

**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** July 26, 2023

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** EXECUTIVE SUMMARY: Consideration of a Major Modification of a Design Review Permit, Non-Conforming Use Permit (NCUP), and Grading Permit, to allow construction of a 2,466 sq. ft. single-family residence and an attached 486 sq. ft. two-car garage, 410 sq. ft. pool, and 640 sq. ft. Accessory Dwelling Unit (ADU), involving 480 cubic yards (c.y.) of earthwork and removal of six (6) significant trees, on a non-conforming 8,232 sq. ft. parcel located at 570 Live Oak Lane in the unincorporated Emerald Lake Hills area of San Mateo County. The applicant seeks a NCUP for additional floor area and lot coverage, including 1) floor area of 35.9% where 30% is the maximum 2) 33.5% lot coverage where 25% is the maximum, and 3) to allow a 1-foot setback for a 640 sq. ft. ADU on an undeveloped parcel. In conjunction with the consideration of the requested permits, it is recommended that the Planning Commission determine that the project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303.

County File Number: PLN 2019-00400 (Herring)

**PROPOSAL**

The applicant proposes to construct a 2,873 sq. ft. single-family residence, attached 486 sq. ft. two-car garage, 410 sq. ft. pool, and 640 sq. ft. ADU on a non-conforming, 8,232 sq. ft. parcel. The project requires grading in the amount of 240 c.y. of cut and 240 c.y. of fill and removal of six (6) significant trees. This proposal is a modification to the 2020 approval of a 2,468 single-family residence with a 457 sq. ft. detached garage. There are no design modifications, however the initial proposal's size was undercounted, and additional changes involve modifications which require a Non-Conforming Use Permit.

The requested NCUP is necessary to allow a major revision to a previously approved project with previously undetected and newly proposed zoning non-conformities. Specifically, in addition to undetected overages, the applicant has proposed a 640 sq. ft. ADU underneath the proposed garage with a 1-foot front setback which requires a NCUP to be allowed in this location, and a pool that is partially above ground which creates additional lot coverage exceeding the limit. The subject parcel is substandard in

size and therefore an NCUP can be utilized to allow development which does not comply with zoning standards, subject to the required findings.

## **RECOMMENDATION**

That the Planning Commission approve the Design Review Permit, Grading Permit, and Non-Conforming Use Permit for County File Number PLN 2019-00400, based on and subject to the required findings and conditions of approval listed in Attachment A.

## **SUMMARY**

The proposed modifications do not involve exterior modifications to the previously approved design, which was found to be in compliance with the Design Review Standards as stipulated in Chapter 28, Section 6565.15, of the San Mateo County Zoning Regulations.

As described in Section A.2 of the staff report, the proposal requires relief from lot coverage and floor area requirements of the RH Zoning District and the front setback from the ADU regulations. To grant a NCUP, there are five findings required to be made. They are that the proposed development 1) is proportioned to the size of the parcel on which it is being built, 2) cannot conform by acquisition of adjacent land 3) is as nearly in conformance with the zoning regulations as is reasonably possible 4) is not detrimental to the public welfare or improvements in the neighborhood and, 5) if granted approval, will not be the result of a special privilege.

The subject parcel is 30% smaller than the minimum size parcel per zoning and the overage requests for lot coverage and floor area are approximately 30%. The excesses are largely due to the connecting roof, a unique architectural feature that is integral to the unique design of this home and does not negatively impact proportionality. The lot coverage from the pool is created by steep topography and is development that is typically not counted against development standards. The proposed location of the ADU does not create proportionality concerns to the resulting residence, which is proportional for the parcel.

The project conforms to the applicable components of the County's General Plan and Grading Regulations. The project is not injurious to the community as, the proposed design is compatible with the surrounding residences and the project has been reviewed and recommended for approval by the Emerald Lake Hills Design Review Officer, and no concerns were raised by reviewing agencies such as the Building Inspection Section, Department of Public Works or Cal-Fire.

Numerous parcels in Emerald Lake Hills are substandard in size and have challenging topography. Therefore, exceptions requested are not granting any special privilege and would result in a residence consistent with other houses in the neighborhood.

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**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** July 26, 2023

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** Consideration of a Major Modification of a Design Review Permit, Non-Conforming Use Permit (NCUP), and Grading Permit, pursuant to Sections 6565.3 and 6133.3 of the San Mateo County Zoning Regulations and Section 9283 of the County Ordinance Code, respectively, to allow construction of a 2,466 sq. ft. single-family residence and an attached 486 sq. ft. two-car garage, 410 sq. ft. pool, and 640 sq. ft. Accessory Dwelling Unit (ADU), involving 480 cubic yards (c.y.) of earthwork and removal of six (6) significant trees, on a non-conforming 8,232 sq. ft. parcel located at 570 Live Oak Lane in the unincorporated Emerald Lake Hills area of San Mateo County. The applicant seeks a NCUP for additional floor area and lot coverage, including 1) floor area of 35.9% where 30% is the maximum 2) 33.5% lot coverage where 25% is the maximum, and 3) to allow a 1-foot front setback where 20 feet is required for the 640 sq. ft. ADU on an undeveloped parcel. In conjunction with the consideration of the requested permits, it is recommended that the Planning Commission determine that the project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303.

County File Number: PLN 2019-00400 (Herring)

**PROPOSAL**

The applicant proposes to construct a 2,873 sq. ft. single-family residence, attached 486 sq. ft. two-car garage, 410 sq. ft. pool, and 640 sq. ft. ADU on a non-conforming, 8,232 sq. ft. parcel. The project requires grading in the amount of 240 c.y. of cut and 240 c.y. of fill and removal of six (6) significant trees. This proposal is a modification to the 2022 approval of a 2,468 single-family residence with a 457 sq. ft. detached garage.

