



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building



Date: June 11, 2012
Board Meeting Date: June 26, 2012
Special Notice / Hearing: 300 Feet
Vote Required: Majority

To: Honorable Board of Supervisors

From: Jim Eggemeyer, Community Development Director

Subject: Public hearing to consider an appeal of the Planning Commission's decision to uphold the approval of a Coastal Development Permit and Design Review, pursuant to Sections 6328.4 and 6565.20 of the San Mateo County Zoning Regulations, and certification of a Negative Declaration pursuant to the California Environmental Quality Act (CEQA), to construct a new 2,203 sq. ft. single-family residence plus a 373 sq. ft. attached two-car garage, on an existing 8,000 sq. ft. undeveloped, non-conforming parcel where 10,000 sq. ft. is the minimum parcel size. The property is located on an undeveloped portion of Magellan Avenue, which will be extended to accommodate the project, located in the unincorporated Miramar area of San Mateo County. No trees are proposed for removal. This project is appealable to the California Coastal Commission.

County File Number: PLN 2010-00255 (Van Mechelen)

RECOMMENDATION:

Deny the appeal and uphold the Planning Commission's decision to approve the Coastal Development Permit and Design Review, and certify the Negative Declaration, based on the required findings and subject to the conditions of approval listed in Attachment A.

BACKGROUND:

Proposal: The applicant is requesting approval of a proposed design for a new 2,203 sq. ft. single-family residence, plus a 373 sq. ft. attached two-car garage, on an existing 8,000 sq. ft. legal non-conforming parcel where 10,000 sq. ft. is otherwise the minimum parcel size. Magellan Avenue is undeveloped at this location and will be extended approximately 85 feet to provide access to the new home.

The project consists of a two-story residence with three bedrooms, two bathrooms, living room, dining area and kitchen upstairs, and a greenhouse/sunroom on the partial lower floor. There is also a roof deck over part of the house, and a two-car garage. Magellan Avenue is undeveloped at this location and will be extended approximately 85 feet from its current terminus in front of 310 Magellan Avenue to provide access to the new home.

Report Prepared By: Lisa Aozasa, Senior Planner, Telephone 650/363-4852

Appellant: Last and Faoro/Surish Jandial

Applicant/Owner: Greg Van Mechelen/John Merwin Trust

Location: Miramar

APN(s): 048-021-050, 060

Parcel Size: 8,000 sq. ft.

Parcel Legality: Certificate of Compliance (Type A) requested and recorded as part of this proposal.

Existing Zoning: R-1/S-94/DR/CD (Single-Family Residential District/S-94 Combining District with 10,000 sq. ft. minimum parcel size/Design Review/Coastal Development)

General Plan Designation: Medium-Low Density Residential (2.1 to 6.0 dwelling units/acre)

Sphere-of-Influence: City of Half Moon Bay

Existing Land Use: Undeveloped parcel

Water Service: Coastside County Water District

Sewer Service: Granada Sanitary District

Flood Zone: Zone C (areas of minimal flooding), Community Panel No. 060311 0225 C, map revised: August 5, 1986.

Environmental Evaluation: Negative Declaration published with a review period of July 1, 2011 to July 20, 2011.

Setting: The property is located to the west of existing residential homes, and is bordered by undeveloped parcels on the northeast, southwest, and south. Magellan Avenue is also undeveloped at this location. Highway 1 is located approximately 220 feet west of the property. Magellan Avenue also extends to the west on the opposite side of Highway 1. An intermittent creek meanders along the northwest side of the parcel, just east of Highway 1. The Pacific Ocean is approximately 1,000 feet west of the property.

Chronology:

<u>Date</u>	<u>Action</u>
August 19, 2010	- Application submitted.
October 14, 2010	- CDRC Meeting; item continued.

- November 18, 2010 - CDRC Meeting; item continued to allow applicant to revise plans to incorporate revisions to decrease apparent height of project as viewed from Highway 1.
- January 13, 2011 - CDRC recommends approval.
- July 1, 2011 - Negative Declaration published.
- July 21, 2011 - Zoning Hearing Officer meeting; continued to allow Fire District review of road improvement/fire truck turnaround plans and to address comments submitted by County Parks and Neighbor(s).
- October 20, 2011 - Zoning Hearing Officer approves project.
- November 3, 2011 - Appeal to Planning Commission filed.
- January 25, 2012 - Planning Commission hearing on appeal; appeal denied, project approved.
- February 8, 2012 - Appeal to Board of Supervisors filed.
- June 26, 2012 - Board of Supervisors hearing on appeal.

DISCUSSION:

A. KEY ISSUES OF THE APPEAL

1. Application of Policies and Regulations

a. Clarification of Standard Practice for Application/Implementation of Policies and Regulations

One of the recurring objections raised by the appellant in his appeal application (Attachment D of this report) is that a number of required County policies and regulations were not “applied” to this project. Further, the appellant suggests that policies and regulations were not “implemented,” unless during the process of review, the applicant was specifically required to revise some aspect of the project to achieve compliance.

Staff Response: The appellant has incorrectly concluded that because not all of the policies that pertain to the project are discussed in the staff reports, they were not considered or applied to the project. In fact, staff’s standard process in reviewing a project’s compliance with County policies is to critically consider all of the policies and regulations applicable to a project, but in the interest of brevity and readability, discuss only the most significant, or “key,” issues raised by the project in the staff report and the findings. For example, in the initial report to the Zoning Hearing Officer (ZHO), the impact of the project on views from Cabrillo Highway were discussed, and staff’s conclusion was that the project would not have a significant impact on views from the highway (see Section B.2.c of this report). Staff also determined that the project would not,

with appropriate mitigation measures, have a significant impact on views from private residences on Magellan Avenue and from Magellan Avenue itself (see Negative Declaration, Attachment F, page 15, and Conditions 20 through 25 on Attachment A), but this was not discussed further in the staff report, because staff considered these view issues to be of secondary importance, since the County's regulations do not protect views from private property, and views from the Scenic Highway itself are generally deemed to be more critical than views from a residential side street. However, since the latter issues have been raised as key issues or concerns through the public hearing process, they are discussed further in this report (see Section A.2).

