she would support 53%. Has concerns about Home Improvement Exemption and how that might affect FARs. Is okay with proposal on height and especially on method of measuring it, pleased with flexibility and DRC input on Daylight planes. Supports idea of DRC, thinks four members should be explored. Could support proposal as it stands.

Vargas: Because of the late hour, suggests possibility of finalizing Council position at next meeting on May 10, 2000. Would like to have a formal proposal to go to the Planning Commission.

Lohman: How can we deal with this before then with Brown Act considerations?

Perkovic: Too late to put together specifics, encourages County staff to incorporate tonight's appropriate comments.

TB: Suggests working off proposal, and responding to it specifically. Not clear if staff will actually draft a full ordinance for the Planning Commission, suggests that MCC Planning & Zoning Committee create a draft proposal for the full Council.

Council member Joe Gore made a motion that the MCC support the County staff draft proposal. Seconded by Chair April Vargas.

In Favor: Gore, Perkovic and Vargas

Opposed: Bassler, Kozak, Lohman and Stein.

Motion failed 3-4.

Council member Lohman proposed a motion to approve the proposal with a 50% FAR in place of the County staff proposed FAR. Council member Stein offered to second. No further discussion was offered or motion was forwarded for a vote, question never called. Because of the late hour, council members state they would like the MCC Planning & Zoning Committee to review issue and return to next MCC meeting on 5/10/00 with a recommendation for council action.

Terry Burnes stated that Council and community's interest in 50% FAR level was duly noted by staff. Chair April Vargas closed this item.