The requested NCUP is necessary to allow a major revision to a previously approved project with previously undetected and newly proposed zoning non-conformities. Specifically, in addition to the undetected overages, the applicant has proposed a 640 sq. ft. ADU underneath the proposed garage with a 1-foot front setback which requires a NCUP to be allowed in this location, and a pool that is partially above ground which creates additional lot coverage exceeding the limit. The subject parcel is substandard in size and therefore an NCUP can be utilized to allow development which does not comply with zoning standards, subject to the required findings.

## **RECOMMENDATION**

That the Planning Commission approve the Design Review Permit, Grading Permit, and Non-Conforming Use Permit for County File Number PLN 2019-00400, based on and subject to the required findings and conditions of approval listed in Attachment A.

## **BACKGROUND**

Report Prepared By: Erica Adams, Project Planner

Applicant: Fred Herring

Owners: Philippe Branchu and Francoise Monet

Public Notification: Ten (10) day advanced notification for the hearing was mailed to property owners within 300 feet of the project parcel and a notice for the hearing posted in a newspaper (San Mateo Times) of general public circulation.

Location: 570 Live Oak Lane, Emerald Lake Hills

APN and Size: 057-163-090; 8,232 sq. ft.

Existing Zoning: RH/DR (Residential Hillside/Design Review)

General Plan Designation: Residential/Medium Low Density Residential

Sphere-of-Influence: City of Redwood City

Existing Land Use: Single-Family Residential

Water Supply: City of Redwood City Municipal Water Department

Sewage Disposal: Emerald Lakes Sewer District

Flood Zone: Zone X, Panel Number 06081C0285E, Effective Date: October 16, 2012

Environmental Evaluation: The project is categorically exempt from CEQA per CEQA Guidelines Section 15303(a) (Class 3), which includes the construction and location of limited numbers of new, small structures on a legal parcel. One single-family residence may be constructed or converted under this exemption.

Setting: The subject parcel is located in the residential community of Emerald Lake Hills. The parcel and surrounding parcels are developed with single-family residences.

## Chronology:

<u>Date</u>	<u>Action</u>
August 31, 2022	Project decision letter is sent based on a recommendation for approval by the Emerald Lake Hills Design Review Officer on July 7, 2020 and subsequent completion of geotechnical review based on building plans submitted on March 21, 2022 that did not include an Accessory Dwelling Unit.
September 9, 2022	Revised plans submitted including an ADU; during Planning staff review for building permit, Planning staff determines that the project exceeds floor area and lot coverage limits
May 10, 2023	NCUP application and accompanying plans submitted
June 8, 2023	Revised plans are submitted to include the pool
July 26, 2023	Planning Commission hearing

## **DISCUSSION**

### A. KEY ISSUES

#### 1. Conformance with the General Plan

The General Plan Visual Quality Policy 4.4 requires urban development to “promote aesthetically pleasing development.” The General Plan then calls for the establishment of guidelines for communities to achieve these goals. The establishment of the Design Review (DR) Zoning District, Section 6565 of the San Mateo County Zoning Regulations, is the mechanism that fulfills this directive. A project that complies with the Emerald Lake Hills Design Standards (Section 6565.15 of the San Mateo County Zoning Regulations) therefore conforms to the General Plan Policies 4.14 (*Appearance of New Development*) and 4.35 (*Urban Area Design Concept*). These policies require structures to promote and enhance good design, as well as improve the appearance and visual character of development in the area by managing the location and appearance of the structure. The project has been reviewed by the Emerald Lake Hills Design Review Officer and has been found to be in compliance with the Design Review Standards for Emerald Lake Hills. A detailed discussion is provided in Section A.3 of this report.

## 2. Conformance with the Zoning Regulations

A summary of project conformance with the requirements of the Residential Hillside (RH) Zoning District is provided in the table below:

Development Standard	Zoning Requirement	Approved version	Proposed Major modification	Compliance
Minimum Building Site Area	75,000 sq. ft. for slope of 45%	8,232 sq. ft.	No change	Legal non-conforming
Minimum Building Site Width	50 ft.	74 ft	No change	Conforming
Minimum Setbacks · Front	20 ft. 0 ft. allowed for garage with 14% slope in the front half of the parcel	20 ft. -Main house. 1 ft. -Garage	20 ft Main house 1 ft. Garage 1 ft. for ADU *	No. Use Permit required for new ADU construction
· Rear	20 ft.	20 ft.	20 ft. for house	Conforming
· Sides	Combined total of 20 feet with a minimum of 7.5 ft. on each side	12.5 ft. - Left side 7.5 ft. - Right side Combined 20 ft.	12.5 ft. - Left side 7.5 ft. – Right side* Combined 20 ft. No change to combined total	Yes
Maximum Lot Coverage	25% or 2,058 sq. ft.	2,203 sq. ft.*	33.5 % or 2,761 sq. ft.*	No. Use Permit required
Maximum Building Floor Area	30% or 2,469 sq. ft.,	2,923 sq. ft.*	35.9% or 2,952 sq. ft. (Excludes 640 sq. ft. ADU)	No. Use Permit required
Maximum Building Height	28 ft.	25.5 ft.	25.5 ft.	Yes
Minimum Parking	Main house:	Main house:	Main house:	Yes

Development Standard	Zoning Requirement	Approved version	Proposed Major modification	Compliance
	2 covered spaces and 2 uncovered guest spaces ADU: 1 uncovered space	2 covered spaces and 2 uncovered guest spaces	2 covered spaces with proposed two-car garage and 2 uncovered guest spaces  ADU: 1 uncovered space	
ADU			Per State law, ADUs are not allowed in front setback unless no other configuration is feasible.	No. Use Permit required due to parcel being undeveloped
* Proposed non-conformity is addressed by the NCUP application.				