In addition, the appellant suggests that because the Coastside Design Review Committee (CDRC), ZHO, or Planning Commission (PC) did not require that the home be lowered in elevation, that the design standards requiring homes to step down with the natural topography have not been applied or implemented for this project. In fact, the project architect designed the home to be a split-level design that is appropriate for a moderately sloping parcel from the outset, so none of the prior decision makers deemed it necessary to require that the home be further lowered. While it is feasible to lower both the road and the home further in elevation as the appellant requests, there is no reason for the County to require it, as it would complicate compliance with drainage requirements, and the current design already complies with all applicable design standards relative to preserving the natural topography and views. This does not mean that these standards have not been applied or implemented; only that the current proposal already complies, and there is no compelling regulatory reason for the County to require further alterations to the project. See also Sections A.2 and A.3.a.

b. Clarification of Design Review Regulations Applicable to the Project

The appellant claims that the Design Review Ordinance requirements were not applied to the project.

Staff Response: The design standards contained in the Design Review Chapter (Zoning Regulations Chapter 28.1) were correctly applied by the CDRC, the ZHO and the PC. There is cause for some confusion on this point, since new design standards for the Midcoast took effect in September, 2010, just after the application for this project was submitted. As described in their January 24, 2011 decision letter (Attachment E), there was a transition period during which time the Coastside Design Review Committee used both the old and the new standards in their evaluation of the project. However, County Counsel has clarified that the design standards to be applied to the project are those in effect at the time of the decision on the project. The ZHO and the PC thereafter applied the correct design standards.

c. Clarification of Local Coastal Program Policies Applicable to the Project and Resolution of Conflicts Between LCP Policies

The appellant states that the design criteria in the Local Coastal Program (LCP) Urban Design Policies and the Community Design Manual were not applied to the project, and that the PC improperly resolved a conflict between LCP Policies 8.12 and 8.32.

Staff Response: Staff disagrees with this statement, since a discussion of the project's compliance with LCP Policy 8.12 (*Special Design Guidelines for Coastal Communities*) was included in the staff report to the ZHO and the PC, and is included in Section B.2.c of this report. Also, as directed by LCP Policy 8.12, the new design standards for one-family development in the Midcoast (Zoning Regulations Chapter 28.1 Design Review, Section 6565.20) were applied to the project, as described in the previous section.

Also consistent with LCP Policy 8.12, the project's compliance with the Community Design Manual was not analyzed, because one of the primary objectives of the LCP Amendment that revised the Midcoast Design Standards was the consolidation of multiple design guidelines (including those that are in the Community Design Manual, adopted 1976) into one updated, user-friendly document. It was the express intent of the LCP Amendment, certified by the Coastal Commission in September 2010, to eliminate application of the outdated and redundant policies of the Community Design Manual to one-family development in the Midcoast. However, the appellant is correct in pointing out that Policy 8.32 (*Regulation of Scenic Corridors in Urban Areas*) requires application of the Community Design Manual, an inconsistency that was apparently inadvertently overlooked by both the County and the Coastal Commission in the processing of the LCP Amendment enacting the new Midcoast Design Standards.

The appellant is also correct in pointing out that where conflicts in complying with LCP policies exist, they should be resolved in a manner which, on balance, best protects significant coastal resources on the parcel (see LCP Policy 8.5 and Coastal Act Section 30007.5). In this case the ZHO and the PC acted properly in resolving the conflict between Policy 8.13 and Policy 8.32 by not requiring additional alterations in the project to comply with LCP Policy 8.32 and the Community Design Manual, because: (1) it seems clear that the conflict exists due to an oversight in revising the LCP; (2) it was not necessary, since the standards of the Community Design Manual cited by the appellant are not in conflict with the current Design Standards and largely duplicate Policies 8.5, 8.12 and 8.13, with which the project complies' and (3) coastal resources on the parcel are not endangered since the adjacent riparian corridor, along with coastal views, are protected as described further in Sections A.2, B.2.b and B.2.c of this report.

In addition, by advocating that the project be further lowered into the slope, the observation deck be eliminated and the roof be reconfigured, the appellant is, in staff's determination, over-emphasizing compliance with view preservation from private properties and secondary streets within the Scenic Corridor, at the potential expense of other significant coastal resources. Specifically, while it is

feasible (albeit more costly) to lower the extension of Magellan Avenue and the home in elevation to further protect views, to do so would place the adjacent riparian corridor and the large cypress tree at the end of the street (which both provide significant screening for the home when viewed from Cabrillo Highway) at increased risk due to the greater ground disturbance and increased stormwater runoff associated with more extensive excavation. This would be the case both during construction, and post-construction, due to the more complicated drainage situation that would permanently result with the slope of the road increased and the home dug deeper into the hill. Again, what the appellant is requesting is feasible, but staff concludes that the solution that on balance best protects all of the significant coastal resources at stake is the one approved by the Planning Commission – a low profile, split level design built at grade to minimize excavation, while balancing the protection of public coastal views both from Cabrillo Highway and from Magellan Avenue.

2. Structure Height and Views

The appellant claims that the height of the proposed structure has not been limited, that the building pad has been raised, that there has been no effort to preserve views from neighboring homes, and specifically requests that the proposed observation deck be eliminated.

