



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building



Date: December 7, 2016
Board Meeting Date: December 13, 2016
Special Notice / Hearing: 10-day Notice/300 Feet
Vote Required: Majority

To: Honorable Board of Supervisors

From: Steve Monowitz, Community Development Director

Subject: Public hearing to consider an appeal of the Planning Commission's decision to approve a Design Review Permit, pursuant to Section 6565.3 of the County Zoning Regulations, for the construction of a new 2,132 sq. ft. two-story single-family residence, plus a 474 sq. ft. attached two-car garage on an existing 5,000 sq. ft. legal parcel in Montara. No trees are proposed for removal.

County File Number: PLN 2015-00011 (Segner/Lai)

RECOMMENDATION:

Public hearing to consider an appeal of the Planning Commission's decision to approve a Design Review Permit, pursuant to Section 6565.3 of the County Zoning Regulations, for the construction of a new 2,132 sq. ft. two-story single-family residence, plus a 474 sq. ft. attached two-car garage on an existing 5,000 sq. ft. legal parcel in Montara. No trees are proposed for removal.

- A. Open Public Hearing
- B. Close Public Hearing
- C. Recommending that the Board of Supervisors deny the appeal and uphold the decision of the Planning Commission to approve the Design Review Permit, based on the findings and subject to the conditions of approval contained in Attachment A.

BACKGROUND:

The applicants propose to construct a single-family residence on an existing undeveloped parcel located on Farallone Avenue in the unincorporated Montara area of San Mateo County. The project involves grading of 121 cubic yards (c.y.) of balanced cut and fill (242 c.y. total). There are no trees on the property. The legality of the parcel was confirmed by the County through the recordation of a Certificate of

Compliance (Type A) on April 19, 2010. The site is located within a developed residential neighborhood, with the exception of an adjoining undeveloped lot located to the south of the parcel.

Project Planner: Camille Leung, Senior Planner, Telephone 650/363-1826

Applicants/Owners: Dayna Segner and Marvin Lai

Appellant: David Gilbert

APN: 036-017-050

Size: 5,000 sq. ft.

Existing Zoning: R-1/S-17/DR/CD (Single-Family Residential District/S-17 Combining District with 5,000 sq. ft. minimum parcel size/Design Review District/Coastal Development)

General Plan Designation: Medium Density Residential (6.1 to 8.7 dwelling units/acre)

Sphere-of-Influence: City of Half Moon Bay

Existing Land Use: Undeveloped Parcel

Water and Sewer Services: Montara Water and Sanitary District

Flood Zone: The project site is located in Flood Zone X (Area of minimal flood hazard, usually depicted on FIRMs as above the 500-year flood level), per FEMA Panel No. 06081C0117E, effective October 16, 2012.

Parcel Legality: A Certificate of Compliance (Type A) verifying parcel legality was recorded on April 19, 2010.

Environmental Evaluation: Categorically exempt pursuant to Section 15303, Class 3, of the California Environmental Quality Act (CEQA), related to new construction of small structures, including single-family residences in a residential zone.

Setting: The project site is a vacant lot located on Farallone Avenue, north of the intersection of Farallone Avenue and 5th Street in the unincorporated Montara area of San Mateo County. The subject site slopes downward approximately 7% from the front southwest corner to the rear northeast corner. The site is predominantly vegetated with grass and a few shrubs. Del Mar Avenue is westward, Bernal Avenue is southward, and San Ramon Avenue is eastward.

Chronology

| <u>Date</u> | <u>Action</u> |
|-----------------|---|
| April 19, 2010 | - Certificate of Compliance Type A is recorded (PLN 2010-00062). |
| January 8, 2015 | - Application submitted. |
| May 14, 2015 | - Coastside Design Review Committee (CDRC) continues review of the proposal, recommending that the Applicants reduce the height of the project and set the building lower into the topography to more closely match the existing neighborhood context. The CDRC also requested that the Applicants add additional articulation to the second story, increase the recessed wall areas of the second floor to a |

minimum of 24 inches, extend projecting bays to the roof line and change the roof form over the bay to a gable, use downward-directed light fixtures, use pervious pavers, and consider hiring a landscape professional to achieve a more natural (non-linear) look to the landscaping.