The proposed development requires a Non-Conforming Use Permit. The house and garage currently proposed were previously approved in 2022 but Planning staff's review of plans submitted for a building permit uncovered previously uncounted floor area and lot coverage which exceed what is allowed by zoning. Specifically, space beneath a large waterproof roof that connects the garage to the main house qualifies as floor area and lot coverage. In addition, the applicants submitted revised building plans which added the ADU in the front setback and a pool which is partially above ground, which further added to the lot coverage.

The subject parcel is substandard in size and therefore an NCUP can be utilized to allow development which does not comply with zoning standards, as long as the required findings can be met. The requested NCUP is necessary to allow a major revision to a previously approved project with previously undetected and newly proposed zoning non-conformities.

Project conformance with NCUP findings is discussed in further detail in Section A.4 of this report.

3. Conformance with the Design Review Regulations

At the July 7, 2020, Emerald Lake Hills Design Review Officer virtual hearing, the Design Review Officer (DRO) reviewed the project. The meeting was attended by three members of the public. Concerns expressed by the members of the public focused on construction activity, concerns about grading and water run-off. The DRO clarified that design review is limited to project compliance with design standards and that the project is subject to standard construction practices and run-off prevention measures.

At the hearing, the DRO stated that the project complies with applicable design standards for Emerald Lake Hills, including Section 6565.15.A (Site Planning) with respect to topography, privacy, and tree removal. Specifically, tree removal is minimized to the extent feasible as four (4) of the six (6) significant trees to be removed are non-native and within the footprint of the proposed structure; the two (2) native trees will be replaced with native trees; and remaining trees will be protected by implementation of a tree protection plan, which is required at the building permit application stage. The DRO stated that the building shape conforms with the requirement to minimize changes to the natural topography in Section 6565.15.D (Building Shape and Bulk) and the proposed materials are consistent with Section 6565.15.G (Colors and Materials). The DRO recommended the design for approval.

The recent modifications made to the proposal do not affect the design of the project. There are no significant exterior changes to the structure. A new hearing before the Emerald Lake Hills Design Review Officer was therefore not required, the proposal is recommended for approval based on the prior analysis.

4. Conformance with the Use Permit Regulations

The subject parcel is 8,232 sq. ft. and has a 45% cross slope. The 8,232 sq. ft. parcel is non-conforming in size, not meeting the minimum 12,000 sq. ft. parcel size for the Residential Hillside Zoning District, and also not satisfying the 75,000 sq. ft. minimum parcel size for a parcel that has an average 45% slope. Section 6133.3b(1)(b) of the Zoning Regulations allows development on a legal, non-conforming parcel which does not meet current zoning standards with the approval of a Non-Conforming Use Permit. Specifically, this proposal requires an NCUP to address lot coverage, floor area, and front setback for the Accessory Dwelling Unit.

The following is a discussion of the project conformance with the required findings, per Sections 6133.3b(3) and 6503 of the Zoning Regulations, for the Planning Commission to grant the Non-Conforming Use Permit. Each section addresses the residence/garage, pool, and Accessory Dwelling Unit.



- a. The proposed development is proportioned to the size of the parcel on which it is being built.

The 8,232 sq. ft. subject parcel is approximately 30% smaller than the minimum parcel size for the zoning district, which is 12,000 square feet. Although the lot coverage and floor area requests are approximately 30% more than allowed by zoning, the excesses are largely due to the connecting roof design element, not the size of the residence development, which demonstrates proportionality.

The footprint of the proposed residence and garage (the two structures without the roof connector) comply with the RH zoning lot coverage (approx. 1,960 sq. ft). The floor area of the residence and garage exceeds allowed floor area by 245 sq. ft. and are proportional to the size of the parcel.

The roof connecting the garage to the house, creates an additional 241 sq. ft. of noncompliant floor area and 143 sq. ft. lot coverage. Even though the roof adds to the total lot coverage and floor area, it is a unique architectural feature that is integral to the unique design of this home, and it does not negatively impact proportionality. A use permit for the 486 sq. ft. of floor area and 143 sq. ft. of lot coverage, especially for an architectural feature, is consistent with allowing the development to be proportioned to the size of the parcel.

The proposed pool creates an additional 558 sq. ft. of lot coverage, due to the slope of the parcel. The lot coverage from the pool is created by topography and is development that is typically not counted as lot coverage when the pool is less than 18 inches above grade. Therefore, when considering the steep cross slope of the parcel, the pool request is consistent with that of other parcels of similar size.

The size of the 640 sq. ft. ADU is proportionate to the size of the parcel. It is also less than the 800 sq. ft. minimum ADU allowed by State law, and the ADU will be placed beneath the proposed garage and walkway, which creates no additional lot coverage. Only the placement of the ADU within the front yard setback, approximately 1- foot from the front property line, on an undeveloped parcel, requires relief from zoning regulations, and proportionality is not impacted.

- b. All opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven to be infeasible

There is just one parcel contiguous to the subject parcel. That parcel is vacant, substandard in size (approximately 7,000 sq. ft.), and has a 15-foot pole for access to the public right of way. Conformity with zoning

requirements could only be achieved with the addition of at least 2,900 sq. ft of land from the contiguous parcel. This amount of land would render that parcel nearly undevelopable.