Staff Response: In compliance with Section 6565.20(c)2b of the Design Review Regulations, the applicant has made appropriate effort to preserve both public and private views by designing the structure to a maximum height well below what is allowed by zoning and to have a low profile relative to the existing grade so that it will not significantly impact existing views of the ocean. First, the maximum height of the structure is 25 feet where 28 feet is allowed. Further, as shown on Page A-4 of the Project Plans (Attachment C), the east elevation, which is the side facing the appellant, is only about 14 to 16 feet above the existing grade and presents as a one-story structure. Also, on Sheet A-5, the lower cross section shows that the garage floor level (which is the highest floor level) has not been raised; it is at 44.5 feet which is at existing grade, level with the adjacent street, and elevated about 1 to 2 feet above grade at the back of the garage where the land slopes away, only as needed to make the floor level.

Further, given that the home at its maximum height (59.5 feet in elevation including the observation deck) will extend no more than 13.5 feet in height above highest existing grade on the lot (46 feet elevation at the southeast corner of the lot at Magellan Avenue), it has a low profile that will still allow substantial public and private views of the ocean beyond. While views from other nearby homes and from Magellan Avenue will be changed, views of the ocean will not be significantly obstructed (see Attachment G). As for public views, there will continue to be locations along Magellan Avenue where the ocean (and Pillar Point Harbor) can be seen over and between existing homes, and the view of the ocean directly down the Magellan Avenue corridor will remain the same, obstructed to some extent by the existing cypress tree (see Attachment G). Contrary to requests made by the appellant, staff concludes that no further conditions or mitigation measures (other than those already recommended per the Negative Declaration) are required to address height and view issues. With regard to the observation deck, the majority of the Planning Commissioners felt that it added architectural interest to the exterior façade and was a nice amenity for the occupants

of the home, wisely ensuring that the proposed home will retain an ocean view, even if the adjacent vacant lots westward of the subject site are developed in the future.

3. Other Design Issues

a. Grading/Relationship to Existing Topography

The appellant states that the project does not step down with the topography of the site, excavation should be required to lower the home further into the site, and under-floor area/crawl spaces should be eliminated.

Staff Response: Staff supports the CDRC, ZHO and PC's determination that the project complies with Design Standards related to Grading and Relationship to Existing Topography. The subject site slopes moderately (14%) toward Cabrillo Highway and toward the creek at the rear of the site. The proposed design conforms to the topography by using a split-level design that appears from Magellan Avenue to be mostly one story, with about one-third of the structure consisting of two stories on the portion of the lot that is downslope to the rear of the parcel. Minimal grading is proposed; staff concludes that although the Grading design standard "allows limited excavation when needed to blend the house into the site" (Section 6565.20(C)1b), it does not require it, and in fact additional excavation is not needed to conform the structure to the site, as it perhaps it would be if the slope of the lot was steeper. Also, the project complies with the design standard which calls for unused, enclosed space between the lowest floor and the grade below to be minimized (Section 6565.20(D)1a), since although the cross sections included in the project plans (Attachment C) do show modest under-floor areas or crawl spaces, these are not visible from the exterior, so do not add to the visual mass or bulk of the structure, which is the objective of the standard, as stated in Section 6565.20(D)1. As shown in Attachment J, the crawl spaces are not excessive in height, but are only provided as necessary to keep the floors of the proposed home level and to comply with minimum crawl space clearances required by the Building Code. As indicated, the applicant plans to further reduce the height of some of the crawl space areas, by using soil excavated for the footings to partially fill these areas.

b. Façade Articulation

The appellant contends that the two-story home design is "boxy," which per the design review standards should be avoided, and that the rooflines should be reconfigured.

Staff Response: Staff disagrees with the characterization of the home as "boxy," since, as shown on the Project Plans (Attachment C) it is an irregular shape building with two wings oriented to different angles, with a variety of architectural features (balconies, decks, trellis structures) and roof forms, providing sufficient articulation and architectural interest to comply with the Façade Articulation design standard (Section 6565.20(D)1d). It does include "projecting or recessing architectural details, including decks, bays, windows, balconies, porches, overhangs, and cantilevered features" such that there are no massive or blank walls on any of the facades. With regard to the roofs, the

appellant does not specify in the appeal how they should be reconfigured, but staff believes that the varied roof forms and angles of the proposed roof are integral to the design, and since they do not substantially block public views or violate any applicable design standard, should not be required to be reconfigured.

B. KEY ISSUES: CONFORMANCE WITH REGULATIONS

1. Conformance with the County General Plan

Upon review of the applicable provisions of the General Plan, staff has determined that the project complies with all General Plan policies, including the following:

Visual Quality Policy 4.14(a) requires development to promote and enhance good design, site relationships, and other aesthetic considerations. The architectural elements and exterior materials and colors proposed for the new structure are complementary with the neighborhood design context, including shed roofs that give the building a low profile and a combination of natural wood, siding and stone that add interest to the front facade. The natural topography of the site remains intact as only minimal grading is proposed, and the two-story portion of the home is at the left side of the structure where the lot slopes downward toward Cabrillo Highway.

The project has received a recommendation for approval from the Design Review Committee based on the Committee's conclusion that the project conforms to the design standards that implement this policy as discussed below (see Attachment E).

Urban Design Concept Policy 4.35 (*Urban Area Design Concept*) calls for new development to maintain and, where possible, improve upon the appearance and visual character of development in urban areas, and ensures that new development in urban areas is designed and constructed to contribute to the orderly and harmonious development of the locality. The design of the new structure harmonizes with the other structures in Miramar as exemplified by the use of proposed materials such as board and batten siding, stone veneer, wood trim and accents, and an exterior color scheme that blends with the surrounding landscape. The shed roof design breaks up the building's mass, and special non-reflective glass will be used on the west-facing windows, minimizing the visual impact of the structure.

