



County of San Mateo

Inter-Departmental Correspondence

Department: PLANNING AND BUILDING

Board Meeting Date: 10/22/2019

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Steve Monowitz, Community Development Director

Subject: 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:

Public hearing 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:

- A) Open Public Hearing
- B) Close Public Hearing
- C) 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 appeal of the Planning Commission's approval 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 contends that: (1) the project should include a fire truck 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. As a result, the

the appellant asserts that the project should be sent back to the planning stage.

Planning Commission Action

At its public hearing on June 12, 2019, the Planning Commission considered the proposed project and based on information provided by staff, the landowner, architect, appellant, and the public, the Planning Commission approved the Grading Permit and Architectural Review Exemption, with a vote of 3 to 1, on the basis that the proposed project conforms to the grading standards contained in Division VII Chapter 5 of the San Mateo County Ordinance Code, 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, the appellant filed an appeal of the Planning Commission's decision.

Report Prepared By: Laura Richstone, Project Planner, 650/363-1829

Appellant: Matthew Burriesci

Applicant: John Livingston, CJW Architecture

Owner: Zhifan Zhang

Location: 229 Huckleberry Trail, Unincorporated Woodside

APNs: 067-167-070 and 067-167-280

Size: 0.4-acre (17,500 sq. ft.)

Existing Zoning: R-1/S-10 (Single-Family Residential/S-10 Combining District with a 20,000 sq. ft. minimum lot size)

General Plan Designation: Low Density Residential Rural (0.3 to 2.3 dwelling units per net acre)

Sphere-of-Influence: None

Existing Land Use: Vacant residential rural parcel

Water Supply: California Water Service Company, Bear Gulch

Sewage Disposal: Septic System

Flood Zone: Zone X (Area of Minimal Flooding); Community Panel No. 06081C0290E, effective date October 16, 2012.

Environmental Evaluation: This project is categorically exempt under provisions of Class 3, Section 15303, of the California Environmental Quality Act (CEQA) Guidelines, relating to the construction of a single-family residential structure and second unit in a residentially zoned area.

Setting: Located west of Skyline Boulevard near the Kings Mountain Fire Brigade, the proposed project site is a through lot that fronts Huckleberry Trail and Creek Trail. Situated between two developed lots, the vacant project parcel is relatively flat in the front and slopes steeply downward in the rear toward Creek Trail. Located in an evergreen forest, the parcel is heavily forested with large redwood trees and smaller oak and madrone trees interspersed throughout the parcel.

Chronology:

<u>Date</u>	- <u>Action</u>
August 3, 2018	- Application submitted.
December 18, 2018	- Revised project to reduce grading and tree removal activities submitted.
April 10, 2019	- Application deemed complete.
June 12, 2019	- Planning Commission public hearing.
June 26, 2019	- Appeal of the Planning Commission's decision filed.
July 25, 2019	- Planning Department and Environmental Health Services site visit conducted.
October 22, 2019	- Board of Supervisors public hearing.

DISCUSSION:

A. KEY ISSUES

1. Previous Actions

At its public hearing on June 12, 2019, the Planning Commission approved the subject application for a Grading Permit and Architectural Exemption to construct a new single-family residence and second unit on a vacant parcel in the unincorporated Woodside area of San Mateo County.

2. Basis for Appeal to the Board of Supervisors

On June 26, 2019 Mr. Matthew Burriesci submitted an appeal of the Planning Commission's approval (Attachment C). The appellant's key points of appeal are summarized below followed by staff's response.

- a. *There is time to ... require at least a "T" turnaround, which the applicant states is not possible... [However], it appears that not only is the turnaround possible but required per [the fire code] and should be installed.*

Staff Response: As is the case with this application, when existing conditions preclude compliance with certain fire code requirements, Section 1.11.2.4 and Section 104.9 of the 2016 California Fire Code allows applicants to propose alternative materials and/or methods to achieve equivalent fire safety standards. A fire code official is authorized to approve an alternative material or method of construction when that official finds that the proposed alternative(s) are satisfactory, comply with the intent of the provisions of the fire code, and are at least equivalent in quality, strength, effectiveness, fire resistance, durability, and safety to what would otherwise be required.