The applicant contacted the adjacent property owners to express interest in purchasing land. The neighbor indicated there was no interest in selling any land.

- c. The proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible.

The lot coverage and floor area requested are related to three aspects of the project: the house/garage, the roof over the walkway connecting the garage to the house, and the proposed pool. The ADU is exempt from lot coverage and floor area limits under State law.

The subject parcel is substandard in size and has constraints of a 20-foot front yard setback along the 140-foot street frontage bulb on Live Oak Lane, where 50 feet of frontage is typical. This additional setback area reduces the buildable area to approximately 3,000 sq. ft. In addition, the parcel has steep topography and a creek on the south side, all of which limit where development can occur.

The slope of the parcel constrains garage placement to the front of the parcel. The footprint for the residence meets the 20-foot setback and 20-foot rear setback. Due to the curve of the frontage of the parcel, there is approximately a 31-foot separation between the garage and the house. It is reasonable to have a covered walkway for that distance if possible. However, based on zoning definitions, the unenclosed, covered areas, created by the roof are calculated in floor area totals. The proposed roof style creates an additional 241 sq. ft. of both lot coverage and floor area. Removal of the connecting roof substantially changes the design of the project, would be inconsistent with the Design Review Permit approval, and is not desired by the applicant.

The proposed development conforms with height and rear and side setbacks. The requested living area is substantially in conformance with floor area regulations considering that covered parking requirements account for a higher percentage of available FAR on smaller parcels. The ADU does not contribute to lot coverage.

The request for additional lot coverage to allow a pool is driven by steep slope of the parcel. The proposed pool is relatively small, just 410 sq. ft., but due to the slope of the property it is counted as an above grade structure and contributes to the parcel's lot coverage. The applicant recognizes that the lot coverage creates more non-conformity, however it is a feature that is desired for the family and can only be allowed with a

Non-Conforming Use Permit. As previously mentioned, the cross slope of the parcel is a significant factor in the creation of this non-compliance with lot coverage limits.

Many ADUs are provided above garages or within converted garages. The proposed garage is allowed at the property line due to the slope of the parcel, and by placing the ADU beneath the garage, no new lot coverage is created, the unit will have better separation from the main residence, and the impact on surrounding properties is less than placing an additional structure in the side or rear yard. Recent changes to State law allow ADU encroachment in the front setback without a use permit, but only where no other configuration is feasible. Because the parcel is undeveloped, alternative site designs that retain the front setback could be feasible, and therefore the NCUP is necessary to allow the ADU in the front setback in this instance.

- d. The establishment, maintenance, and/or conducting of the proposed use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in the said neighborhood.

The proposed design is compatible with the surrounding residences and with the Emerald Lake Hills community due to project adherence to Emerald Lake Hills Design Review Standards and has been recommended for approval by the Design Review Officer. The proposed residential development is comparable in size to other residences in the areas. Additionally, the project has been reviewed by County Fire and the Department of Public Works and preliminarily approved and conditions of approval have been included in Attachment A. The project is not located in the Coastal Zone and would not impact coastal resources. Based on the foregoing, staff has determined that this proposal would not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

- e. Use permit approval does not constitute a granting of special privileges.

Section 6133 allows for development of non-conforming structures on non-conforming parcels with the granting of a Non-Conforming Use Permit. The County has granted NCUPs allowing exceptions to floor area, lot coverage, setbacks and height to allow residential construction on constrained parcels. Many parcels in Emerald Lake Hills are substandard in size and have challenging topography, and similarly have received NCUPs to facilitate development. Therefore, this request is similar and consistent with such prior approvals and would not constitute a granting of special privileges.

5. Conformance with County Grading Regulations

The proposed project requires approximately 198 c.y. of cut and 198 c.y. of fill to accommodate the proposed residence and pool. Planning and Geotechnical staff have reviewed the proposal and submitted reports and determined that the project conforms to the criteria for review contained in the Regulations for Excavating, Grading, Filling and Clearing on Lands in Unincorporated San Mateo County (referred to in this report as “Grading Regulations”). The findings and supporting evidence are outlined below:

- a. That the granting of the permit will not have a significant adverse effect on the environment.

The project will have a less-than-significant impact on the environment with the implementation of standard conditions of approval which will require excavated earth to be off-hauled and deposited to an approved disposal location, require application of erosion control measures prior to and during project grading and construction, place limitations on grading during the wet season, and require the Project Engineer to submit written certification that all grading has been completed in conformance with the approved plans, conditions of approval, and the Grading Regulations.

- b. That the project conforms to the criteria of the San Mateo County Grading Ordinance.

The project, as conditioned, conforms to the criteria for review contained in the Grading Regulations, including an adequate erosion and sediment control plan and dust control measures.

- c. That the project is consistent with the General Plan.

As outlined earlier in Section A of this report, the project conforms to applicable components of the County's General Plan.

B. ENVIRONMENTAL REVIEW

The project is categorically exempt from CEQA per CEQA Guidelines Section 15303(a) (Class 3), which includes the construction and location of limited numbers of new, small structures on a legal parcel. One single-family residence may be constructed or converted under this exemption.

