

## Janneth Lujan

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**From:** Lisa Ketcham <lisa.ketcham@comcast.net>  
**Sent:** Monday, November 28, 2016 6:33 PM  
**To:** Planning\_Commission  
**Cc:** Renee.Ananda@coastal.ca.gov; Don Horsley; Will Gibson  
**Subject:** Second unit ordinance update, PC Nov 30

Dear Planning Commissioners,

These comments, by necessity, are submitted as an individual, because members of the Midcoast Community Council were unaware of the new fast-track update of the second-unit ordinance until the staff report was posted online Nov 22, just before the holiday weekend. Email agenda signup and online staff reports are a great resource for all interested members of the public, but do not equate to the specific stakeholder outreach described in the staff report.

The staff report acknowledges that the Local Coastal Program supercedes new State and County second-unit regulations, and mentions a future LCP amendment submittal for CCC certification. The revised ordinance specifically acknowledges continued Coastsides Design Review for second units and LCP Policy 1.23 inclusion of second units in the annual growth rate limit.

I am concerned that there is no mention of LCP Policy 3.22 (see below), and how it is intended to be amended, other than the obvious size limits in 3.22.b. Regarding 3.22.a, it appears from lack of response to past requests for information that the number of existing second units in the Midcoast is unknown. There is little explanation or discussion regarding the optional proposed expansion of second units to R-2, RM, TPZ in the Coastal Zone. We are all aware and concerned that Midcoast infrastructure will not accommodate buildout, and the Coastsides jobs/housing imbalance is the reverse of the Bayside.

### **LCP Policy 3.22 Second Dwelling Units in R-1 Zoning Districts**

Permit second dwelling units on building sites containing a one-family residence in R-1 Zoning Districts subject to the following restrictions:

- a. Limit the total number of approved second units to 466 in the Coastal Zone.
- b. Limit the size of the units to 700 sq. ft. or 35% of the floor area of the existing principal residence, whichever is greater.
- c. Comply with all applicable policies and procedures as required by the LCP.
- d. Second dwelling units shall not be permitted on non-conforming parcels less than 5,000 sq. ft.

Sincerely,  
Lisa Ketcham  
Moss Beach

## Janneth Lujan

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**From:** Will Gibson  
**Sent:** Tuesday, November 29, 2016 1:13 PM  
**To:** Michael Kubiak; Janneth Lujan; Planning\_Commission  
**Cc:** mlandi1979@aol.com; Bryan Albini; 'Denise Enea'  
**Subject:** RE: Information Request for Planning Commission Meeting on November 30

Michael- given that the Board of Supervisors will ultimately review these regulations, you can always communicate with your Supervisor, as well as the rest of the Board. I'd suggest waiting until this is placed on the Board agenda for a hearing, but at that point that would be a good option.

Thanks,

Will

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**From:** Michael Kubiak [mailto:mwkubiak06@gmail.com]  
**Sent:** Tuesday, November 29, 2016 1:07 PM  
**To:** Will Gibson <wgibson@smcgov.org>; Janneth Lujan <JLujan@smcgov.org>; Planning\_Commission <Planning\_Commission@smcgov.org>  
**Cc:** mlandi1979@aol.com; Bryan Albini <balbini@smcgov.org>; 'Denise Enea' <DEnea@woodsidefire.org>  
**Subject:** RE: Information Request for Planning Commission Meeting on November 30

Hello Will,

Thank you for your detailed response.

In addition to the County Building and Planning Department and the Planning Commissioners, who else do you recommend we contact to ensure that our concerns are and continue to be heard and addressed?

Sincerely,  
/Michael Kubiak  
President, Palomar Property Owners  
419 Palomar Drive  
Redwood City (Palomar Park), CA 94062-3236

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**From:** Will Gibson [mailto:wgibson@smcgov.org]  
**Sent:** Tuesday, November 29, 2016 9:26 AM  
**To:** Michael Kubiak <mwkubiak06@gmail.com>; Janneth Lujan <JLujan@smcgov.org>; Planning\_Commission <Planning\_Commission@smcgov.org>  
**Cc:** mlandi1979@aol.com; Bryan Albini <balbini@smcgov.org>; 'Denise Enea' <DEnea@woodsidefire.org>  
**Subject:** RE: Information Request for Planning Commission Meeting on November 30

Mr. Kubiak-

Thank you for your comments; we will convey your suggestions and concerns to the Planning Commission.

Regarding the issues you raise, the proposed revisions to the County's second unit ordinance do not modify any requirements of state law related to fire safety, except, as you note, in that the latest updates to California Government Code (as of August 2016) seem to mandate that if the primary residence is not required to have fire sprinklers, the

second unit may not be required to have fire sprinklers either. This is a potential modification to our application of the County building code, and we are awaiting further state guidance as to how this should be applied; until we receive such guidance, we have not modified any of our regulations regarding fire sprinklers. Our second unit ordinance has never directly addressed fire sprinklers: those requirements continue to be contained in, and implemented by, our building code, and any changes to the state's requirements would be addressed in the building code.