- October 22, 2015 - Coastside Design Review Committee (CDRC) continues review of the proposal, recommending a substantial reduction in the roof ridge height, changes to the landscape plan, a reduction in the width of a second floor window on the north elevation, and changing the color of a vertical strip on the garage door to match the garage trim.
- December 10, 2015 - Coastside Design Review Committee continues review of the proposal, recommending revisions to the ridge elevation and slope, installation of two windows on the second story of the North Elevation with a minimum separation of 12 inches, and changing the color of a vertical strip on the garage door to match the garage trim, as well as submittal of a new landscaping plan and correction of the story poles to reflect the new ridge height.
- February 11, 2016 - Coastside Design Review Committee approves the revised design, adding a condition of approval that the Applicants remove the proposed exterior lighting fixtures on the side of the garage near the front entry. Letter of decision is included as Attachment K.
- February 25, 2016 - Appeal of the CDRC's decision to the Planning Commission (Attachment H).
 - The County works with the Applicants and the Appellant to schedule a public hearing date that works with the Appellant's schedule, Appellant's supporters, as well as the Applicant. At the same time, the Project Planner works with the Applicants and the Appellant on major points of the appeal to see whether design changes that are agreeable to both parties could be made. Revised plans (Attachment D) were provided to Planning staff.
- September 14, 2016 - Planning Commission denies the appeal and upholds the decision of the Coastside Design Review Committee to approve the project (Attachment F).
- September 26, 2016 - Appeal of the Planning Commission's decision to the Board of Supervisors submitted (Attachment E).

December 13, 2016 - Board of Supervisors public hearing

DISCUSSION:

A. PLANNING COMMISSION ACTION AND SUBSEQUENT APPEAL

After several project revisions presented at three meetings, the Coastside Design Review Committee (CDRC) voted to approve the project at its February 11, 2016 meeting (decision letter is included in Attachment K). On February 25, 2016, Planning staff received an appeal of the CDRC's decision filed by Charles Gerard, owner of the adjoining parcel to the north (Attachment E). In a phone conversation with staff on July 18, 2016, Mr. Gerard explained that while his is the only name on the appeal application, other neighbors are also involved in the appeal, including, but not limited to, David Gilbert.

On September 14, 2016, the Planning Commission, after reviewing the staff report and considering public testimony, found that the project complies with the applicable policies and regulations and denied the appeal of the CDRC's decision to approve the project (see Letter of Decision in Attachment F).

On September 26, 2016, the Planning Commission's decision to approve the project was appealed by David Gilbert, owner of the property located to the southeast of the project site (Attachment E). Mr. Gilbert lists Charles Gerard, Leni Liakos, Charlie Gardner, Jill Thiry, Art and Phoebe McGaw, Phil Carrig, and Aaron and Shannon Tjogas as other opposing community members within the immediate project area.

B. APPELLANT'S MAIN POINTS OF APPEAL

The following discussion summarizes the main points of the appeal followed by staff's response:

1. Appellant: The project does not meet design review standards pertaining to compatibility with the neighborhood context, because the proposed house will have a higher roofline than neighboring homes and will be 34% larger than the average house size on a similar lot in their identified sample area.

Staff's Response No. 1: A majority of the houses owned by the appellants are two-story houses. It is not the design of the proposed two-story house that makes the house taller than other houses in the areas, but the natural topography of the site. Regarding project height, the natural grade of the property (with an average grade of 494 feet) is higher than adjoining developed properties to the north (along Farallone Avenue) and east (along 5th Street), as shown in the Topographic Survey prepared by Turnrose Land Surveying in November 2013. Given the higher topography of the site, the Applicants have revised the project to lower the existing grade by 2 feet and proposed a house height of 23 feet where 28 feet is allowed in the S-17 Combining District. The County's General Plan, Design Review standards, and Grading Regulations call for development to minimize grading and

alteration of the natural topography. The current proposal adequately complies with design review standards pertaining to compatibility with neighborhood context, while also balancing compliance with other County requirements (including other design standards) that call for minimization of grading and alteration of the natural topography.

