



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building



Date: November 2, 2015
Board Meeting Date: November 17, 2015
Special Notice / Hearing: Newspaper -10 Days'
Notice
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 Planning Commission's approval of a Design Review Permit and a Grading Permit, to allow construction of a new 2,394 sq. ft. single-family residence (1,932 sq. ft. residence with an attached 441 sq. ft. garage), and associated grading in the amount of 448 cubic yards, on a 7,623 sq. ft. legal parcel located on Cordilleras Road in the unincorporated Emerald Lake Hills area of the County. Two significant trees are proposed to be removed.

RECOMMENDATION:

Deny the appeal, uphold the denial of the appeal by the Planning Commission, and uphold the Community Development Director's decision to approve the project, by making the findings and adopting the conditions of approval as shown on Attachment A.

BACKGROUND:

The applicant proposes to construct a new 2,394 sq. ft. single-family residence with an attached two-car garage in the unincorporated Emerald Lake Hills area. The site is an undeveloped parcel with residential development on both adjacent parcels.

DISCUSSION:

Previous Action:

The project (PLN 2014-00409) was reviewed and recommended for approval by the Emerald Lake Hills Design Review Officer (DRO) on April 1, 2015, and approved by the Community Development Director on April 20, 2015. The decision was appealed to the Planning Commission (Commission) by the property owners on adjacent parcels 2039 Cordilleras Road (to the right, Peter Ingram's residence) and 2027 Cordilleras Road (to the left, Seth Thompson's residence). On August 26, 2015, the Commission heard testimony from the appellants and considered project modifications to the project proposed by the applicant. The modifications include the removal of one retaining wall and the relocation of two other retaining walls such that they will be further away from

the significant trees, lowering the house by one foot, and the strategic planting of replacement trees to increase privacy between residences. The Commission voted unanimously to uphold the approval of the project, finding that the project complies with Section 6565.15 of the Zoning Regulations, and incorporated new and revised conditions of approval, which further clarified the tree protection and grading measures. On September 10, 2015, the appellants appealed the Planning Commission's decision to the Board of Supervisors, stating that the project, as proposed, modified and conditioned, does not comply with design review standards.

Key Issues of the Appeal:

Tree Protection: The appellants state that Condition No. 3 regarding tree protection measures conflicts with "arboricultural best practices for avoiding excessive disturbance to roots and crowns during and after construction," due to proximity of the proposed retaining walls to existing significant indigenous trees. To address the appellants' concern, the applicant has agreed to Condition No. 3.c which requires retaining walls to be located minimum distances from trees to be retained. Condition No. 4 requires implementation of the arborist-recommended tree protection plan, with direct implementation of sensitive procedures (such as cutting of roots or crown, relocation of roots, and treatment of trees) by the arborist. Also, since the Commission's review of the project, the applicant has revised the project to preserve Tree #7 (12.8" DBH Coast Live Oak).

Grading: The appellants state that Condition No. 8 "only addresses grading, but does not stipulate leaving the upper portion of the parcel in an undisturbed condition throughout the construction period." The initial grading proposal was revised prior to the August 26, 2015 Planning Commission hearing to eliminate fill in the rear portion of the parcel. Staff has added Condition No. 13 to require separate erosion and sediment control plans (including tree protection among other measures) at the grading and construction stages and measures to protect areas that will not be disturbed during grading and construction.

Privacy: The appellants state that Condition No. 10 "does not go far enough to lower proposed elevation and revise setbacks such that the project will respect the privacy of neighboring homes as much as possible." To address the Thompson's concerns of privacy, the applicant has agreed to preserve Trees #4 (5.5-4.9" DBH Buckeye) and #5 (9.2-6.8" DBH Buckeye) through the removal of a proposed retaining wall. To address the Ingram's concerns about privacy, the applicant has agreed to plant a red bud tree in front of the kitchen window. In addition, the finished floor elevation of the proposed home has been lowered by one foot. In correspondence to staff dated October 7, 2015, the applicant states that further lowering of the garage finish floor would (1) increase grading amounts and (2) lower the garage finish floor to a point where proper driveway drainage could be an issue.

Conformance with the Design Review Regulations:

The project complies with applicable County Design Review Standards, including minimization of tree removal, minimization of grading, minimization of alteration of streams, and use of design, materials, and colors that are architecturally compatible with existing buildings in the area. Regarding tree removal, the applicant has reduced the number of significant trees to be removed from four (as approved by the Community Development Director) to two significant trees, under the current proposal. Condition Nos. 3 and 4 require the applicant to implement enhanced tree protection measures as recommended by an arborist. Regarding grading, project grading has been reduced from 668 cubic yards to 448 cubic yards by eliminating grading in the rear yard of the property and the project conforms to the natural topography of the site by stepping down the hillside in the same direction as the natural grade. Regarding alteration of streams, the subject parcel is more than 150 feet from Cordilleras Creek and on the north side (opposite side) of Cordilleras Road. Regarding architectural compatibility, the proposed craftsman design, color and materials of the residence are compatible with existing buildings in the area. Condition No. 9 requires the applicant to apply a rock veneer to the garage and the retaining walls which face Cordilleras Road, to address the neighbors' concerns about compatibility of project materials.

Conformance with the Grading Regulations:

The project site has been evaluated in a geotechnical study prepared by Michelucci and Associates, Inc., which has been reviewed and preliminarily approved by the County's Geotechnical Section. The grading plan has been prepared by a licensed civil engineer and has been reviewed and preliminarily approved by the Department of Public Works. As proposed and conditioned, the project would comply with County standards pertaining to erosion and sediment control, as Condition No. 13 requires implementation of an erosion and sediment control plan and grading operations are limited to the dry season (May 1 through September 30).

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

Approval of the Design Review Permit and Grading Permit, to allow the construction of a new single-family residence, contributes to the 2025 Shared Vision outcome of a Livable Community, as the project would allow for implementation of a project that is consistent with the County's land use regulations, including the Emerald Lake Hills Design Review Standards, General Plan, and Zoning Regulations.

FISCAL IMPACT:

Approval by the Board of Supervisors would result in marginal property tax revenue increase with tax being assessed on future residential construction.