General Plan policies regarding Sensitive Habitats (e.g., Policies 1.27 to 1.32) and Scenic Corridors (e.g., Policy 4.46) also apply to this project, but are very similar to applicable Local Coastal Program Policies. The project's compliance with these policies is discussed in Section 2, below.

2. Conformance with the Local Coastal Program

A Coastal Development Permit is required pursuant to Section 6328.4 of the County Zoning Regulations for development in the Coastal Development (CD) District. Staff has determined that the project is in compliance with applicable Local Coastal Program (LCP) Policies, as follows:

a. Locating and Planning New Development Component

Policy 1.18 (*Location of New Development*) directs new development to existing urban areas in order to discourage urban sprawl and maximize the efficiency of public facilities, services and utilities. Also, new development should be concentrated in urban areas by requiring the “infilling” of existing residential subdivisions. Policy 1.19 (*Definition of Infill*) defines infill as the development of vacant land in urban areas that is subdivided and zoned for development at densities greater than one dwelling units per 5 acres, and/or served by sewer and water. The proposed project complies with these policies since the subject property is within an existing residential subdivision (“Shore Acres,” recorded in 1905) in the urban area where public facilities services and utilities are available. Although Magellan Avenue will need to be extended about 85 feet to provide access to the site, water and sewer mains exist in the public right-of-way and hook-ups are available. In fact, since the property is comprised of two original subdivision lots that have been merged in compliance with Policy 1.20 (*Lot Consolidation*), it is eligible for priority water and sewer connections.

b. Sensitive Habitats Component

Policy 7.7 (*Definition of Riparian Corridors*) defines riparian corridors by the “limit of riparian vegetation” (i.e., a line determined by the association of plant and animal species normally found near streams, lakes and other bodies of freshwater). Since the subject property abuts an intermittent creek, the applicant submitted a biological impact assessment prepared by Coast Ridge Ecology, dated August 2010 (see Attachment F). The report delineates and maps the limit of riparian vegetation associated with the creek, stating that the subject property boundary is, at its closest point, 45 feet from the riparian vegetation boundary (see Attachment I).

Policy 7.11 (*Establishment of Buffer Zones*) requires a buffer zone at least 30 feet outward from the limit of riparian vegetation for intermittent streams. Since the property boundary is 45 feet from the limit of riparian vegetation, and the proposed development is another 20 feet beyond that, the project complies with this policy. It should be noted that the line demarcating the “approximate location of trees/shrubs” on the site plan is not the same as the “limit of riparian vegetation,” which is more clearly shown on Attachment I. The area of trees and shrubs shown on the site plan includes non-riparian species.

Policy 7.34 (*Rare and Endangered Species – Permit Conditions*) requires submittal of a biological report that assesses the presence or potential presence of rare and endangered species in areas that are in/near sensitive habitats, including riparian corridors. The Coast Ridge Ecology report states that no special status species were observed on-site during site surveys, but there is some potential for occurrence on the property of a number of special status plants (e.g., Hickman’s cinquefoil) and animals (e.g., dusky-footed woodrat, California red-legged frog, San Francisco garter snake). As such, the report recommends mitigation measures to ensure that there are no impacts to special status species from the proposed development (see Condition Nos. 10 to 14, Attachment A).

c. Visual Resources Component

Visual Resources Policy 8.12(a) (*General Regulations*) applies the Design Review Zoning District to urbanized areas of the Coastal Zone, which includes Miramar. The project is, therefore, subject to Section 6565.20 of the Zoning Regulations. As discussed in Section 3.b of this report, the Coastsides Design Review Committee (CDRC) considered this project at the regularly scheduled CDRC meeting on January 13, 2011, determined it is in compliance with applicable Design Review Standards, and recommended approval (Attachment E). See further discussion in Section 3.b.

Visual Resources Policy 8.5 (*Location of Development*) requires that new development be located on a portion of a parcel where the development: (1) is least visible from State and County Scenic Roads, (2) is least likely to significantly impact views from public viewpoints, and (3) is consistent with all other LCP requirements, and best preserves the visual and open space qualities of the parcel overall. Considering all the circumstances, staff has determined that the proposed home complies with this policy. Since the subject site is 8,000 sq. ft. in size, it is not large enough to accommodate alternative building sites. As seen in the attached photos of the story poles erected on-site (Attachment H), the proposed home will be visible from Cabrillo Highway. However, its visual impact is mitigated, since the lower portion of the building (or, depending on vantage point, almost the entire building) will be screened by the existing vegetation associated with the riparian corridor adjacent to and west of the parcel, particularly in all seasons other than winter, when the riparian vegetation is lush and green. When visible, the proposed home will be seen with a backdrop of hills, trees and other homes, will blend well into the landscape, and will not be visually obtrusive. The home's design, which minimizes the perceived mass and bulk of the structure due to the articulation in the building wings and roof structures, also mitigates the home's visual impact.

Visual Resources Policy 8.13 (Special Design Guidelines for Coastal Communities) establishes design guidelines for Montara, Moss Beach, El Granada and Miramar. The proposed home complies with these guidelines as follows:

- (1) The structure fits the topography of the site and does not require extensive cutting, grading or filling, since the home is a split-level design that steps down with the contours of the lot. The front and east side facades of the home are one story in appearance; the only two-story element is on the west side of the lot, where the property slopes down toward the intermittent creek and Cabrillo Highway. Only very minimal grading is required.
- (2) The proposed home uses natural materials (stone, siding) and colors (shades of green, gold and brown) that will blend with the vegetative cover of the site and surrounding area.

