

Planning & Zoning Committee of the MidCoast Community Council

PO Box 64, Moss Beach CA 94038

Serving 12,000 residents

September 4, 2001

Fax: 4 Pages

To: **Adam Gilbert**

San Mateo County Planning and Building Division

Mail Drop PLN122, 455 County Center

Redwood City, CA 94063

650.363.1867 - FAX: 650.363.4849

re: Decision letter of 8/28/01 for PLN2001-00368: Lot Merger, CDX and Coastside Design Review for a new 3-story, 2483 sq. ft. house including garage and a second unit on a 5617 sq. ft. parcel at the southwest corner of 9th and East in Montara. APN 036-025-160 & 290.

cc: Supervisor Rich Gordan

Marcia Raines, Director, Environmental Services Agency

Planning & Zoning Committee of the MidCoast Community Council

Adam:

Thank you for sending me the copy of the above referenced decision letter, but I must admit I was surprised and dismayed by this action. I must take exception to a number of claims in your letter and maybe explain more fully the process, understandings, and limitations under which the MidCoast Community Council Planning and Zoning Committee operates.

In the message you left for me on 7/23/01 (a date I have no way to verify, unfortunately), you did not mention a specific date, time restraint, or anything about time limitations due to the permit streamlining process. You did mention that the owner was a former planner from another jurisdiction and that they were pressuring you to get the project through. I returned your call promptly (if not that same day) to explain the case load and pipeline we had at the time, and that we take the applications in numeric order and we had a way to go to get to #368. As I heard nothing else from you regarding the issue, I thought we had an understanding. I will try not make that assumption again.

A week or so after your call, I received a call from P.K. Diffenbaugh, Supervisor Rich Gordon's aide, who had also been contacted by the owner. By that time I was able to give a target date of 8/29/01 for our review of the project, and also explained to P.K. how the process worked and where and when the P&Z agendas would be available so he could pass the information back to the owner. And please note that our meeting of 8/29 was a special meeting on the 5th Wednesday of the month in order to try to catch up on the backlog. Again, I heard nothing further on this issue and no mention of any time restraints.

About August 15, I left a message for Chris Ridgeway, the listed applicant for the project, that P&Z would be reviewing the project on the 29th. On Sunday, August 26th, as I do no later than each Sunday before a P&Z meeting, I faxed a copy of our agenda to the Planning Department to Lily Toy's attention. This agenda is typically posted on the board by the stairwell, and I believe usually distributed to the staff – most of the planners seem to know when their projects are coming up for review. On the Monday, the 27th, I called Mr. Ridgeway's office again to remind him – I was informed by his office that Chris would not be attending our meeting, but that the owner would be there. Again, at this point, I was not informed of any specific time restrictions regarding this project, or any intentions to proceed with a decision letter on the 29th (or whatever date – your letter is dated the 28th, yet you refer to “as of the 8/29/01” in the letter, and the actual decision letter is dated 8/30/01). No one from the project showed up at our meeting, and rather than delay the case any further (which would've been fruitless, in light of your action), we went ahead with our review. I've written up our comments for the record and attached them to this letter.

As you can see, the project raised a number of substantive issues regarding site-sensitivity, scale and character, design, and the configuration of the second unit and the adequacy of parking, none of which I see addressed in your decision letter.

Your action to issue a decision letter is upsetting for many reasons beyond the fact that I was never informed of the time restraint, and many of them relate to the working relationship with County planning established by the P&Z committee:

I am, as you've surely noticed, a frequent visitor to the office, and I keep in regular touch with staff and management on what P&Z is up to. In the past few months, there has been an increase in the number of applications, possibly in response to the new zoning ordinances coming into effect. Whatever the reason, I have discussed the growing caseload with Lily and other planning staff and management, and at all times I was told not to worry about the timing but to concentrate on getting our job done. I have seen applications work their way towards decision taking far longer than this one, from actions of staff and not from lack of our review, and I'm curious why this one would be so rushed. If there is to be a change in the rate of processing and in our expected time or response, we would certainly like to be notified of it so we can adjust accordingly.

The applications are rarely dated – the one in question here has no date of issue on your referral form, no dates on the applications and paperwork except in two places by the signatures. I have noticed a vast discrepancy between the filing dates and when the referrals get to us, which I assumed was due to any initial review work the planner might do on the case and their particular case-load. Sometimes it is within a week, sometimes it takes a couple of months. When I receive an application I slip it into the stack in numerical order, which I had figured was the only fair way to approach them, as their number would indicate the order they had been filed in, and pick the next six or seven or eight for the next agenda. If you would examine our agendas over the last two years, you would see this regular numeric procession through the applications. If I have any fault

here, it would be in not noting the received date of the applications, but as I indicated above, I was never informed that this was a problem.

The exception is for returning or resubmitted designs, which we always take ahead of any new ones. In the past few months we have had some that have returned a number of times. For the most part, these were applicants that were trying in full faith to work out designs and projects, often in problematic settings, that would be best for their communities, and we feel these deserve our full cooperation and attention, even though it may impair a methodical review and processing of new incoming applications.

Beyond this, we had also received a number of low-numbered, complex cases from some of the planners that they had been doing extensive pre-review work on, and because of their earlier numbers, they moved automatically to the front of the line.

And finally, the review of all new residential building projects by the P&Z Committee has been an established part of the County's review process for nearly two years. Never before (to my knowledge, anyway) has a project moved to decision without our review, and I would add that this has been to the overall benefit of the review process: As elected representatives and members of the community, we provide a level of input and review to the projects in our own neighborhoods that County staff could never provide. And concepts in community compatibility and overall development impact that have come from this process have shaped County review process and policy, to the extent of driving the adoption of the new zoning ordinance and the ongoing LCP review.

