

**MidCoast Community Council**  
**P.O. Box 64**  
**Moss Beach, CA 94038**

January 23, 1996

California Coastal Commission  
725 Front St., Ste. 300  
Santa Cruz, CA 95060  
Attn: Ms. Joy Chase

re: San Mateo County Local Coastal Program Major Amendment No. 3-95, "Home Improvement Exception" ordinance #03689; Commission agenda item 2/9/96

Dear Ms. Chase,

This letter is submitted in accordance with a recent telephone conversation with Mr. Steve Monowitz, in which I indicated the MidCoast Community Council (MCCC) opposes this proposed amendment. We specifically request that the California Coastal Commission reject this proposal entirely, as it is inconsistent with the nature of our community, and the letter and spirit of the California Coastal Act (the ACT.) If this action is not possible, then we ask you to approve it only if each local community (e.g., the MidCoast, homeowner associations, etc.) is allowed, based on a majority vote, to accept or reject its provisions.

This legislation was passed over the strong protests of several unincorporated communities, and was supported solely by the San Mateo Association of Realtors. The realtors indicated they thought it would help them sell homes to new buyers, yet they seem oblivious to the effect the ordinance could have on existing owners.

Attached are copies of two letters from the MCCC to the San Mateo County Board of Supervisors. These letters outline our basis for opposition, which we repeat and expand upon below:

- The County planning department repeatedly referred to an ordinance in Palo Alto as a model, yet the Palo Alto ordinance only allowed additions up to 100 square feet. County planning provided no rationale for the increase to 250 square feet.
- This ordinance will allow, without regard for safety, and without requiring a use or variance permit, a reduced property line setback of 3 feet instead of the usual 5 feet.

- No formal hearing will be held unless an individual specifically requests one. This pits neighbor against neighbor.
- The notification radius is reduced, from 500 feet to 300 feet, thereby reducing the number of neighbors notified who might be concerned or impacted by these irregular additions.
- No specification is given for minimum lot size. Owners with structures on substandard lots could therefore add future additions and further overbuild on their lots.

We, the MCCC, unanimously believe the result of this legislation will be (1) an inappropriate overbuilding on smaller lots, (2) the gradual elimination of smaller, affordable housing, and (3) an increase in density beyond that designated in the local coastal plan.

Further, we find the proposed ordinance incompatible with the following sections of the California Coastal Act:

- 30001: Paragraph (a) identifies the "coastal zone (as) a distinct and valuable natural resource of vital and enduring interest to all the people, (which) exists as a delicately balanced ecosystem." Paragraph (d) specifically calls for "developments that are carefully planned... (and) are essential to the economic and social well-being of the people of this state and especially to working persons employed within the coastal zone." This proposed ordinance allows the planning department to ignore everything about our zoning regulations, and grant exceptions on demand. In fact, this ordinance removes our zoning regulations as the basis for decision making, and replaces them with the determination of a single individual: the county zoning officer. This is not consistent with the ACT's call for "careful planning."
- 30001.5: Paragraph (b) calls for the "orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state." This proposed ordinance violates the concept of "orderly utilization" by encouraging people to ignore such basics as setbacks and safety access. And based on the unanimous input of the people of this area, this proposed ordinance clearly contradicts the "social and economic needs" of the people of this area.
- 30005: This section makes it clear that a city or county is not limited in its ability to "adopt and enforce additional regulations, not in conflict with this act, imposing further conditions, restrictions, or limitations with respect to any land ... activity." Further, this section indicates there is to be no limitation "on the right of any person to maintain an appropriate action for relief against a private nuisance or for any other private relief." This proposed ordinance is designed to accomplish exactly the opposite of both these conditions, by allowing the violation of basic zoning regulations, and by reducing the notification radius, which limits an individual's right to maintain relief.

This legislation was billed as an aid to homeowners who are burdened with the onerous task of seeking approval for 'minor' additions to their homes. County staff gave several examples of small additions that would not be approved under existing laws; these examples were simply selected for their dramatic value. It is clear from the past actions of the county planning department that approval for most variance requests are easily handled under the current variance procedures. But there are some variance requests that fundamentally should not be approved. We have a responsibility to ourselves and to our community, and sometimes that responsibility means we have to say "no."

We found neither support nor rationale for this proposed ordinance. We urge the Coastal Commission to reject the County's request for approval, as this proposed ordinance is, very simply, a solution in search of a problem.

Please feel free to contact me with any questions you may have about our process or recommendations; I can be reached at 415-728-1907. Thank you for your consideration.

Sincerely,  
MidCoast Community Council



Chris McComb  
Chair

cc: San Mateo County Board of Supervisors