- (3) The proposed home uses a series of pitched roofs over different wings of the building to break up the massing of the structure and add architectural interest, with limited use of flat roof portions, one providing a roof deck viewing area. Condition of Approval No. 21, which was recommended by the CDRC, calls for the use of a darker, non-reflective roof material.
- (4) The proposed home is designed to be in scale with other homes in the area, since it is well below the maximum size allowed for the zoning district with a floor area ratio (FAR) of 32%, where 48% is allowed. It also blends well with the urbanscape, since it is a multi-faceted building that has a varied appearance from different angles and a low profile, so it will not be a dominant feature in the landscape. As a Condition of Approval (No. 21), the west-facing windows on the home will be required to be anti-reflective glass.

3. Conformance with Zoning Regulations

a. Conformance with S-94 District Development Standards

The proposal complies with the property's R-1/S-94/DR/CD zoning designation, as indicated in the following table:

	S-94 Development Standards	Proposed
Parcel Size	10,000 sq. ft.	8,000 sq. ft.*
Maximum Floor Area Ratio	3,840 sq. ft. (48%)	2,576 sq. ft. (32%)
Maximum Building Site Coverage	2,400 sq. ft. (30%)	2,398 sq. ft. (28%)
Minimum Front Setback	20 ft.	20 ft.
Minimum Rear Setback	20 ft.	20 ft.
Minimum Right Side Setback	10 ft.	10 ft.
Minimum Left Side Setback	10 ft.	10 ft.
Maximum Building Height	28 ft.	25 ft.
Minimum Parking Spaces	2	2
Daylight Plane/Façade Articulation	20 ft./45 degrees on setback lines of 2 opposite facades OR finding by CDRC	Complies with Both
*Non-conforming size parcels over 5,000 sq. ft. are permitted per Section 6133.3.a of the Zoning Code.		

b. Conformance with Design Review District Standards

The Coastside Design Review Committee (CDRC) considered the project at a regularly scheduled CDRC meeting on January 13, 2011, and adopted the findings and recommended conditions of approval as shown in Attachment E.

It should be noted that, in its review of the project, the CDRC used the Design Standards in effect at the time the application was submitted on August 19, 2010, and made its findings for approval of the project on that basis. However, the CDRC also used as guidelines, "The Standards for Design of One-Family and Two-Family Residential Development in the Midcoast" (Design Standards) as a means to formulate and supplement its findings. The "Standards for Design" which were guidelines only, have subsequently been amended and adopted as binding standards, effective as of September 15, 2010. The CDRC findings are, therefore, cross-referenced to the applicable section of the new Design Standards to indicate consistency with both sets of standards.

C. ENVIRONMENTAL REVIEW

Due to the project's proximity to the intermittent creek and associated riparian corridor, a negative declaration has been prepared for the project, pursuant to the California Environmental Quality Act (CEQA). The negative declaration (Attachment F) was published on July 1, 2011, with a review period ending on July 20, 2011. As of the writing of this report, no comments have been received. Mitigation measures to protect the nearby riparian corridor and other measures to reduce impacts to a less than significant level have been included in the recommended conditions of approval, Attachment A.

D. REVIEW BY THE MIDCOAST COMMUNITY COUNCIL

The Midcoast Community Council did not forward a response to staff's referral for this project.

E. REVIEW BY THE CALIFORNIA COASTAL COMMISSION

The California Coastal Commission did not forward a response to staff's referral for this project.

F. OTHER REVIEWING AGENCIES

Building Inspection Section
Department of Public Works
Coastside Fire Protection District
Coastside County Water District
Granada Sanitary District

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

The approval of the Coastal Development Permit and Design Review, and certification of the Negative Declaration, to construct a new single-family residence contributes to the 2025 Shared Vision outcome of a Livable Community by promoting and enhancing good design, site relationships and other aesthetic considerations (General Plan Policy 4.14), and by best protecting views from public viewpoints and other significant coastal resources on the parcel (LCP Policy 8.5).

FISCAL IMPACT:

None.

ATTACHMENTS:

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Project Plans
- D. Appeal Application
- E. CDRC Decision Letter, dated January 24, 2011
- F. Negative Declaration, including Biological Report
- G. Views from East
- H. Site Photos, including view from Cabrillo Highway
- I. Limit of Riparian Vegetation
- J. Height/Clearance of Under-Floor Areas

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit File Number: PLN 2010-00255

Board Meeting Date: June 26, 2012

Prepared By: Lisa Aozasa
Senior Planner

For Adoption By: Board of Supervisors

RECOMMENDED FINDINGS:

Regarding the Mitigated Negative Declaration, Find:

1. That the Mitigated Negative Declaration is complete, correct and adequate, and prepared in accordance with the California Environmental Quality Act and applicable State and County Guidelines.
2. That, on the basis of the Initial Study and comments hereto, there is no evidence that the project, subject to the mitigation measures contained in the Mitigated Negative Declaration, will have a significant effect on the environment.
3. That the Mitigated Negative Declaration reflects the independent judgment of San Mateo County.
4. That the mitigation measures identified in the Mitigated Negative Declaration, agreed to by the applicant, placed as conditions on the project, and identified as part of this public hearing, have been incorporated into the Mitigation and Reporting Plan in conformance with California Public Resources Code Section 21081.6.