C. REVIEWING AGENCIES

Building Inspection Section  
Building Drainage Section  
Department of Public Works  
County Fire  
Local Agency Formation Commission (LAFCo)  
County Arborist

**ATTACHMENTS**

- A. Recommended Findings and Conditions of Approval
- B. Assessor's Parcel Map and Vicinity Map
- C. Project Survey and Plans
- D. Decision letter dated August 31, 2022
- E. Use Permit Supporting Statements
- F. Correspondence

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County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2019-00400

Hearing Date: July 26, 2023

Prepared By: Erica Adams, Project Planner For Adoption By: Planning Commission

**RECOMMENDED FINDINGS**

For the Environmental Review, Find:

1. The project is categorically exempt from CEQA per CEQA Guidelines Section 15303(a) (Class 3), which includes the construction and location of limited numbers of new, small structures on a legal parcel. One single-family residence may be constructed or converted under this exemption.

For the Design Review, Find:

2. This project, as designed and conditioned, has been reviewed under and found to be in compliance with the Design Review Standards as stipulated in Chapter 28, Section 6565.15, of the San Mateo County Zoning Regulations. The original proposal was reviewed and recommended for approval by the Emerald Lake Hills DRO on July 7, 2020; modifications to the original proposal were minor from a design perspective.
3. After consideration of project plans and public testimony, the DRO found that the proposed house design, as proposed and conditioned, is in compliance with the Design Review Standards because the project: (a) incorporates materials which comply with the Design Review Standards, (b) has a building shape minimizes bulk by varying building height and use of a variety of geometric shape planes (c) facades are proportioned and patterned, and (d) respects privacy of neighboring houses.

For the Non-Conforming Use Permit, find:

4. That the project complies with the required findings for a Non-Conforming Use Permit per Section 6133.3b(3) in that:
  - a. The proposed development is proportioned to the size of the parcel on which it is being built,

The development is proportioned in size, the lot is 30% smaller than the minimum size per zoning, but the lot coverage and floor area request, approximately 30% more than allowed by zoning for this size parcel, is created by a design element, not the residence itself. The proposed location of the ADU does not create proportionality concerns, as the resulting residence is proportional for the parcel.

- b. All opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven to be infeasible.

No opportunities to acquire land are available, as the adjacent parcel is also substandard in size and the owner has indicated it is not for sale.

- c. The proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible.

The proposed development conforms with height and setbacks. The requested living area is substantially in conformance with floor area regulations considering that covered parking requirements account for a higher percentage of available FAR on smaller parcels. The subject parcel is substandard in size and has constraints created by street frontage and slope which create a 31-foot separation between the garage and house, and a covered walkway is a reasonable request. The ADU complies in size and does not contribute to lot coverage.

- d. The establishment, maintenance, and/or conducting of the proposed use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in the said neighborhood.

The proposed design is compatible with the surrounding residences and the project has been reviewed and recommended for approval by the Emerald Lake Hills Design Review Officer, and no concerns were raised by reviewing agencies such as the Building Section, Department of Public Works or County Fire.

- e. Use permit approval does not constitute a granting of special privileges.

Non-Conforming Use Permits are often utilized by property owners to construct non-conforming structures on non-conforming parcels. Numerous parcels in Emerald Lake Hills are substandard in size and have challenging topography. Therefore, exceptions requested do not constitute special privileges and would result in a residence consistent with other houses in the neighborhood.

For the Grading Permit, find

5. That the granting of the permit will not have a significant adverse effect on the environment. The project, as proposed and conditioned, has been reviewed and preliminarily approved by the Planning and Building Department's Geotechnical Section and the Department of Public Works, with conditions incorporated into Attachment A of the staff report. As analyzed in the staff report, with imposition of the conditions of approval, the project would not have a significant adverse effect on the environment.
6. The project, as it will be conditioned, conforms to the criteria for review contained in the Grading Regulations, including an adequate erosion and sediment control plan and dust control measures. The project conforms to the applicable components of the County's General Plan.

**RECOMMENDED CONDITIONS OF APPROVAL**

Current Planning Section

1. The project shall be constructed in compliance with the plans approved by Planning Commission on July 26, 2023. Any changes or revisions to the approved plans shall be submitted for review by the Community Development Director to determine if they are in substantial compliance with the approved plans, prior to being incorporated into the building plans. Adjustments to the design of the project may be approved by the Design Review Officer if they are consistent with the intent of and are in substantial conformance with this approval. Adjustments to the design during the building permit stage may result in the assessment of additional plan resubmittal or revision fees. Alternatively, the Design Review Officer may refer consideration of the adjustments, if they are deemed to be major, to a new Emerald Lake Hills Design Review public hearing which requires payment of an additional fee of \$1,500.
2. The design review, grading permit, and non-conforming use permit shall be valid for five (5) years from the date of final approval, in which time a building permit shall be issued, and a completed inspection (to the satisfaction of the building inspector) shall have occurred within 180 days of its issuance. The design review, grading and Non-Conforming Use Permit approval may be extended by one (1)



year increment with submittal of an application for permit extension and payment of applicable extension fees sixty (60) days prior to the expiration date.