A compliant "T" turnaround requires a 60-foot width at the head of the "T" and a length of 120 feet (with a minimum 20-foot width along the length of the "T"). The applicant stated that providing a full fire truck turnaround would render more than half of the upper portion of the parcel unbuildable, severely limit and/or preclude the ability to locate a septic system in the rear of the parcel due to steep slopes and required setbacks, require road widening of all of Huckleberry Trail to 20 feet, and require the removal of several very large redwood trees to accommodate the road widening. As such, the applicant filed an Alternative Materials and Methods Request (Attachment E) with Cal-Fire requesting relief from turnaround and road width standards. In their request, the applicant proposed to upgrade a nearby wharf hydrant to a full fire hydrant, install a more robust fire sprinkler system than would otherwise be required, and locate the residence 25 feet away from the property line (where the minimum setback is 20 feet) 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 (Attachment F) and provided conditional approval of the proposed project on February 6, 2019 (Attachment G).

The Planning Department requested that Cal-Fire re-review the application to ensure that the Alternative Materials and Methods Request would not impair their ability to adequately serve this area. The plans were reviewed again by Cal-Fire on August 21, 2019. Upon this additional review, Cal-Fire reiterated that the alternatives provided (i.e., upgraded fire hydrant, fire sprinkler system, and increased setback) meet the intent of the fire code and provide effective fire mitigation for the project. The proposal for the fire hydrant would update the existing wharf hydrant adjacent to the property to a full hydrant and provide increased water flow and pressure (1,000 gallons per minute at 20 per square inch minimum). For the fire sprinkler system, Cal-Fire stated that the project proposes a four headcount system instead of the standard two headcount system. As explained by Cal-Fire, a two headcount system is designed for life and safety and will give occupants enough time to exit a structure but will not stop a fire from spreading. A four headcount system is designed for saving property and

suppressing/stopping the spread of a fire. Cal-Fire stated that any deficiencies in the existing road that may delay access to the site (i.e., a road width of less than 20 feet) would be mitigated by the increased sprinkler system and that the system would contain the fire and stop its spread until fire engines could arrive. In addition, Cal-Fire noted that the property is located .2 miles away from the Kings Mountain Fire Brigade and anticipated a rapid response if a fire were to occur in this area. Regarding the increased front yard setback, Cal-Fire stated that while the front setback will provide increased maneuverability during emergency situations, that it is not required to turn their vehicles around. As confirmed by a Cal-Fire site visit on August 22, 2019, adequate turn around space exists on a neighboring vacant lot on Huckleberry Trail and in front of an existing residence located near the beginning of Huckleberry Trail.

- b. *There is no mechanism to guarantee that the applicant or future owner will not park in the driveway space that was used to partially mitigate the lack of a turnaround [and cause a fire hazard].*

Staff Response: As discussed in Section 2.a above, Cal-Fire does not require a turnaround for this project and has determined that an upgraded full fire hydrant, increased fire sprinklers for the residence, and a condition to build the project with ignition resistant materials will appropriately mitigate the fire risk of the proposed project to the surrounding area. Because Cal-Fire determined that a turnaround is not required for this project, the applicant will be able to park in their driveway without creating an additional fire hazard.

- c. *There is a creek that runs along the back of the subject property and near the proposed grading, tree removal and septic field... [This creek should] be included in updated or new hydrology, septic, and geotechnical reports [and should be assessed by planning for possible impacts from the proposed project]. This will also give time for the San Francisco District of the State Water Board to make a determination on this project as per complaint COMP-43534.*

Staff Response: A geotechnical investigation, performed by ROMIG Engineers Inc., an arborist report performed by McClenahan Consulting LLC, and a separate drainage analysis and survey performed by Lea & Brae Engineering Inc., were submitted with this application. None of these documents identified a creek on, or adjacent to, the subject property. In addition, no mapped creek was identified by the USGS maps nor the County GIS maps (Attachment H). Separate from the above mentioned reports, independent site visits by San Mateo County Environmental Health Services (for septic system percolation testing) and the Planning Department were conducted. During these site visits County staff, did not observe the presence of a creek on, or adjacent to, the subject property.

In response to the appellant's concern, an additional Environmental Health Services and Planning Department joint site visit was conducted on July 25, 2019. During this site visit, staff explored the rear of the property (adjacent to Creek Trail)

where the appellant noted the creek to be located. No evidence of a creek (i.e., creek bed, channel cutting, or water) was observed at the rear of the property (Attachment I). Staff did observe a recently constructed drainage culvert/trench that extends from the rear of the property across Creek Trail into a larger drainage channel (Attachment I). While on site, staff was able to speak to the owner of 235 Creek Trail who constructed this culvert. This individual stated that they had constructed the manmade culvert to divert rainy season sheet flow from the rear of 229 Huckleberry into a neighboring drainage channel to prevent flooding on their property. This individual further stated that while sheet flows from the top of 229 Huckleberry to the rear of the property and across the street were common, that they had never observed a creek at the rear of 229 Huckleberry.