Regarding the Coastal Development Permit, Find:

5. That the project, as described in the application and accompanying materials required by Zoning Regulations Section 6328.4, and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program for the reasons specified in the report presented to the Board of Supervisors on June 26, 2012 and in Sections A and B.2 of the report to the Planning Commission on this item, dated January 25, 2012.
6. That the project conforms to specific findings required by policies of the San Mateo County LCP since it complies with the Locating and Planning New Development and Visual Resources Policies as previously referenced in the report presented to the Board of Supervisors on June 26, 2012 and in Sections A and B.2 of the staff report to the Planning Commission on this item, dated January 25, 2012.

Regarding the Design Review, Find:

7. That the project is in compliance with the Design Review Standards for the Coastsides as previously elaborated in the report presented to the Board of Supervisors on June 26, 2012 and in Sections A and B.3 of the report to the Planning Commission on this item, dated January 25, 2012.

RECOMMENDED CONDITIONS OF APPROVAL:

Current Planning Section

1. The project shall be constructed in compliance with the plans approved by the Board of Supervisors on June 26, 2012. Any changes or revisions to the approved plans shall be submitted to the Design Review Officer for review and approval prior to implementation. Minor adjustments to the project may be approved by the Community Development Director if they are consistent with the intent of, and are in substantial conformance with, this approval. Alternatively, the Community Development Director may refer consideration of the revisions to the Planning Commission, with applicable fees to be paid.
2. The applicant shall include this approval letter on the top pages of the building plans.
3. The applicant shall include an erosion and sediment control plan on the plans submitted for the building permit. This plan shall identify the type and location of erosion control devices to be installed upon the commencement of construction in order to maintain the stability of the site and prevent erosion and sedimentation off-site (see also Mitigation Measure 8).
4. The applicant shall apply for a building permit and shall adhere to all requirements from the Building Inspection Section, the Department of Public Works and the respective Fire Authority.
5. No site disturbance shall occur, including any grading, until a building permit has been issued.
6. To reduce the impact of construction activities on neighboring properties, applicant shall 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 shall impede through traffic along the right-of-way on Magellan Avenue. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on Magellan Avenue. There shall be no storage of construction vehicles in the public right-of-way.

7. A landscape plan is required prior to the issuance of the building permit. Installation is required prior to final inspection. Any trees chosen to be planted shall be relatively low-growing species that are not projected to grow taller than the roofline of the house.
8. **Mitigation Measure 1:** Appropriate erosion control methods shall be used to keep exposed soils from being washed into the intermittent creek. This may include using silt fencing, hay bales, or other appropriate methods.
9. **Mitigation Measure 2:** Appropriate stormwater controls shall be used to keep pollutants from entering the intermittent creek.
10. **Mitigation Measure 3:** Follow up surveys for special status plants shall be conducted during the spring months of April and May to coincide with the bloom period for the special status plant species that have potential for occurrence on-site. In the event that detection occurs, the California Native Plant Society will be consulted to establish mitigation measures.
11. **Mitigation Measure 4:** For the San Francisco dusky-footed wood rat, prior to the start of construction, their nests shall be surveyed and flagged on-site. Protective fencing between nests and the construction zone shall be installed to mitigate any potential disturbance to the nests and the adjacent vegetation areas.
12. **Mitigation Measure 5:** For the California red-legged frog (CRF):
 - a. Prior to the start of construction, an exclusion fence measuring at least 3 feet in height shall be installed along the north and east property lines in order to prevent the frogs from entering the project site.
 - b. A pre-construction survey shall be conducted by a USFWS approved qualified biologist for said species, 48 hours prior to the start of construction, or sooner.
 - c. In the event that a CRF is detected on-site, a worker education program on CRF identification shall be conducted by a qualified biologist for the benefit of all construction workers.
 - d. Daily site visits shall be conducted by the biologist or a biologist trained monitor to ensure all mitigation measures are in place and operational.
13. **Mitigation Measure 6:** For the San Francisco garter snake (SFGS):
 - a. Prior to the start of construction, an exclusion fence measuring at least 3 feet in height shall be installed along the north and east property lines in order to prevent the snakes from entering the project site.
 - b. A pre-construction survey shall be conducted by a USFWS approved qualified biologist for said species, 48 hours prior to the start of construction or sooner.
 - c. In the event that a SFGS is detected on-site, a worker education program on SFGS identification shall be conducted by a qualified biologist for the benefit of all construction workers.

- d. Daily site visits shall be conducted by the biologist or a biologist trained monitor to ensure all mitigation measures are in place and operational.
14. **Mitigation Measure 7:** For nesting raptors, including white tailed kites and other nesting birds, in the event that construction activities are scheduled during the nesting season, specifically from February 15 through August 31, inspection of large trees within 250 feet of the property for nesting raptors, and any vegetation within 50 feet of the subject site for other nesting birds, shall be conducted by a qualified biologist. In the event that nests or nesting activities are detected, the CDFG shall be consulted for additional mitigation measures.
15. **Mitigation Measure 8:** Prior to the beginning of any construction or grading activities, the applicant shall implement the approved erosion and sediment control plan. Erosion control measure deficiencies, as they occur, shall be immediately corrected. The goal is to prevent sediment and other pollutants from leaving the project site and to protect all exposed earth surfaces from erosive forces. Said plan shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:
- a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15. Stabilizing shall include both proactive measures, such as the placement of hay bales or coir netting, and passive measures, such as revegetating disturbed areas with plants propagated from seed collected in the immediate area.
 - b. Storing, handling, and disposing of construction materials and wastes properly, so as to prevent their contact with stormwater.
 - c. Controlling and preventing 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.
 - d. Using sediment controls or filtration to remove sediment when dewatering the site and obtaining all necessary permits.
 - e. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
 - f. Delineating with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.
 - g. Protecting adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
 - h. Performing clearing and earth-moving activities only during dry weather.
 - i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.