And we do this on a volunteer basis. No pay, no staff, just some dog-eared zoning regulations and 10 – 20 hours a week put into developing what we consider an integral, grass-roots component of the community planning process. And no trust-funds here – we all have full-time jobs, and luckily we have understanding and supportive employers, clients, partners and families who believe we're not wasting our time. We certainly don't think we are.

In a letter to the MCC regarding our request for the consideration of the Planning Commission holding regular meetings on the coast, Marcia Raines, Director of Environmental Services, wrote:

“Where does this leave residents of the Midcoast who want to learn more about or have input on our projects? We think that need is being met to a great extent by the Midcoast Community Council and its Planning and Zoning Committee, which is why we have attempted to accommodate the Council's various requests over the years for additional and more timely information about permit applications and other projects in process here. I know the transition toward more involvement has not always been smooth, but I believe we have an increasingly effective communication process with the Council and the Planning and Zoning Committee.

“My understanding is that the Planning and Zoning Committee holds regular public meetings to review permit applications and other items and that the Council

occasionally does the same to consider recommendations of the Committee on more significant items. Assembling and transmitting local input on planning matters falls squarely within the Council's role as an advisory body to the Board of Supervisors and its various subordinate functions. This provides convenience for the local community and efficiency for decision-makers here, in that the Council or the Planning and Zoning Committee generally consolidate, evaluate and summarize input received from the public. I believe planning staff reports now routinely summarize the Council's input and generally include as attachments any correspondence from the Council or the Planning and Zoning Committee.”

As an elected representative of the residents of the Unincorporated MidCoast Communities, I have worked very hard and long the past two years to develop this level of communication and cooperation with the County, so I hope you understand when I say that I consider this decision letter to be like a slap in the face. I realize that’s not very professional, but I’m not a paid professional – I’m essentially an unpaid volunteer and we are motivated by our emotional dedication to our communities.

And I’ve gone on at great length because I believe this could only happen from not understanding the established processes involved. I don’t necessarily feel it’s my job to have to explain all this to each new planner that is hired, but I will if that’s what it takes to avoid this happening again.

In light of all of the above, because of the lack of notification of any time restriction that never seemed to apply before and because this decision has bypassed an established community review process, I am requesting that the decision letter of 8/30/01 regarding PLN2001-00368 be administratively rescinded and that the issues and recommendations of the MCC P&Z Committee be taken into consideration and addressed before any new decision is issued.

Thanks for your patience in reading through all this. I will await your response.

Sincerely,



Chuck Kozak, MCC Planning and Zoning Committee Chair

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attached: MCC P&Z comment letter on PLN2001-00368
County Staff Decision letter on PLN2001-00368

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Adam:

At our meeting of 8/29/01, the Planning & Zoning Committee of the MCC reviewed the above referenced application. We were informed by the applicant that the owner would attend our meeting, but no one showed up to represent the project. We had the following comments:

Although the committee found the proposed house to be attractive and well designed, we had some serious reservations on the utilization of this design in this location and for the stated purposes of a second unit dwelling.

The parcel is located at the top of the ridge that sits to the south of Montara Creek, at the highest point in this part of Montara. The surrounding parcels on three sides slope downhill, and to the east is a large undeveloped tract of PAD land. It would appear that this structure would be visible from Highway 1. Because of these site conditions, we felt that a structure that was this tall, and with the reduced roof peak to accommodate the third floor bedroom would be out of character and scale. No other building in the area had this sort of height and mass – most were split or single level houses, like the one immediately to the west, the only other one prominently on the ridge line.

We thought that the tall, unbroken, 25 –27' high faces in the east and south elevations presented an incompatible design with this ridge-top setting. These faces are downplayed in the supplied color rendering by a lush landscaping, but it should be noted that where the landscaping would be, the plans show a parking space against the east side of the building that would prohibit any use of vegetation for this purpose.

Because of the above, we felt that the little attention had been given to site sensitive design. This feeling was furthered by the fact that this house was originally designed for a different location, in a much different topography, and reviewed by our committee (with

the same color rendering) over a year ago. (I will forward a copy of those comments to you as soon as I can find them in the files, as I have no PLN or APN number to reference to).

We also found the main & second units situation to be puzzling – from the looks of the plans submitted, the main unit (as it is connected by a doorway to the enclosed garage) is one bedroom, hence the single car garage. The single, small bedroom is on the top (third) floor – it's associated bathroom and dressing area are on the bottom floor, immediately adjacent to the main entrance and the inside garage door. We found it odd that the design would require one to descend three floors, passing through the kitchen and dining area, and past the front door, to take a shower and get dressed.

The second unit, on the other hand, has two full-sized bedrooms, but only one carport space, as required in the regulations. A third, uncovered parking space is provided on the east side, but it has no direct access to the second unit.

We found this to be playing “fast & loose” with the parking requirements – this is essentially a 3-bedroom house that could create the need for parking 4 to 5 cars that, through use of a carefully designed “second-unit” circumvents the regular parking requirements for what would normally be three dedicated spaces. This leaves us in a curious place – often we make recommendations for internal and structural changes to designs to minimize their potential for being used easily for illegal second-units, Here, the impracticality of the main unit leads us to the concern that the house might be converted to a single-family unit with inadequate parking.

With the above comments, we find that although the proposed building meets the numeric zoning requirements, we cannot recommend approval because of the tall and dominant design, poor site-sensitivity, and the potential for inadequate parking.

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



Chuck Kozak, MCC Planning and Zoning Committee Chair
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