3. Six (6) significant trees, of which two are native, are approved for removal. Trees designated to remain shall be protected from damage during construction. Any additional tree removal is subject to the San Mateo County Tree Ordinance and will require a separate permit for removal.
4. The applicant shall plant a minimum of six (6) 15-gallon replacement trees, four (4) of which shall be Oaks, prior to final approval of the building permit. The applicant shall provide photographs to the Design Review Officer to verify adherence to this condition prior to a final building permit approval by the Current Planning Section.
5. At the time of building permit application, if applicable, the applicant shall submit a tree protection plan for any work within tree driplines or adjacent to off-site trees, including the following:
  - a. Identify, establish, and maintain tree protection zones throughout the entire duration of the project.
  - b. Isolate tree protection zones using 5-foot tall, orange plastic fencing supported by poles pounded into the ground, located at the driplines as described in the arborist's report.
  - c. Maintain tree protection zones free of equipment and materials storage; contractors shall not clean any tools, forms, or equipment within these areas.
  - d. If any large roots or large masses of roots need to be cut, the roots shall be inspected by a certified arborist or registered forester prior to cutting as required in the arborist's report. Any root cutting shall be undertaken by an arborist or forester and documented. Roots to be cut shall be severed cleanly with a saw or topers. A tree protection verification letter from the certified arborist shall be submitted to the Planning Department within five (5) business days from site inspection following root cutting.
  - e. Prior to issuance of a building permit, the Planning and Building Department shall complete a pre-construction site inspection, as necessary, to verify that all required tree protection and erosion control measures are in place.
6. The approved exterior colors and materials shall be verified prior to final approval of the building permit. The applicant shall provide photographs to the Design Review Officer to verify adherence to this condition prior to final Planning approval of the building permit.

7. Prior to the Current Planning Section approval of the building permit application, the applicant shall also have the licensed land surveyor or engineer indicate on the construction plans: (1) the natural grade elevations at the significant corners (at least four) of the footprint of the proposed structure on the submitted site plan, and (2) the elevations of proposed finished grades. In addition, (1) the natural grade elevations at the significant corners of the proposed structure, (2) the finished floor elevations, (3) the topmost elevation of the roof, and (4) the garage slab elevation must be shown on the plan, elevations, and cross-section (if one is provided).
8. Once the building is under construction, prior to the below floor framing inspection or the pouring of the concrete slab (as the case may be) for the lowest floor(s), the applicant shall provide to the Building Inspection Section a letter from the licensed land surveyor or engineer certifying that the lowest floor height, as constructed, is equal to the elevation specified for that floor in the approved plans. Similarly, certifications on the garage slab and the topmost elevation of the roof are required.
9. If the actual floor height, garage slab, or roof height, as constructed, is different than the elevation specified in the plans, then the applicant shall cease all construction and no additional inspections shall be approved until a revised set of plans is submitted to and subsequently approved by both the Building Official and the Community Development Director.
10. The applicant shall adhere to all requirements of the San Mateo County Building Inspection Section, the Department of Public Works, and the County Fire Department.
11. No site disturbance shall occur, including any grading or tree/vegetation removal, until a building permit has been issued.
12. To reduce the impact of construction activities on neighboring properties, comply with the following:
  - a. All debris shall be contained on-site; a dumpster or trash bin shall be provided on-site during construction to prevent debris from blowing onto adjacent properties. The applicant shall monitor the site to ensure that trash is picked up and appropriately disposed of daily.
  - b. The applicant shall remove all construction equipment from the site upon completion of the use and/or need of each piece of equipment which shall include but not be limited to tractors, back hoes, cement mixers, etc.

- c. The applicant shall ensure that no construction-related vehicles impede through traffic along the right-of-way on Live Oak Lane. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on Live Oak Lane. There shall be no storage of construction vehicles in the public right-of-way.
- 13. Noise sources associated with demolition, construction, repair, remodeling, or grading of any real property shall be limited to the hours from 7:00 a.m. to 6:00 p.m., weekdays, and 9:00 a.m. to 5:00 p.m., Saturdays. Said activities are prohibited on Sundays, Thanksgiving, and Christmas (San Mateo County Ordinance Code Section 4.88.360).
- 14. All new power and telephone utility lines from the street or nearest existing utility pole to the main dwelling and/or any other structure on the property shall be placed underground.
- 15. The property owner shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines" including, but not limited to, the following:
  - a. Delineation with field markers of clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses within the vicinity of areas to be disturbed by construction and/or grading.
  - b. Protection of adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
  - c. Perform clearing and earth-moving activities only during dry weather.
  - d. Stabilization of all denuded areas and maintenance of erosion control measures continuously between October 1 and April 30.
  - e. Storage, handling, and disposal of construction materials and wastes properly, so as to prevent their contact with stormwater.
  - f. Control and prevention of the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges, to storm drains and watercourses.
  - g. Use of sediment controls or filtration to remove sediment when dewatering site and obtain all necessary permits.
  - h. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.

- i. Limiting and timing application of pesticides and fertilizers to prevent polluted runoff.
- j. Limiting construction access routes and stabilization of designated access points.
- k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
- l. Training and providing instruction to all employees and subcontractors regarding the Watershed Protection Maintenance Standards and construction Best Management Practices.
- m. Additional Best Management Practices in addition to those shown on the plans may be required by the Building Inspector to maintain effective stormwater management during construction activities. Any water leaving the site shall be clear and running slowly at all times.
- n. Failure to install or maintain these measures will result in stoppage of construction until the corrections have been made and fees paid for staff enforcement time.

#### Landscaping

- 16. No landscaping was proposed at the time of planning permit review. At the time of building permit application, the applicant shall submit landscape plans consistent with the Design Review standards, subject to review and approval of the Community Development Director. All landscaping shall be installed consistent with the approved plans prior to Planning's final approval of the building permit.
- 17. The project is subject to compliance to the Water Efficient Landscape Ordinance (WELO): <http://planning.smcgov.org/documents/water-efficient-landscape-ordinance-welo>.