On a more general note, for the most part we do not have the discretion to disregard any of the requirements of the updated state legislation, unless the legislation specifically provides us that option. The bulk of the provisions that we have incorporated in the revised County regulations, related to state law, are mandatory, and we do not have flexibility to choose whether or not to adopt them; similarly, we are also largely prohibited from exempting any specific geographic areas from the state's requirements, unless the state law specifically allows such an exemption.

Thanks much for your comments, and let me know if you have any other questions or input-

Will

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**From:** Michael Kubiak [<mailto:mwkubiak06@gmail.com>]  
**Sent:** Tuesday, November 29, 2016 8:30 AM  
**To:** Will Gibson <[wgibson@smcgov.org](mailto:wgibson@smcgov.org)>; Janneth Lujan <[JLujan@smcgov.org](mailto:JLujan@smcgov.org)>; Planning\_Commission <[Planning\\_Commission@smcgov.org](mailto:Planning_Commission@smcgov.org)>  
**Cc:** [mlandi1979@aol.com](mailto:mlandi1979@aol.com); Bryan Albini <[balbini@smcgov.org](mailto:balbini@smcgov.org)>; 'Denise Enea' <[DEnea@woodsidefire.org](mailto:DEnea@woodsidefire.org)>  
**Subject:** RE: Information Request for Planning Commission Meeting on November 30

Good morning,

Please see our most recent email response just below to Mr. Albini. We ask that the concerns and recommendations therein be considered for adoption by the Commissioners and incorporated into the record.

Thank you,

/Michael Kubiak  
President, Palomar Property Owners  
419 Palomar Drive  
Redwood City (Palomar Park), CA 94062-3236

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**From:** Michael Kubiak [<mailto:mwkubiak06@gmail.com>]  
**Sent:** Tuesday, November 29, 2016 7:44 AM  
**To:** 'Bryan Albini' <[balbini@smcgov.org](mailto:balbini@smcgov.org)>  
**Cc:** 'Denise Enea' <[DEnea@woodsidefire.org](mailto:DEnea@woodsidefire.org)>; [mlandi1979@aol.com](mailto:mlandi1979@aol.com)  
**Subject:** RE: Information Request for Planning Commission Meeting on November 30

Good morning Mr. Albini,

Thank you for your response regarding the cap and our proposed exemption.

It is our understanding that current state law requires a minimum 30' of defensible space. If an applicant proposes to build a Second Unit (SU) with, for example, a 5' setback, the County ordinance should include a requirement that no vegetation may be planted which will hinder the ability to have defensible space on the applicant's property or to their adjacent neighbor.

The other thing the latest legislation does is to contradict the current building code which requires all new habitable structures to have fire sprinklers. Fire sprinklers save lives, potentially save the spread of fire to neighboring structures

and /or the wildland, and save thousands of gallons of water. For example, the lower portion of Palomar Park does not currently have an adequate number of fire hydrants. Couple this factor with the potential for additional SU's and fire safety is decreased because of the increase in potential ignition sources. It would seem more reasonable to have the ordinance read that if there is no requirement to upgrade water infrastructure, i.e., new water main or new water meter, then the new SU's have fire sprinklers, especially in the high and very high fire severity zones.

Please be sure to address our comments and concerns during your presentation and to add them to the Commissioner's briefing book. Please note that we are still reviewing the applicable state laws and may have additional comments for you regarding parking and setback issues.

Thank you,

/Michael Kubiak  
President, Palomar Property Owners  
419 Palomar Drive  
Redwood City, CA 94062-3236

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**From:** Bryan Albini [<mailto:balbini@smcgov.org>]  
**Sent:** Monday, November 28, 2016 4:43 PM  
**To:** Michael Kubiak <[mwkubiak06@gmail.com](mailto:mwkubiak06@gmail.com)>  
**Cc:** 'Denise Enea' <[DEnea@woodsidefire.org](mailto:DEnea@woodsidefire.org)>  
**Subject:** RE: Information Request for Planning Commission Meeting on November 30

Mr. Kubiak,

The county ordinance establishing quota systems for Second Units was illegal under State Law since 2003, and has not been enforced since that time. The update in the Second Unit ordinance applies to all unincorporated parcels in the County and cannot be exempted from. As I mentioned to Ms. Landi below , given the physical constraints of many of the lots in Palomar Park (i.e. on septic, steep slopes, etc.), placing a second unit is exceedingly difficult, therefore negating any need for an exemption or quota system for Palomar Park. If you should have any further questions please contact me or attend our Planning Commission meeting this Wednesday, November 30 to give your comments.