Regarding house size, the Appellants state that the house will be 34% larger than the average house size on a similar lot in their identified sample area. A spreadsheet provided by the Appellants shows sizes of 57 houses in the area, including 25 houses (43.8% of total) over 2,000 sq. ft. in size. Of the total, 7 of the 57 houses (12.2% of total) are 2,500 sq. ft. in size or larger. Based on these figures, the proposed 2,606 sq. ft. house (2,132 sq. ft. house plus 474 sq. ft. garage) is compatible with the neighborhood. Also, the S-17 Zoning District allows a 2,650 sq. ft. house on this property. In addition to designing a smaller house than that allowed by the Zoning District, the Applicants have also incorporated a large 12.5-foot left setback that would protect the privacy of Charles Gerard's rear deck. Also, the proposal is lower than the maximum daylight plane established by the Zoning District, which allows for a vertical side wall up to 20 feet in height. On the left side, the Applicants propose an 8-foot first story side wall and a second story sidewall which is set in another 3 feet. The side wall on the right is 14-feet, which adjoins a parcel that is vacant and owned by the Applicants.

2. Appellant: The project's First Floor Elevation of 493 feet (reduced from 495 feet) is still too high and would result in a house that is much higher than the height of houses in the immediate area. The Appellant requests the Applicants to further lower the building pad by another 3 feet.

Staff's Response No. 2: As shown in the revised plans, the Applicants have lowered the elevation of the house by 2 feet, from 495 feet to 493 feet, to match the proposed elevation of the garage. In the current appeal, the Appellant requests that the Applicants further lower the house by an additional 3 feet, achieving a 5-foot drop in the elevation of the house from the CDRC-approved floor elevations. The Applicants have stated that due to concerns regarding poor foundation ventilation associated with lowering the house into the grade, design concerns associated with the placement of the first floor bedroom egress windows at grade, and the need for additional grading, they do not agree to further lower the first floor elevation of the house, which contains three bedrooms, from the elevations shown in the revised plans.

3. Appellant: The Appellant questions the validity of the action taken by the CDRC at its February 11, 2016 meeting, as the meeting was not tape recorded nor were minutes of the meeting prepared. Also, the Appellant believes that the architect may have spoken about the project with a CDRC member prior to the decision.

Staff's Response No. 3: The action of the CDRC was appropriately documented by the decision letter dated February 25, 2016 (Attachment K). Mr. Gilbert filed a request for information under the California Public Records Act (CPRA) for communication between members of the CDRC and the architect. The documents subject to the CPRA were reviewed by County Counsel who determined that the documents demonstrated no legal violations.

4. Appellant: As story poles were removed prior to the Planning Commission hearing of September 14, 2016, the Appellant believes that the Planning Commissioners could not "truly ascertain the full effect of this development on the neighborhood." They believe that story poles are required for an appeal.

Staff's Response No. 4: As described in the Coastsides Design Review Committee's Policies on Story Pole Installation and Major/Minor Modifications, story poles must remain in place until expiration of the appeal period, with removal to be completed within one week thereafter. It has been the Planning and Building Department's standard policy that story poles are removed at the end of the appeal period regardless of whether the project is appealed or receives final approval, due to safety concerns with leaving story poles in place for protracted amounts of time. As standard procedure, Planning staff takes photos of the story poles from various nearby viewpoints and makes these available at the CDRC meetings and subsequent Planning Commission meetings (included as Attachment L).

It should be noted that the current appeal does not include points that were part of the previous appeal (Attachment H) and were subsequently resolved, including, but not limited to, project impacts to privacy from proposed window sizes on the North Elevation of the house. The number size and number of windows on this elevation have been reduced by the applicant. In a phone conversation with the Appellant on August 23, 2016, the Appellant stated that the revised plan addresses his concerns regarding the windows.

C. ANALYSIS OF PROJECT COMPLIANCE WITH APPLICABLE COUNTY POLICIES AND 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:

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 Review standards implement this policy within Design Review Zoning Districts of the County, including the Midcoast. In approving the project, the CDRC found that “the project contributes to the eclectic character of the neighborhood and adds to the context of craftsman style homes in the near vicinity.” Discussion of compliance with Design review standards is provided in Section C.3.b of this report.