- j. Limiting construction access routes and stabilizing designated access points.
 - k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
 - l. The contractor shall train and provide instructions to all employees and subcontractors regarding the construction best management practices.
 - m. The approved erosion and sediment control plan shall be implemented prior to the beginning of construction.
16. **Mitigation Measure 9:** The applicant shall implement erosion control measures prior to the beginning of grading or construction operations. Such activities shall not commence until the associated building permit for the project has been issued.
17. **Mitigation Measure 10:** The project shall include water runoff prevention measures for the operation and maintenance of the project for the review and approval by the Community Development Director. The project shall identify best management practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the discharge of pollutants with stormwater runoff and other water runoff produced from the project.
18. **Mitigation Measure 11:** The applicant shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy and NPDES requirements for review and approval by the Department of Public Works.
19. **Mitigation Measure 12:** Noise levels produced by construction shall not exceed the 80-dBA level at any one moment. Construction activity shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction operations shall be prohibited on Sunday and any national holiday.
20. **Mitigation Measure 13:** See Condition No. 1.
21. **Mitigation Measure 14:** The applicant shall submit the following items and/or indicate the following on plans submitted for a building permit, as stipulated by the Coastside Design Review Committee:
- a. Use of "Cypress Green" color in place of "Silver Sage" where applicable.
 - b. Use of a darker, non-reflective roof color.
 - c. Use of dark window trim colors, subject to staff review and approval.
 - d. Use of the proposed Pilkington Optiview glazing on all windows facing west.
22. **Mitigation Measure 15:** The applicant shall provide "finished floor elevation verification" to certify that the structure is actually constructed at the height shown on the submitted plans. The applicant shall have a licensed land surveyor or engineer establish a baseline elevation datum point in the vicinity of the construction site.
- a. The applicant shall maintain the datum point so that it will not be disturbed by the proposed construction activities until final approval of the building permit.

- b. This datum point and its elevation shall be shown on the submitted site plan. This datum point shall be used during construction to verify the elevation of the finished floors relative to the existing natural grade or to the grade of the site (finished grade).
 - c. Prior to Planning 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 site plan, (2) the elevations of proposed finished grades, (3) the finished floor elevations, (4) the topmost elevation of the roof, and (5) the garage slab elevation.
 - d. 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 a 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.
 - e. 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 Community Development Director.
23. **Mitigation Measure 16:** 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.
24. **Mitigation Measure 17:** The exterior colors shall be as approved by the Committee (see Mitigation Measure 14 (Condition of Approval No. 21)). Color verification shall occur in the field after the applicant has applied the approved materials and colors but before a final inspection has been scheduled.
25. **Mitigation Measure 18:** The downward lighting fixture cut sheet submitted to the Coastside Design Review Committee is approved and applicant shall comply with it. Verification shall occur in the field after installation but before a final inspection has been scheduled.
26. **Mitigation Measure 19:** The applicant shall ensure that, during construction, noise, light, dust, odors and other interference with persons and property off the development site be minimized.
27. At the time of application for a building permit, the applicant is required to pay all outstanding planning permit processing fees.
28. The property owner(s) shall coordinate with the project planner to record the Notice of Determination and pay an environmental filing fee of \$2,101.50 (or current fee), as required under Fish and Game Code Section 711.4(d), plus a \$50 recording fee to the San Mateo County Clerk Recorder within four (4) working days of the final approval date of this project.

29. Prior to issuance of a building permit, applicant shall clearly mark the property boundaries, and the riparian setback line shall be indicated with protective fencing, to be maintained for the duration of the construction period. The San Mateo County Parks Department shall be notified when the markers are set.

Building Inspection Section

30. At the time of application for a building permit, the following will be required:
- a. Prior to pouring any concrete for foundations, written verification from a licensed surveyor must be submitted which will confirm that the required setbacks as shown on the approved plans have been maintained.
 - b. An automatic fire sprinkler system will be required. The permit for this system must be issued prior to, or in conjunction with, the building permit.
 - c. If a water main extension, upgrade or hydrant is required, this work must be completed prior to the issuance of the building permit or the applicant must submit a copy of an agreement and contract with the water purveyor which will confirm the work will be completed prior to finalization of the building permit.
 - d. A site drainage plan will be required. This plan must demonstrate how roof drainage and site runoff will be directed to an approved disposal area.
 - e. Sediment and erosion control measures must be installed prior to beginning any site work and maintained throughout the term of the permit. 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.
 - f. This project must comply with the Green Building Ordinance.
 - g. Chapter 7A of the San Mateo County Building Code will apply. See SRA Map. This project will need to comply with all of Chapter 7A of the Building Code with respect to the State's Fire Hazard Area Maps. Please see the State Fire Marshal's website for approved construction materials:
http://www.fire.ca.gov/fire_prevention/fhsz_maps/fhsz_maps_sanmateo.php
http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_codes.php
 - h. All drawings must be drawn to scale and clearly define the whole project and its scope in its entirety.
 - i. Applicant will use the correct codes on the code summary: The design and/or drawings shall be done according to the 2007 Editions of the CA Building Standards Code, 2007 CA Plumbing Code, 2007 CA Mechanical Code, and the 2007 CA Electrical Code.