Though not identified in the appeal as the location of the creek in question, staff also explored the adjacent drainage swale located on the other side of Creek Trail. This swale is located over 100 feet from the rear of the subject parcel, below and on the other side of Creek Trail, and extends across several private properties. From staff observations, it appears as though this swale acts as a stormwater drainage feature for the surrounding residences with numerous stormwater pipes emptying into the swale. This drainage feature was overgrown with existing vegetation and staff did not observe a defined creek bed or channeling and found no ponded or flowing water in the portion of the swale across from the subject property. Though this drainage feature may have flowing water during the rainy season, it is located over 100 feet from the rear of the property, and is culverted and undergrounded at various points to accommodate existing road infrastructure and development. After their site visit, staff from Environmental Health Services and the Planning Department determined that there is no creek on the property itself nor within 100 feet of the property.

Regarding the complaint issued with the State Water Resources Control Board, upon receiving the findings and pictures from San Mateo County Environmental Health Services, the State Water Resources Control Board determined that there is no creek at the rear of the property and closed the complaint case (Attachment J). With implementation of the recommended conditions of approval, specifically those related to erosion control and stormwater management, there is no expectation that the proposed project would impact or introduce additional sedimentation into the drainage channel located over 100 feet away from the rear of the property. It should also be noted, that the proposed project would actually improve the drainage on the property and stop the sheet flow of water at the rear of the property across Creek Trail.

- d. *This project failed to post notices on site for trees as required by Chapter 3, SECTION 12,021.2 of THE SIGNIFICANT TREE ORDINANCE. This means that concerned members of the neighborhood and the community learned of the proposal only 3 days ahead of the commission meeting and did not have time to reach out to the owner, Cal-Fire, or the state water board until after the planning*

commission approval. This lack of notice in and of itself should be grounds to reverse the commission's approval and send this back to the planning stage.

Staff Response: Notice for this project was carried out in accordance with the noticing standards of the Grading Ordinance. Per these standards, notice was sent by mail to all property owners within a 300-foot radius of the subject property 10 calendar days before the Planning Commission public hearing on June 12, 2019. Notice of the proposed project and Planning Commission hearing date was also published in the San Mateo County Times on June 1, 2019. Though public notice was provided consistent with the Grading Ordinance requirements, 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 on October 7, 2019 and will retain in place until October 17, 2019 in preparation for the October 22, 2019 Board of Supervisors hearing. Pictures verifying the notice was posted have been provided to staff. Public notice in accordance to the Grading Ordinance and a newspaper notice will also occur 10 calendar days prior to the October 22, 2019 Board of Supervisors public hearing.

3. Project Compliance with County Regulations

Conformance with the General Plan

a. Vegetative Water, Fish and Wildlife Resources

Policies 1.23 through 1.28 of the General Plan seek to regulate land uses and development to prevent, or mitigate to the extent possible significant adverse impacts to vegetative, water, fish, and wildlife resources. Situated off of Skyline Boulevard in a heavily forested area, the project parcel is undeveloped with on-site vegetation dominated by mature redwood, Douglas fir, oak, and madrone trees. No watercourses are present on or near the project site. A search of the California Natural Diversity Database (CNDDDB) identified no State or Federal special status within or adjacent to the project parcel. The proposed development, which consists of the construction of a new two-story single-family residence, two-car garage, and detached viewing room and second unit structure, will result in the removal 11 of the parcel's 43 existing trees. Of the 11 trees proposed for removal, 6 are significant and 5 are non-significant sized trees. A majority of these trees, located in the rear of the parcel (near Creek Trail), are proposed for removal to accommodate the required on-site septic and drainage systems for the main house and second unit. Compared to the initial project submittal which included the removal of 16 trees, the current project has reduced tree removal activities and has retained 5 trees (3 significant and 2 non-significant) that were originally proposed for removal (see Section 5 for further discussion regarding tree removal, protection, and replacement). Based on the 1:1 replacement ratio as required by the Significant Tree Ordinance, reduced tree removal activities, tree protection measures for the trees on-site and adjacent to the proposed water line upgrades,

and due to the fact that no special-status plant or animal species were identified, staff has determined that the proposed project will not result in a significant adverse impact to surrounding vegetative, water, fish, or wildlife resources.

