



**COUNTY OF SAN MATEO**  
Inter-Departmental Correspondence  
Planning and Building



**Date:** June 11, 2012  
**Board Meeting Date:** June 26, 2012  
**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors

**From:** Jim Eggemeyer, Community Development Director

**Subject:** EXECUTIVE SUMMARY: Public hearing to consider an appeal of the Zoning Hearing Officer's decision to approve the required permits to construct a new 1,559 sq. ft. single-family residence on a 3,650 sq. ft. non-conforming parcel, located on Main Street in the unincorporated Montara area of San Mateo County. This project is appealable to the California Coastal Commission.

**RECOMMENDATION:**

Deny the appeal and uphold the decision of the Zoning Hearing Officer to approve the project, based on and subject to the required findings and conditions of approval listed in Attachment A.

**BACKGROUND:**

Proposal: The applicant is requesting approval for the necessary permits to construct a new 1,559 sq. ft. single-family residence on a 25-foot wide, 3,650 sq. ft. undeveloped non-conforming parcel with combined side setbacks of 8 feet, and one covered parking space. Two bedrooms are on the first floor while the second floor accommodates the kitchen, living room and half bathroom. Rear decks are proposed on both floors as a means to access ocean views.

Setting: The parcel (5% slope) is located east of Cabrillo Highway within the County Scenic Corridor in an area of predominantly single-family residences of various architectural styles. The adjacent parcels south of the subject site are undeveloped while a single-story residence is located immediately adjacent north of the project site.

Project History: The applicant submitted Design Review applications for a new house on April 11, 2006 that required several design iterations as reviewed from January 10, 2008 by the Coastside Design Review Committee (CDRC), until its approval by the ZHO on August 27, 2010.

The appellants submitted an appeal on September 9, 2011, requesting reversal of the Zoning Hearing Officer's approval of the project. The Planning Commission continued the project to a second meeting on March 28, 2012, when design issues were left unresolved at the initial meeting of October 26, 2011. No action was taken at this meeting based on the lack of votes required to effectively carry any motion to either grant or deny the appeal. In keeping with the practice of the Planning Department, the staff report recommends that your Board uphold the last effective action on the project, which is to **approve** the project as submitted and conditioned by the Zoning Hearing Officer (ZHO).

**DISCUSSION:**

On April 9, 2012, appellants challenging the ZHO's project approval of August 27, 2010, filed an appeal that raises three issues which staff has addressed in brief, as follows:

1. The construction of a two-story structure, governed by 3-foot and 5-foot side setbacks, represents overbuilding on a 25-foot wide lot. Staff's response: The ZHO was able to make the findings that exceptions to setback requirements are possible and that the proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible given that the lot width of 25 feet, a combined 15-foot setback would result in a house only 10 feet wide, which would be unreasonable, impractical, and unattractive.
2. The project does not comply with policies related to the preservation of views in the County Scenic Corridor. Staff's response: The project's location, which is approximately 60 feet from Cabrillo Highway, is substantially buffered visually from the highway since the site is significantly higher in elevation and screened by mature vegetation. The proposed design blends with the neighborhood context, which further mitigates any potential negative scenic impact from the highway.
3. A separate Coastal Development Permit (CDP) for lot legalization should be required. Staff's response: A Coastal Development Permit is required as part of the project approval for: (1) legalization of the parcel per LCP Policy 1.29; and (2) construction of the home on a non-conforming parcel, consistent with the limitations of the Single-Family Categorical Exclusion Area (Zoning Regulations Sections 6328.4 and 6328.5(e)). Both of these CDPs are included and being processed simultaneously for this project. The ZHO's decision to legalize the parcel is based on staff's analysis concluding that development on this non-conforming parcel does not have adverse impacts on coastal resources and that standard conditions for urban development are sufficient in this case to maximize public health and safety and compliance with the LCP.

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

The approval of the Use Permit, Coastal Development Permit, Design Review and Certificate of Compliance (Type B) for a new single-family residence contributes to the 2025 Shared Vision outcome of a Livable Community through compliance with General Plan Visual Quality Policies requiring new development to maintain and, where possible, improve upon the appearance and visual character of development in urban areas, and to ensure that new development in urban areas is designed and constructed to contribute to the orderly and harmonious development of the locality.

**FISCAL IMPACT:**

No fiscal impact.