Urban Land Use Policy 8.38 (*Height, Bulk and Setbacks*) regulates the height, bulk and setback requirements in zoning districts in order to: (1) ensure that the size and scale of development are compatible with the parcel size, (2) provide sufficient light and air in and around the structures, (3) ensure that development of permitted densities is feasible, and (4) ensure public health and safety. The proposed two-story structure meets the zoning district height standards and is compatible in design, scale and size with other residences located in the vicinity. The appearance of mass and bulk of the new residence is reduced by articulation of all exterior façades and the minimization of roof mass. The design of the new structure is complementary to the existing neighborhood context, as supported by the Coastsides Design Review Committee’s approval (see Section 3.b of this report).

Water Supply Policy 10.1 (*Coordinate Planning*) requires the County to coordinate water supply planning with land use and wastewater management planning to assure that the supply and quality of water is commensurate with the level of development planned in the area. The Montara Water and Sanitary District (MWSD) has confirmed that a water service connection is available for this site.

Wastewater Policies 11.1 and 11.2 (*Adequate Wastewater Management and Coordinate Planning*) require the County to plan for the provision of adequate wastewater management facilities to serve development in order to protect public health and water quality and to coordinate wastewater management planning with land use and water supply planning to assure that the capacity of sewerage facilities is commensurate with the level of development planned for an area. MWSD has provided staff with a project review comment letter indicating adequate capacity to serve the project, subject to conditions, including requiring the applicant to obtain Domestic Water/Fire Protection Connection and Sewer Permits and to submit fire flow calculations from a Certified Fire Protection Contractor.

2. Conformance with the Local Coastal Program

The project qualifies for a Coastal Permit Exemption as the site is located in the Single-Family Residence Development Categorical Exclusion Area. The parcel is not located in a scenic corridor, nor does the property adjoin an area of sensitive habitat. Staff has determined that the project is in compliance with applicable Local Coastal Program (LCP) Policies, with the discussion of applicable policies below:

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, the policy requires new development to 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 unit per 5 acres, and/or served by sewer and water. The building site is a legal parcel, as confirmed via Certificate of Compliance (Type A) recorded on April 19, 2010. The site is served by the Montara Water and Sanitary District and is designated by the General Plan for Medium-Density Residential (6.1 to 8.7 dwelling units/acre) use, for which the proposal complies.

Policy 1.23 (*Timing of New Housing Development in the Midcoast*) limits the maximum number of new dwelling units built in the urban Midcoast to 40 units per calendar year so that roads, public services and facilities and community infrastructure are not overburdened by rapid residential growth. Staff estimates that the current building permits to be issued for the calendar year will not exceed this limit, based on projections and current applications for building permits received thus far.

Policy 1.36 (*Half Moon Bay Airport Influence Area Requirements - Map 1.5*) locates the project site in the Half Moon Bay Airport Influence Area. Although in this area, the proposed development is outside of Airport Safety Zones based on the Half Moon Bay Airport Land Use Compatibility Plan (HMB ALUCP). Regarding noise, the project site is located outside the Community Noise Equivalent Level (CNEL) airport noise exposure contours and is, therefore, not exposed to significant levels of aircraft noise.

b. Sensitive Habitats Component

Policy 7.3 (*Protection of Sensitive Habitats*) prohibits any land use or development which would have significant adverse impact on sensitive habitat areas and requires development in areas adjacent to sensitive habitats to be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. The site consists of ruderal vegetation and does not contain sensitive habitat. No trees are proposed for removal.

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 Montara. The project is, therefore, subject to Section 6565.20 of the Zoning Regulations. As discussed in Section C.3.b of this report, the Coastsides Design Review Committee (CDRC) considered this project at four regularly scheduled CDRC meetings and, at its February 11, 2016 meeting, determined that the project is in compliance with applicable Design Review Standards, and recommended approval. See further discussion in Section 3.b.

