

DRAFT for MCCC Consideration – 10 Sep 1997 Meeting – Recommendation on Substandard Lots

**To: Board of Supervisors
From: MidCoast Community Council
Date: 10 September 1997
Re: San Mateo County LCP Consistency and Substandard Lots**

Dear President Nevin and Honorable Members,

Over the past several years, the County of San Mateo has gradually reduced the restrictions (e.g., need for a variance) and eased the process of obtaining building permits for residential construction on substandard lots (e.g., those that do not meet the 5,000 square foot minimum requirement of the R1 zoning districts). During the recent review of the Coastal Commission's staff report on the San Mateo County Local Coastal Program ("LCP") amendments derived from the Coastside Protection Initiative, it has become painfully obvious that there is a gross inconsistency between the "build-out" numbers currently contained in the certified LCP, and the total potential development possible if the County's current practice of permitting development of substandard lots is carried to its logical conclusion (e.g., one home on each substandard lot in the MidCoast). This is a significant and material change in County practice since the LCP was originally adopted in the early 1980's, and the consequences of this change have not been appropriately evaluated.

We appreciate that existing ownership and development patterns are largely in conformance with the current zoning, so this potential inconsistency can be resolved by a complete study of the problem and action by your Board. In particular, it may be time to reconsider the issue of mandatory lot merger into conforming parcels, to assure current and future owners in our community that the legislative intent of the existing zoning will be preserved, and that the community character and infrastructure components will continue to be sufficient so that each conforming property owner is able to develop her or his property. If at some future time and after full community discussion and Planning Commission hearings it should be decided that the zoning ordinance should be changed to permit residential development on parcels smaller than 5,000 square feet, then it would be appropriate to take that action actively and knowingly, with an opportunity beforehand for all interested parties to express their viewpoints. The same result should not be accomplished through subterfuge, which is what the current situation allows and encourages.

Your Board may have other approaches to the substandard lot problem that would resolve the conflicts noted earlier, and the MidCoast Community Council would welcome consideration of other suggestions that could be studied for effective methods to permanently resolve this problem. We would be pleased to work with the County Planning Department on whatever studies may be necessary in this area. Until your Board resolves this inconsistency, however, we consider that any action which results in creation of new residential parcels in the MidCoast area is exacerbating the current situation, rather than resolving it; and consequently, we recommend that your Board adopt a firm policy of creating no new residential parcels or other new residential building entitlements until such time as the current situation is resolved satisfactorily. The simple fact of the matter is that the LCP limits total water and sewer capacity, and creating new residential entitlements can only take away from existing property owners their development rights, giving them instead to those who are able to develop first.

We look forward to early consideration of a Board resolution directing the Planning Department to conduct any necessary studies and propose effective legislation for your Board to bring the existing land development practices back into conformance with the LCP provisions and the existing zoning intent.

Sincerely,