

Mid-Coast Community Council

An elected Municipal Advisory Council to the
San Mateo County Board of Supervisors
Serving 12,000 coastal residents
Post Office Box 64
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17 February 1999

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Standing Committees

Parks and Recreation

Mary Hobbs, Chair

Planning and Zoning

Ric Lohman, Chair

Public Works

Joe Gore, Chair

Honorable Doug Abdalla, Chairman
San Mateo County Planning Commission
455 County Center, 2nd Floor, Mail Drop PLN 122
Redwood City, CA 94063

Re: GPC 99-0004, Request to vacate portion of Ninth Street in Montara

Dear Chairman Abdalla and Honorable Commissioners,

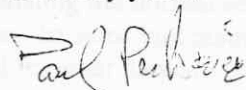
The Mid-Coast Community Council requested that the Planning Commission defer this item from your 13 January 1999 meeting to permit discussion in the local community. We appreciate your cooperation with our request. We briefly considered the general issue of street vacation requests at our 27 January 1999 regular meeting, and realized that some community suggestions – such as use of public areas as “tot lots” or mini-parks when they are not currently needed for streets – required further research and study. We referred this general question to our committees for ideas.

At our 10 February 1999 regular meeting, we had significant lively discussion on this specific proposal. Neil Cullen, Director of Public Works, gave a brief introduction, and also explained that in most cases subdivision maps offered to dedicate rights-of-way as access easements, not for general public purposes. Therefore, the suggestion of alternative uses (such as mini-parks) might not be feasible without the cooperation of abutting property owners, who generally are the holders of the fee interest in the land to the centerline of the street.

After approximately an hour of discussion, including comments from the owners of both abutting properties, who were invited to the meeting, the Council deadlocked 2 to 2, with 2 members absent and one member recusing himself due to his home's location on Farallone near Ninth. Consequently, we do not have an approved Council position either supporting or opposing this application. For your convenience, I am attaching a brief summary of the arguments in favor of, and in opposition to, this street vacation request, as well as two e-mails that we received.

We also received a presentation from CalTrans at the same meeting. Their proposed project will close the Highway 1 intersection at Tenth and Main and create a new right-turn lane from Highway 1 northbound onto a new section of Ninth Street, just west of the block of Ninth Street between Main and Farallone. Your Commission may wish to consider the possible future impact of relocating the major entry point to the Montara community on our local traffic patterns.

Sincerely yours,



Paul Perkovic, Chair

cc: Ann Lasko-Harvill, Chris Miles, Kevin Connolly

Arguments in Favor of Vacating a Portion of Ninth Street between Main and Farallone

1. This portion of Ninth Street has never been in the County-maintained road system and it is too steep to ever be developed as a paved street.
2. Raising the existing road height (to allow completion through to Farallone) would cause access and drainage problems for existing developed residences on the western portion of this block.
3. The County will only bring roads into the County-maintained system when a majority of property owners in a given block agree to an assessment to pay to bring the road up to minimum County standards. The abutting property owners do not want a through street. They are unlikely to ever agree to pay to bring Ninth Street up to County minimum standards for their own access, and even less likely to agree to pay for the benefit of other Montara residents having alternate access routes through the existing street pattern.
4. Granting the street vacation request will allow both adjacent properties to move the location of a future residential structure toward the centerline of Ninth Street, yielding a greater side-yard separation between the new residences and existing residences on Eighth, Tenth, and Farallone.
5. The applicants expect to landscape and maintain the vacated portion of Ninth Street, providing a visual improvement over the current overgrown condition.
6. Even if Ninth Street were developed through to Farallone, the block between Farallone and East Avenue has an even steeper grade and wouldn't serve any residences east of East (except perhaps the proposed single-family residences in the Planned Agricultural District).

Arguments Opposed to Vacating a Portion of Ninth Street between Main and Farallone

1. The overall change in elevation along Ninth Street between Main and Farallone is no greater than for some other streets in Montara; therefore, it would be possible to construct a through street by filling the lower portion near Main to maintain a uniform grade, if the County really wanted to.
2. Even if the County does not need this right-of-way for a road at the current time, who can tell what the future needs might be? When this area was subdivided, people traveled by horse and buggy or by train (Ocean Shore Railroad), not by automobile. If the County gives up rights that it doesn't need immediately, it has given them up forever, and can never get those rights back except through repurchase from the property owners. The right-of-way has future public value. It could be used now for a tot lot or other public park space.
3. The residents of Ninth Street already get a special benefit, because traffic to other parts of Montara is diverted to other parallel streets (e.g., Eighth or Tenth) and they have a cul-de-sac. Why shouldn't the residents of other streets (e.g., Fourth or Sixth, which are heavily traveled) also be able to create their own cul-de-sacs and divert through traffic they don't want onto their neighbors on other parallel streets? This seems like special treatment for Ninth Street residents.
4. Eliminating the normal setback requirements artificially through this proposed street vacation creates the same end result as if the applicants had not tried for a street vacation, but instead had asked for what they are really getting, i.e., a variance of the usual setback requirements. Such a request would be certain to face strong community opposition and would clearly be the granting of a special privilege, unwarranted by the situation. The end result is the same – reduced visual access to ocean views through the normal street right-of-way and normal residential setbacks.