#### Grading

- 18. No grading shall be allowed during the winter season (October 1 to April 30) to avoid potential soil erosion, unless the applicant applies for an Exception to the Winter Grading Moratorium and the Community Development Director grants the exception. Exceptions will only be granted if the associated building permit is a week or less from being issued, dry weather is forecasted during scheduled grading operations, and the erosion control plan includes adequate winterization measures (amongst other determining factors).

19. Add notes to plans submitted for a building permit with the following minimum dust control measures:
  - a. Water all construction and grading areas at least twice daily.
  - b. Cover all trucks hauling soil, sand, and other loose materials, or require all trucks to maintain at least 2 feet of freeboard.
  - c. Apply water two times daily or apply (non-toxic) soil on all unpaved access roads, parking areas, and staging areas at the project site.
  - d. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
  - e. Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
20. Prior to issuance of the grading permit "hard card," the property owner shall submit a schedule of all grading operations to the Current Planning Section, subject to review and approval by the Current Planning Section. Along with the "hard card" application, the applicant shall submit a letter to the Current Planning Section, at least two weeks prior to commencement of grading, stating the date when grading operations will begin, anticipated end date of grading operations, including dates of revegetation, and haul route. If the schedule of grading operations calls for the grading to be completed in one dry season, then the winterization plan shall be considered a contingent plan to be implemented if work falls behind schedule.
21. It shall be the responsibility of the engineer of record to regularly inspect the erosion control measures for the duration of all grading remediation activities, especially after major storm events, and determine that they are functioning as designed and that proper maintenance is being performed. Deficiencies shall be immediately corrected, as determined by and implemented under the observation of the engineer of record.
22. An Erosion Control and/or Tree Protection Inspection is required prior to the issuance of a building permit for grading, construction, and demolition purposes, as the project requires tree protection of significant trees and a grading permit. Once all review agencies have approved your building permit, you will be notified that an approved job copy of the Erosion Control and/or Tree Protection Plan is ready for pick-up at the Planning counter of the Planning and Building Department. Once the Erosion Control and/or Tree Protection measures have been installed per the approved plans, please send photos to the Project Planner. If the initial pre-site inspection is not approved, an additional inspection fee will be assessed for each required re-inspection until the job site passes the Pre-Site Inspection, or as determined by the Project Planner.

23. For the final approval of the grading permit, the property owner shall ensure the performance of the following activities within thirty (30) days of the completion of grading at the project site: (a) the engineer shall submit written certification that all grading has been completed in conformance with the approved plans, conditions of approval/mitigation measures, and the Grading Regulations, to the Department of Public Works and the Planning and Building Department's Geotechnical Engineer; and (b) the geotechnical consultant shall observe and approve all applicable work during construction and sign Section II of the Geotechnical Consultant Approval form, for submittal to the Planning and Building Department's Geotechnical Engineer and the Current Planning Section.

#### Building Inspection Section

24. A building permit is required.
25. The project is located in a Very High Fire Hazard Severity Zone and shall be designed and constructed accordingly.

#### Drainage Section

26. Prior to the issuance of the building permit, the applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed project and submit it to the Drainage Section for review and approval. The drainage analysis shall consist of a written narrative and a plan. The flow of the stormwater onto, over, and off the property shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage. Post-development flows and velocities shall not exceed those that existed in the pre-developed state. Recommended measures shall be designed and included in the improvement plans and submitted to the Drainage Section for review and approval.
27. Revise the drainage calculations and drainage plan to address the following comments.
28. For projects that replace greater than 50% of existing impervious area, pre-development condition is considered an empty lot, not the pre-project condition. Please revise drainage calculations to demonstrate that post-development flows are less than or equal to pre-development flows.
29. Check for errors in the storm runoff calculations. (e.g., 198-127 is not 22 cubic feet; the detention basin porosity factor should be 0.3, not 0.7 in the "net volume per basin" calculation)
30. Use a minimum volume safety factor of 1.5.

31. Lower detention basin appears to be in flow line of seasonal stream. Infiltration basins cannot overlap with seasonal high groundwater.
32. Confirm detention basins will not negatively impact trees to be preserved.
33. Plans submitted with the building permit submittal shall show elevations for the driveway and indicate whether it is supported by a bridge or by fill. Building plans must also show any required retaining walls (including those for terraces) and associated subdrains on the grading and drainage plans.
34. A Drainage Report prepared and stamped by a Registered Civil Engineer demonstrating that the project complies with the County's current drainage policy restricting additional stormwater flows from development projects is required at the time of building permit submittal.
35. A final Grading and Drainage Plan prepared and stamped by a Registered Civil Engineer is required at the time of building permit submittal.
36. An updated C3/C6 Checklist (please provide electronically) is required at the time of building permit submittal.

#### Local Agency Formation Commission

37. An application for an Outside Service Agreement shall be submitted to and approved by the City of Redwood City and San Mateo County LAFCo prior to the issuance of a building permit on the parcel. The connection to the City of Redwood City water utility shall not occur prior to this Outside Service Agreement approval. The property owner or the applicant may contact LAFCo for additional information about the Outside Service Agreement process.
38. The applicant shall work directly with the County to annex the parcel into the Emerald Lake Sewer District, a County governed district, for sewer service.

#### County Fire Department

39. Fire Department access shall be within 150 feet of all exterior portions of the facility and all portions of the exterior walls of the first story of the buildings as measured by an approved access route around the exterior of the building or facility. Access shall be a minimum of 20 feet wide, all-weather capability, and able to support a fire apparatus weighing 75,000 lbs. Where a fire hydrant is located in the access, a minimum of 26 feet is required for a minimum of 20 feet on each side of the hydrant. This access shall be provided from a publicly maintained road to the property. Grades over 15% shall be paved and no grade shall be over 20 percent. When gravel roads are used, it shall be class 2 base or equivalent compacted to 95 percent. Gravel road access shall be certified by an

engineer as to the material thickness, compaction, all weather capability, and weight it will support.