Regards,

**Bryan Albini**  
Planner  
[balbini@smcgov.org](mailto:balbini@smcgov.org)

**County of San Mateo**  
Planning and Building Department  
455 County Center, 2nd Floor  
Redwood City, CA 94063  
(650) 363-1807 T  
(650) 363-4849 F  
[www.planning.smcgov.org](http://www.planning.smcgov.org)



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**From:** Michael Kubiak [<mailto:mwkubiak06@gmail.com>]  
**Sent:** Monday, November 28, 2016 9:36 AM  
**To:** Bryan Albini <[balbini@smcgov.org](mailto:balbini@smcgov.org)>  
**Cc:** 'Denise Enea' <[DEnea@woodsidefire.org](mailto:DEnea@woodsidefire.org)>  
**Subject:** RE: Information Request for Planning Commission Meeting on November 30

Good morning Brian,

Ms. Landi forwarded your response to me. What fire requirements were met with this proposed ordinance?

We were involved in modifying another proposed ordinance which would have allowed certain lots to be subdivided within the County. Palomar Park was exempted from this ordinance because we are classified as a "high fire severity zone" by CAL FIRE, see attached letters. This proposed ordinance appears to undermine our commitment here in Palomar Park to remaining a Fire Wise and Fire Safe community.

I've copied Denise Enea, who is also on the Board of the Palomar Property Owners, and worked closely with us on the prior proposed ordinance change.

What we're seeking is to be exempt from this requirement given our fire rating designation, effectively remaining capped at a maximum of 14 second units as described by Ms. Landi in her email below, pending further consultation with the Planning and Building Department.

Thank you,

/Michael Kubiak  
President, Palomar Property Owners  
419 Palomar Drive  
Redwood City, (Palomar Park), CA 94062-3236

-----Original Message-----

From: Bryan Albini <[balbini@smcgov.org](mailto:balbini@smcgov.org)>  
To: mlandi1979 <[mlandi1979@aol.com](mailto:mlandi1979@aol.com)>  
Sent: Wed, Nov 23, 2016 6:31 am  
Subject: RE: Information Request for Planning Commission Meeting on November 30

Ms. Landi,

Thank you for reviewing our Second Unit update. I'll do my best to answer some of your concerns on how the regulations affect the Palomar Park Community. This update brings into conformity the County's second unit (granny flat, etc.) regulations with State law, and permits second units, defined as a separate legal residence with cooking and lavatory areas, in all single family areas where zoning (parking, floor area, front side rear setbacks, height, etc.), public works, environmental health, and fire requirements are met. This update eliminates prior community second unit quotas. Single family parcels in Palomar Park, as I understand, are predominantly on septic systems. Any size second unit in the community would require a separately maintained septic system approved by the Environmental Health Department. This acts as a considerable constraint to development, given typical lot sizes, hill slopes and soil composition necessary for engineered leech fields. Another requirement, and most important from a circulation perspective, is that all proposed second units park themselves and not impact residential streets. A minimum of one off street parking space must be provided on the property prior to approval. Please call if you have any further questions or comments. I will also be available on the counter from 12-5pm on Wednesday, November 23.

Regards,

**Bryan Albini**  
Planner  
[balbini@smcgov.org](mailto:balbini@smcgov.org)

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Redwood City, CA 94063  
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[www.planning.smcgov.org](http://www.planning.smcgov.org)



**From:** [m1andi1979@aol.com](mailto:m1andi1979@aol.com) [<mailto:m1andi1979@aol.com>]  
**Sent:** Tuesday, November 22, 2016 6:48 PM  
**To:** Bryan Albini <[balbini@smcgov.org](mailto:balbini@smcgov.org)>  
**Subject:** Re: Information Request for Planning Commission Meeting on November 30

I was able to read the supporting documentation on the agenda item. I have a question....I live in unincorporated Palomar Park and we have reached the maximum 14 second units. None of the documents seem to speak to that so I'm wondering if the action will increase the number of second/granny units in my neighborhood.

Thank you,  
Joann Landi

-----Original Message-----

From: Bryan Albini <[balbini@smcgov.org](mailto:balbini@smcgov.org)>  
To: m1andi1979 <[m1andi1979@aol.com](mailto:m1andi1979@aol.com)>  
Sent: Tue, Nov 15, 2016 3:28 pm  
Subject: Information Request for Planning Commission Meeting on November 30

Joann,

The meeting agenda materials for item will be available to the public 72 hours prior to the meeting at this link:

<http://planning.smcgov.org/events/planning-commission-hearing-november-30-2016>

Thank you,

**Bryan Albini**  
Planner  
[balbini@smcgov.org](mailto:balbini@smcgov.org)

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