

Board Meeting Date: May 19, 2020
Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Steve Monowitz, Community Development Director

Subject: EXECUTIVE SUMMARY: Public hearing to consider an appeal of the San Mateo County Planning Commission's decision to approve a Non-Conforming Use Permit, Coastal Development Permit, and Design Review Permit, pursuant to Sections 6133.3b, 6328.4 and 6565.3 of the San Mateo County Zoning Regulations, respectively, to allow construction of a new 1,732 sq. ft., two story single-family residence, plus a 380 sq. ft. two-car attached garage, located on an existing 4,400 sq. ft. legal non-conforming parcel where the S-94 Combining District requires a minimum parcel size of 10,000 square feet. The project includes extension of Cortez Avenue by approximately 60 feet for project access and a new firetruck turnaround. The Non-Conforming Use Permit is required with a project that as proposed and conditioned, would provide 7-1/2 feet side setbacks for a combined setback of 15 feet, where the minimum is 10 feet on each side. No trees are proposed for removal. The project is not appealable to the California Coastal Commission.

County File Number: PLN 2018-00397 (Irfan)

RECOMMENDATION:

Deny the appeal and uphold the decision of the Planning Commission to approve the project, based on the required findings and conditions listed in Attachment A.

BACKGROUND:

A Certificate of Compliance (COC) Type A (PLN 2014-00116) which confirmed parcel legality was recorded on June 4, 2014. The applicant submitted a Coastside Design Review application for the project on October 9, 2018. The Coastside Design Review Committee (CDRC) considered the project at meetings on April 11, May 9 and June 13, 2019. The CDRC recommended approval of the project at the final meeting based on compliance with Coastside Design Review Standards.

The Planning Commission (PC) considered and approved the project with conditions at its October 23, 2019 meeting on that basis of the project's compliance with all applicable regulations and standards.

On November 6, 2019, Linda Scholpp (Appellant) submitted an appeal of the Planning Commission decision, stating that the project should be required to conform to the minimum setbacks of the S-94 Zoning District and that the project, as approved,

impacts privacy of her home at 241 Cortez Avenue (adjoining parcel to the southwest of the subject parcel).

DISCUSSION:

The Appellant asserts that the project does not meet the required Use Permit finding that “the proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible.” The Appellant also contends that the approval of the project would set a precedent for future development of similar non-conforming parcels in the area, that the design and colors of the project are inconsistent with the neighborhood character and that the upper deck creates a privacy impact to her home at 241 Cortez Avenue (adjoining parcel to the southwest of the subject parcel).

Staff has responded to the appellant’s points of appeal in the attached staff report and recommends that the Planning Commission deny the appeal and uphold the Planning Commission’s approval of the project for the reasons summarized below.

The side setback exceptions approved by the Planning Commission are appropriate due to the varying width of the side yards. The granting of an exception on a given parcel does not set binding precedence as to any other parcel. The proposed colors such as flannel gray and weathered white, as conditioned to require a lighter shade of stain on all wood surfaces, are in keeping with the earth-tone palette of the neighborhood. The CDRC determined that the applicant has sufficiently addressed the privacy concerns expressed by the Appellant. To further address the Appellant’s concern regarding side setbacks and privacy impacts, staff recommends adding language to Condition No.4, which previously required a combined side setback of 15 feet, to specifically require the applicant to provide a minimum 10-foot left side setback.

County Counsel has reviewed and approved the materials as to form.