40. All buildings that have a street address shall have the number of that address on the building, mailbox, or other type of sign at the driveway entrance in such a manner that the number is easily and clearly visible from either direction of travel from the street. New residential buildings shall have internally illuminated address numbers contrasting with the background so as to be seen from the public way fronting the building. Residential address numbers shall be at least 6 feet above the finished surface of the driveway. An address sign shall be placed at each break of the road where deemed applicable by the San Mateo County Fire Department. Numerals shall be contrasting in color to their background and shall be no less than 4 inches in height and have a minimum 1/2-inch stroke. Remote signage shall be a 6-inch by 18-inch green reflective metal sign.
41. Contact the Fire Marshal's Office to schedule a Final Inspection prior to occupancy and Final Inspection by a Building Inspector. Allow for a minimum of 72 hours' notice to the Fire Department at 650/573-3846. A fire flow of 500 gpm for 2 hours with a 20-psi residual operating pressure must be available as specified by additional project conditions to the project site. The applicant shall provide documentation including hydrant location, main size, and fire flow report at the building permit application stage. Inspection required prior to Fire's final approval of the building permit or before combustibles are brought on site.
42. Contact the Fire Marshal's Office to schedule a Final Inspection prior to occupancy and Final Inspection by a Building Inspector. Allow for a minimum of 72 hours' notice to the Fire Department at 650/573-3846.
43. A fire flow of 500 gpm for 2 hours with a 20-psi residual operating pressure must be available as specified by additional project conditions to the project site. The applicant shall provide documentation including hydrant location, main size, and fire flow report at the building permit application stage. Inspection required prior to Fire's final approval of the building permit or before combustibles are brought on site.
44. Any chimney or woodstove outlet shall have installed onto the opening thereof an approved (galvanized) spark arrestor of a mesh with an opening no larger than 1/2 inch in size or an approved spark arresting device. Maintain around and adjacent to such buildings or structures a fuel break/firebreak made by removing and cleaning away flammable vegetation for a distance of not less than 30 feet and up to 100 feet around the perimeter of all structures or to the property line, if the property line is less than 30 feet from any structure. This is not a requirement nor an authorization for the removal of live trees. Remove that flammable portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe, or within 5 feet of any portion of any building or structures. Remove the dead or dying portion of any tree which extends over the roof line of any structure.



45. All roof assemblies in Very High Fire Hazard Severity Zones shall have a minimum CLASS-A fire resistive rating and be installed in accordance with the manufacturer's specifications and current California Building and Residential Codes.
46. Smoke alarms and carbon monoxide detectors shall be installed in accordance with the California Building and Residential Codes. This includes the requirement for hardwired, interconnected detectors equipped with battery backup and placement in each sleeping room in addition to the corridors and on each level of the residence.
47. An approved Automatic Fire Sprinkler System meeting the requirements of NFPA-13D shall be required to be installed for your project. Plans shall be submitted to the San Mateo County Building Inspection Section for review and approval by the authority having jurisdiction.
48. A statement that the building will be equipped and protected by automatic fire sprinklers must appear on the title page of the building plans.
49. This project is located in a wildland urban interface area. Roofing, attic ventilation, exterior walls, windows, exterior doors, decking, floors, and underfloor protection to meet CRC R327 or CBC Chapter 7A requirements.

#### Department of Public Works

50. Prior to the issuance of the building permit or planning permit (if applicable), the applicant shall submit a driveway "Plan and Profile," to the Department of Public Works, showing the driveway access to the parcel (garage slab) complying with County Standards for driveway slopes (not to exceed 20%) and to County Standards for driveways (at the property line) being the same elevation as the center of the access roadway. When appropriate, as determined by the Department of Public Works, this plan and profile shall be prepared from elevations and alignment shown on the roadway improvement plans. The driveway plan shall also include and show specific provisions and details for both the existing and the proposed drainage patterns and drainage facilities.
51. No proposed construction work within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued. Applicant shall contact a Department of Public Works Inspector 48 hours prior to commencing work in the right-of-way.
52. Prior to the issuance of the building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance No. 3277.

## Geotechnical Section

53. The Project Engineering Geologist should provide a site map plotting the limits of undocumented fill at the site.
54. The Project Engineering Geologist should provide sections through the proposed improvements indicating the depth of undocumented fill, colluvium, and bedrock across the building area. The County recommends sections include additional annotations indicating the depth of proposed cuts and the layout of proposed retaining walls. Section alignments should consider existing improvements on neighboring properties and existing roadway improvements.
55. The Project Geotechnical Consultant should clarify appropriate passive pressures for the recommended pier and grade beam foundation type.
56. The Project Geotechnical Consultant should discuss temporary cut-slope excavation stability, and the anticipated depth of cuts necessary for the subject project. The consultant should discuss whether shoring or other measures (e.g., monitoring or a preconstruction survey, etc.) should be anticipated for excavations in proximity to property lines or existing improvements.
57. The Project Geotechnical Consultant should clarify whether on site soils (logged and tested as CH) are appropriate for use as engineered fill.
58. The Project Geotechnical Consultant should also clarify whether proposed foundations need to account for uplift pressures from expansive site soils.
59. The Project Geotechnical Consultant should consider the benefits of additional non-expansive subgrade for site flatwork and slabs-on-grade given the identified expansive soils.

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