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) On-site grading is not extensive and only limited to standard construction activity.
- (2) The proposed materials for the house, such as stone veneer and earth-toned Hardie plank siding, have a natural appearance.
- (3) The proposed house design uses gable roofs, including non-reflective, composite roof shingles as the primary roof material.
- (4) The minimal roof mass and the enhanced façade articulation bring the proposed structure to scale with the rest of the homes in the neighborhood.

3. Conformance with the Zoning Regulations

a. Conformance with S-17 District Development Standards

The proposal complies with the property's R-1/S-17/DR/CD Zoning Designation, as indicated in the following table:

| | S-17 Development Standards | Proposed |
|--------------------------------------|---|----------------------------|
| Minimum Site Area | 5,000 sq. ft. | 5,000 sq. ft. (legal site) |
| Maximum Floor Area (includes garage) | 2,650 sq. ft. (53% maximum) | 2,606 sq. ft. (42%) |
| Maximum Building Site Coverage | 1,750 sq. ft. (35% maximum) | 1,704 sq. ft. (34%) |
| Minimum Front Setback | 20 ft. | 20 ft. |
| Minimum Rear Setback | 20 ft. | 28 ft. |
| Minimum Right Side Setback | 5 ft. | 5 ft. |
| Minimum Left Side Setback | 10 ft. | 10 ft. |
| Maximum Building Height (18% slope) | 28 ft. | 23 ft. |
| Minimum Parking Spaces | 2 | 2 |
| Daylight Plane/Facade Articulation | 20 ft./45 degrees on setback lines of two opposite facades OR finding by CDRC | Complies with both |

b. Conformance with Design Review District Standards

The Coastsides Design Review Committee (CDRC) considered the project at regularly scheduled CDRC meetings on May 14, 2015; October 22, 2015; December 10, 2015; and February 11, 2016 (see Attachment K).

After redesign of the project, on February 11, 2016, the CDRC adopted the findings to recommend project approval, pursuant to the Design Review Standards for One-Family Residential Development in the Midcoast, Section 6565.20 of the San Mateo County Zoning Regulations, specifically elaborated as follows (see Attachment K):

- (1) The project contributes to the eclectic character of the neighborhood and adds to the context of craftsman style homes in the near vicinity (Section 6565.20(B)2).
- (2) The project complies with all applicable development standards in the R-1/S-17 Zoning District (Section 6565.20(A)).
- (3) The proposed earthwork respects and conforms to the site's topography (Section 6565.20(C)1b).
- (4) The window placement and size of the second floor windows mitigate privacy impacts to the adjacent neighbor by putting the window at a 45-degree angle westward. The size of the living room window has been reduced and the dining room window has been downsized and offset from the initial proposal (Section 6565.20(D)2).

- (5) As proposed and conditioned, the downward-directed lighting fixtures integrate well with the overall design of the residence. Condition 4.a requires the removal of the proposed exterior lighting fixtures located on the garage front elevation immediately adjacent to the front entry (Section 6565.20(F)4).

D. ENVIRONMENTAL REVIEW

This project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 15303, Class 3, related to new construction of small structures, including single-family residences in a residential zone.

E. REVIEWING AGENCIES

Building Inspection Section
Department of Public Works
Geotechnical Section
Environmental Health Division
Coastside Fire Protection District
Midcoast Community Council
County Counsel

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

The approval of the Design Review Permit for a new single-family residence contributes to the 2025 Shared Vision outcome of a Livable Community by providing an additional residence on a parcel that complies with applicable zoning regulations and Local Coastal Program policies.

FISCAL IMPACT:

None.

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Project Plans
- D. Revised Plans
- E. Appeal Application of Planning Commission's Decision to approve the project, received September 26, 2016
- F. Letter from September 14, 2016 Planning Commission Meeting, dated September 23, 2016
- G. Staff Report for the September 14, 2016 Planning Commission Public Hearing
- H. Appeal Application of Coastside Design Review Committee's Decision to approve the project, received February 25, 2016
- I. Letter from Appellant, dated February 8, 2016
- J. Letter from Applicants, dated August 3, 2016

- K. Letter from February 11, 2016 Coastside Design Review Committee Meeting, dated February 25, 2016
- L. Site Photos, including Story Poles
- M. Photos of Nearby Houses along Fifth Street, including 335 Fifth Street