

**Board Meeting Date:** October 22, 2019  
**Special Notice / Hearing:** 10-Day Notice  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors

**From:** Steve Monowitz, Community Development Director

**Subject:** EXECUTIVE SUMMARY: Consideration of an appeal of the Planning Commission's decision to approve a Grading Permit and Architectural Review Exemption to allow 215 cubic yards of grading associated with the construction of a new single-family residence, second unit, and the removal of 6 significant and 5 non-significant sized trees located at 229 Huckleberry Trail in the unincorporated Woodside area of San Mateo County.

County File Number: PLN 2018-00289 (Livingston/Zhang)

### **RECOMMENDATION**

Deny the appeal and uphold the Planning Commission's decision to approve the Grading Permit and Architectural Review Exemption, County File No. PLN 2018-00289, by making the findings identified in Attachment A of this report.

### **BACKGROUND**

The appellant, has appealed the Planning Commission's action to authorize 215 cubic yards (c.y.) of grading, the removal of 6 significant and 5 non-significant trees, and the construction of a new single-family residence and second unit on a vacant parcel. The appellant contends that: (1) the project should include a firetruck turnaround, (2) there is a seasonal creek at the rear of the property that was not assessed for impacts, and (3) there was improper noticing of the proposed tree removal activities and that the project should be sent back to the planning stage.

### **DISCUSSION**

On June 12, 2019, the Planning Commission considered the proposed project and approved the Grading Permit and Architectural Review Exemption, a vote of 3 to 1, on the basis that the proposed project conforms to the grading standards contained in Chapter 5 of the San Mateo County Ordinance, would not have a significant adverse impact on the environment, was consistent with the Significant Tree Removal Ordinance, and met the architectural standards of the Skyline Scenic Corridor.

On June 26, 2019 an appeal of the Planning Commission's decision was filed. Key issues raised by this appeal include questions regarding the fire safety of the proposed project and lack of firetruck turnaround, a statement that a creek is located at the rear of

the property and was not evaluated for potential impacts, and a statement that there was a lack of proper public noticing.

Regarding the fire safety of the project, the applicant has filed an Alternative Materials and Methods Request with Cal-Fire because existing site conditions preclude compliance with certain fire code requirements. The fire code allows fire officials to approve an alternative material or method of construction when the official finds that the proposed alternatives comply with the intent of the provisions of the fire code, and are at least equivalent in quality, effectiveness, fire resistance, and safety to what would otherwise be required. In their request, the applicant has proposed to upgrade a nearby wharf hydrant to a full fire hydrant, connect the hydrant to the main water line which will increase water pressure, availability and flow, install a more robust fire sprinkler system designed to suppress the spread of fires, and to locate the residence 25 feet away from the property line to provide additional maneuverable space in lieu of constructing a full turnaround and widening the road. Cal-Fire reviewed and approved the applicant's Alternate Materials or Methods Request and has conditionally approved of the proposed project.

In response to the comment that a creek was located at the rear of the property and was not noted on the plans, Planning Department and Environmental Health Services staff performed a joint site visit on July 25, 2019. County staff did not see evidence of a creek at the rear of the property (i.e., creek bed, channel cutting, or water). A drainage swale does exist over 100 feet from the rear of the property and appears to act as a stormwater drainage feature for the surrounding residences with numerous stormwater pipes emptying into the swale. After their site visit, staff determined that there is no creek on the property itself nor within 100 feet of the property. Upon receiving the findings and pictures from San Mateo County Environmental Health Services, the complaint with the Water Resources Control Board was closed with a determination that there is no creek at the rear of the property.

The appellant is correct that a site poster was not posted per the standards of the Significant Tree Ordinance. To fulfill the noticing requirements of the Significant Tree Ordinance, a site poster was posted to the front of the property from October 7, 2019 until October 17, 2019. Pictures verifying the notice was posted were mailed to verify the notice was posted.

The project conforms to the applicable County General Plan and Zoning Regulations.

Approval of this agreement contributes to the Shared Vision 2025 of a Livable Community by allowing the property owner to build a new house compliant with the adopted land use and Environmental Health Services regulations for their property and replant for the loss of the significant trees proposed for removal.

### **FISCAL IMPACT**

No fiscal impact.

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