

Board Meeting Date: October 17, 2017
Special Notice / Hearing: 300 Feet
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 deny an appeal and uphold the San Mateo County Community Development Director's decision to approve an "After-the-Fact" staff-level Coastal Development Permit (CDP) for the unpermitted removal of vegetation (PLN 2016-00264 and VIO 2016-00141), and a Coastsides Design Review Permit (PLN 2016-00337) to allow construction of a new 2-story 3,546 sq. ft. single-family residence with an attached 487 sq. ft. 2-car garage, and a 1,152 sq. ft. second unit with a detached 400 sq. ft. carport, on an existing 22,337 sq. ft. legal parcel (COC PLN 2015-00444). The project is not appealable to the California Coastal Commission.

RECOMMENDATION:

Deny the appeal and affirm the decision of the Planning Commission to affirm the San Mateo County Community Development Director's decision to approve the project, based on the findings and conditions of approval contained in Attachment A.

BACKGROUND:

Proposal: The applicant, Steve Peterson, requests after-the-fact approval for the unpermitted removal of vegetation (PLN 2016-00264 and VIO 2016-00141) and a Coastsides Design Review Permit (PLN 2016-00337) to allow construction of a new two-story single-family residence. In May 2016, the applicant removed sixteen (16) Eucalyptus trees and one (1) pine tree under 12 inches diameter at breast height without the required CDP. The proposed two-story home includes a master bedroom and bath, two bedrooms, a bathroom, a great room, and a laundry room on the lower level, while the upper level accommodates a dining room, breakfast room, kitchen, and bath, three additional bedrooms and two bathrooms, kitchen, study and a two-car garage. A 1,152 sq. ft. second unit with a detached 400 sq. ft. carport is also proposed. The proposed development is located on an undeveloped property on the corner of Miramar Drive and Terrace Avenue in the unincorporated Miramar area of the County. The site is fairly steep, with a slope of approximately 38%, and is not located in the California Coastal Commission's geographic appeals jurisdiction.

Coastsides Design Review Committee Action: The Coastsides Design Review Committee (CDRC) considered the project on January 12, 2017 and February 9, 2017, when the CDRC recommended approval of the project based on compliance with applicable Design Review Standards, finding that the project respects the scale of other larger

homes in the neighborhood and that the building dimensions, shape and form, and architectural details are complementary to other homes in the neighborhood.

Community Development Director Action: The CDP was approved by the Community Development Director on June 22, 2017, based on the project's conformance to applicable policies, specifically those relating to visual resources, sensitive habitats, and design review standards. Staff determined that the project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) Guidelines, pursuant to Section 15303, Class 3, related to new construction of small structures, including single-family residences in an urban residential zone.

Planning Commission Action and Subsequent Appeal: The Planning Commission (PC) considered and denied the appeal of the Community Development Director's decision to approve the project at the regularly scheduled September 13, 2017 PC meeting. On September 26, 2017, the appellants filed an appeal to the Board of Supervisors challenging the Planning Commission's decision to deny their appeal.

DISCUSSION:

The Community Development Director determined that the project is categorically exempt from the California Environmental Quality Act (CEQA), because the project consists of the construction of small structures, including a single family residence. The appeal contends that the project is not exempt from CEQA because of alleged significant environmental impacts associated with the removal of trees. Specifically, appellants contend that the tree removal has compromised the stability of Terrace Avenue and that, as a result, the conditions of approval for the project should include a condition requiring the addition of retaining walls along Miramar Drive and Terrace Avenue.

Staff has reviewed the applicable CEQA regulations and development standards and confirmed that the project is indeed exempt from CEQA. While the project would not be exempt if located in an area containing an officially designated and precisely mapped environmental resource, or if there was a reasonable possibility that the project has the potential to result in a significant adverse environmental impact due to unusual circumstances, the project site is not located in any such designated area and there are no unusual circumstances giving rise to a reasonable possibility of a significant environmental impact.

The photos provided by the appellants do not provide evidence that the removal of the trees has compromised the stability of Terrace Avenue. The road is not designated as a public right-of-way and the maintenance of Terrace Avenue is the responsibility of the property owners that use it. The applicant is working with neighbors that use Terrace Avenue to prepare a private maintenance agreement to address ongoing maintenance of the road. The payment for and implement of roadway improvements that benefit the larger community is a matter to be decided amongst the property owners that use this private road, and does not give rise to an issue under CEQA for the subject proposal nor does it provide appropriate grounds to grant the appeal.

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

The denial of the appeal is consistent with the 2025 Shared Vision of a Livable Community because it allows the development of an in-fill residential project that helps meet the County's housing goals, promotes good design, and contributes to the improvement of this residential neighborhood, in a manner that is consistent with the General Plan and Local Coastal Plan.

FISCAL IMPACT:

No fiscal impact.

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