Department of Public Works

31. 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 San Mateo County Ordinance No. 3277.
32. The applicant shall submit, for review by the Department of Public Works and the appropriate Fire District, a Plan and Profile of both the existing and the proposed access from the nearest “publicly” maintained roadway to the proposed building site.
33. The provision of San Mateo County Grading Ordinance shall govern all grading on and adjacent to this site. Unless exempted by the Grading Ordinance, the applicant may be required to apply for a grading permit upon review of the construction plans.
34. 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.
35. 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, 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.
36. The applicant shall demonstrate, to the satisfaction of the Department of Public Works and the appropriate Fire District or Fire Marshal, that the existing road access from the nearest “publicly” maintained roadway to the building site meets or exceeds the County’s minimum standards for an “Interim Access Roadway,” including provisions for existing and proposed drainage and drainage facilities. The applicant must also demonstrate that appropriate turnouts and a turnaround, meeting Fire Marshal requirements, exist or can be provided, if applicable.
37. The applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed project and submit it to the Department of Public Works 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 of 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 street improvement plans and submitted to the Department of Public Works for review and approval.

Coastside Fire Protection District

38. Occupancy Separation: As per the 2007 California Building Code, Section 406.1.4, a one-hour occupancy separation wall shall be installed with a solid core, 20-minute fire rated, self-closing door assembly with smoke gasket between the garage and the residence.

39. Automatic Fire Sprinkler System: As per San Mateo County Building Standards and Coastside Fire District Ordinance No. 2007-01, the applicant is required to install an automatic fire sprinkler system throughout the proposed or improved dwelling and garage. All attic access locations will be provided with a pilot head on a metal upright. All areas that are accessible for storage purposes shall be equipped with fire sprinklers, including closets and bathrooms. The only exception is small linen closets less than 24 sq. ft. with full depth shelving. The plans for this system must be submitted to the San Mateo County Planning and Building Department or the City of Half Moon Bay. A building permit will not be issued until plans are received, reviewed and approved. Upon submission of plans, the County or City will forward a complete set to the Coastside Fire District for review. The fee schedule for automatic fire sprinkler systems shall be in accordance with Half Moon Bay Ordinance No. 2006-01. Fees shall be paid prior to plan review.

Installation of underground sprinkler pipe shall be visually inspected and flushed by the Fire District prior to hookup to riser. Any soldered fittings must be pressure tested with trench open.

40. Exterior bell and interior horn/strobe are required to be wired into the required flow switch on your fire sprinkler system. The bell, horn/strobe and flow switch, along with the garage door opener, are to be wired into a separate circuit breaker at the main electrical panel and labeled.
41. Smoke detectors which are hardwired: As per the California Building Code, State Fire Marshal regulations, and Coastside Fire District Ordinance No. 2007-01, the applicant is required to install State Fire Marshal-approved and listed smoke detectors which are hardwired, interconnected, and have battery backup. These detectors are required to be placed in each sleeping room and at a point centrally located in the corridor or area giving access to each separate sleeping area. A minimum of one detector shall be placed on each floor. Smoke detectors shall be tested and approved prior to the building final.
42. Address Numbers: As per Coastside Fire District Ordinance No. 2007-01, building identification shall be conspicuously posted and visible from the street. (TEMPORARY ADDRESS NUMBERS SHALL BE POSTED PRIOR TO COMBUSTIBLES BEING PLACED ON-SITE.) The letters/numerals for permanent address signs shall be 4 inches in height with a minimum 3/4-inch stroke. Such letters/numerals shall be internally illuminated and facing the direction of access. Finished height of bottom of address light unit shall be greater than or equal to 6 feet from finished grade. When the building is served by a long driveway or is otherwise obscured, a reflectorized address sign shall be placed at the entrance from the nearest public roadway. See Fire Ordinance for standard sign.
43. Roof Covering: As per Coastside Fire District Ordinance No. 2007-01, the roof covering of every new building or structure, and materials applied as part of a roof covering assembly, shall have a minimum fire rating of Class "B" or higher as defined in the current edition of the California Building Code.

44. Fire Access Roads: The applicant must have a maintained all-weather surface road for ingress and egress of fire apparatus. The San Mateo County Department of Public Works, the Coastside Fire District Ordinance No. 2007-01, and the California Fire Code shall set road standards. As per the 2007 California Fire Code, dead-end roads exceeding 150 feet shall be provided with a turnaround in accordance with Half Moon Bay Fire District specifications. As per the 2007 California Fire Code, Section Appendix D, road width shall not be less than 20 feet. Fire access roads shall be installed and made serviceable prior to combustibles being placed on the project site and maintained during construction. Approved signs and painted curbs or lines shall be provided and maintained to identify fire access roads and state the prohibition of their obstruction. If the road width does not allow parking on the street (20-foot road) and on-street parking is desired, an additional improved area shall be developed for that use.
45. Solar Photovoltaic Systems: These systems shall meet the requirements of the Coastside Fire Protection District as outlined in Standard Detail DI-007 Solar Photovoltaic Systems.
46. Vegetation Management: The Coastside Fire District Ordinance No. 2007-0 1, the 2007 California Fire Code and Public Resources Code 4291.

A fuel break of defensible space is required around the perimeter of all structures to a distance of not less than 30 feet and may be required to a distance of 100 feet or to the property line. In SRA (State Responsible Area), the fuel break is 100 feet or to the property line.

Trees located within the defensible space shall be pruned to remove dead and dying portions, and limbed up 6 to 10 feet above the ground. New trees planted in the defensible space shall be located no closer than 10 feet to adjacent trees when fully grown or at maturity.

Remove that portion of any existing tree, which extends within 10 feet of the outlet of a chimney or stovepipe or is within 5 feet of any structure.

Granada Sanitary District

47. Prior to the issuance of a building permit, the applicant shall obtain a sewer permit.

Coastside County Water District

48. Prior to issuance of a building permit, the applicant shall submit verification of a water service connection.

Parks Department

49. The applicant shall install markers delineating property and riparian boundaries to ensure that the adjacent sensitive habitat area is protected prior to and during the construction. The **Parks** Department should be notified when the markers are set.