5. At least one of the adjoining property owners has already received a significant benefit that intrudes into the view corridor along Ninth Street. This was accomplished by reconfiguring four substandard lots fronting on Ninth Street (with a 20-foot minimum front setback along the view corridor) into two conforming parcels fronting on Farallone (where the side setback minimum of 5 feet now applies along Ninth Street, in the view corridor to the ocean). While members of the community appreciate the elimination of substandard lots, this realignment has already improved the sight lines from a future residence on the new parcel now parallel to Ninth Street at the expense of the public view corridor originally protected by front setback requirements.
6. At least one of the adjoining property owners seems to be proposing possible access to garages at the western edge of the properties, below the likely living quarters of a two-story structure, using the existing portion of Ninth Street to provide access. However, unless there are Conditions of Approval to require this access arrangement, the current or future owner of these parcels may instead seek access from Farallone. Your Planning Commission has recently approved a project that protruded 15 feet into the required front setback, using an exception for parcels on steep grades, without a compensating requirement that the rear of the structure also be moved 15 feet forward on the lot. The consequence was an approval of a much longer structure than would be permitted by normal setbacks. Some community members do not want to see the opportunity for a similar special privilege to also be created in this situation.
7. These applicants may expect to maintain the area, but they cannot bind future owners to continue such maintenance. Furthermore, it will be in the property owner's interest to trim (and perhaps landscape) this area, since it abuts their future homes. The same purported public benefit (e.g., landscaped area maintained by applicants) could be achieved through an Encroachment Permit, without granting the special privilege of vacating the public interest in the street right-of-way.
8. The unincorporated community of Montara is facing uncertain growth, perhaps between 50% and 100% in population, depending on interpretation of Local Coastal Program policies and, in particular, the County's willingness to permit development on substandard lots. This future growth will create additional traffic pressures. Deciding to abandon a possible access street right near Highway 1, especially since CalTrans plans to make Ninth Street the major entry point into Montara, is unwise. Furthermore, if Montara and adjacent communities incorporate as a new coastal city, or are annexed to Half Moon Bay, a future Council may find it appropriate to develop Ninth Street as a public works project benefiting the entire community, rather than as an assessment on adjoining property owners.

Comments on the Staff Report

The numbers don't seem to add up. On the south side of Ninth Street, Lots 1, 2, and 3 are shown on the diagram as having widths of 25 feet, 25 feet, and 30 feet, respectively – a total of 80 feet. The area shown as proposed to be vacated has a length of 85 feet. Are the parcel maps wrong, or the area to be vacated?

From: Chris Church <chris@backinsf.com>
To: perk@montara.com <perk@montara.com>
Date: Tuesday, February 09, 1999 12:31 PM
Subject: Recommendation against vacation, Ninth at Farallone

February 9, 1999

Mr. Perkovic and Members of the MidCoast Community Council,

This letter is in favor of keeping Montara, as based on its street grid, intact. When you look at Ninth Steet, you would expect it to intersect at Farallone. I've walked through many times on my way to the ocean, knowing Ninth was a "paper" street, but still a street. Please don't sign it away without at least giving this point some consideration, and going out to take a look if necessary. Should the grid continue as a part of the urban fabric here, yes or no? I believe the answer is yes.

There is no compelling public reason for vacating this street corner, like a making a park or school. Why should private real estate interests take this public property? Isn't there enough private property everywhere as it is? Is there an amount of money these developers are willing to pay that will fully compensate the public for this street's considerable future value? Is there a way that the public really benefits from eventual improvements that block sight of the ocean, even down the view corridor of the street?

It looks to me like someone is bulldozing this property as if his or her ownership were an accomplished fact, and that does not seem to be right. Please do not vacate Ninth near Farallone.

Chris Church
330 Seventh Street
PO Box 18
Montara CA 94037
(650) 728-3119

From: zephyr <zephyr@netwiz.net>
To: perk@montara.com <perk@montara.com>
Date: Friday, February 12, 1999 8:22 AM
Subject: Ninth Street Vacation Project

I observed the meeting on Wednesday night and wish to express to the planning commission my intense opposition to the Ninth Street vacation project. This project will take away a minimum of 10 feet of a public view corridor from Farallone which is currently one of the few places that the public can see the Farallon Islands from Farallone. Giving a private right to these few landowners by taking away a public view corridor is antithetical to the LCP.

Is there an email contact person for the planning commission or can you direct me to the appropriate snail mail contact for the planning commission?

Thank you,

Ellen Zeff
Montara