b. Soil Resources

Policy 2.17 (*Regulate Development to Minimize Soil Erosion and Sedimentation*) and Policy 2.23 (*Regulate Excavation, Grading, Filling, and Land Clearing Activities Against Soil Erosion*) seek to minimize grading, soil erosion, and sedimentation including, but not limited to, ensuring disturbed areas are stabilized; and protecting and enhancing natural plant communities and nesting and feeding areas of fish and wildlife. The project will be located on the relatively flat upper portion of the parcel and utilize a pier and beam foundation system. This system will raise the proposed development above grade which, when compared to a slab foundation, retains more of the natural grade of the site and requires less grading. With the pier and beam foundation system, the project proposes 215 c.y. of grading which includes 60 c.y. of cut and 155 c.y. of fill. According to the proposed grading plans (Attachment K), the rear of the parcel has existing slopes of 35-50% with small sections that exceed 50% slopes. Due to the steep slopes in the rear of the parcel, a majority of the proposed grading is associated with reducing these slopes to accommodate the required septic and drainage systems for the main house and second unit. Though some grading and tree removal activities are necessary to develop the parcel, the applicant has designed the proposed project to minimize such activities. Compared to the original proposal, the current project has reduced proposed grading quantities by 30 c.y., retains a majority of the existing natural grade in the rear of the parcel, and preserves five additional trees.

Table 1	
Initial Project	Current Project
Cut: 115 c.y.	Cut: 60 c.y.
Fill: 130 c.y.	Fill: 155 c.y.
Total: 245 c.y.	Total: 215 c.y.

To minimize the transport of sediment and runoff from the immediate project area and protect the trees on site, the applicant has provided erosion control and tree protection plans prepared by Lea & Braze Engineering Inc., that include measures such as installing fiber rolls on slopes and construction Best Management Practices (BMP's). Per Condition of Approval No. 6, the applicant will also implement dust control measures such as covering haul truck transporting soil or other loose material, watering exposed surfaces daily, and ensuring roadways are kept clean from mud and dirt tracks for the duration of the project to further reduce sedimentation.

c. Visual Resources

Policy 4.15 (*Appearance of New Development*), Policy 4.21 (*Utility Structures*), Policy 4.22 (*Scenic Corridors*), Policy 4.24 (*Rural Development Design Concept*), and the Rural Site Planning Policies 4.25 through 4.33 seek to protect the natural visual character of scenic areas, including scenic corridors, by regulating the appearance of new development to promote good design, site relationship, and other aesthetic considerations; and minimizing the adverse visual quality of utility structures.

The project site is located within the Skyline State Scenic Corridor and is heavily forested with on-site vegetation dominated by mature redwood, madrone, Douglas fir, and coast live oak trees with low-lying shrubs. Screened by mature redwood trees and located approximately 600 feet away from the road itself, the proposed development will not be visible from Skyline Boulevard. The proposed single-family house and viewing room/second unit structure are grouped together and will be located in the relatively flat upper portion of the parcel. The structures have been designed, clustered, and oriented to retain 5 large mature redwood trees that dominate the upper portion of the lot and will also retain two groves of redwood trees located near the middle of the property. Of the over 40 trees located on the vacant project parcel, a total of 11 trees are proposed for removal due to their location within the building footprint or interference with proposed septic or drainage systems (See Section A.2 for further details). To further reduce the impact of development and minimize the adverse visual quality impacts of utility infrastructure, all utilities serving the parcel will be undergrounded per Condition of Approval No. 15. Staff has determined that the proposed development and the associated removal of 11 trees will not be visible from Skyline Boulevard nor impact views from the roadway itself due to screening from the surrounding forest and the parcel's distance from the road.

Architectural Design Standards and Site Planning for Rural Scenic Corridors

Policies 4.48 through 4.55 (*Architectural Design Standards for Rural Scenic Corridors*) and Policies 4.56 through 4.69 (*Site Planning for Rural Scenic Corridors*) seek to ensure structures are complementary and compatible with the surrounding environment and minimally visible from public views through the regulation of colors and materials, size and scale of structures, lot coverage, height, building setbacks, outdoor lighting, and vegetation removal.

The project consists of a driveway/firetruck turnaround within the proposed driveway/front yard setback (along Huckleberry Trail), two-story single-family residence, attached two-car garage, and a combined two-story second unit and viewing room structure attached to the main structure by a rear deck. The project will have a lot coverage of 12% where 25% is the maximum allowed in the S 10 Zoning District and be constructed on a pier and beam foundation system. This foundation will raise the development above grade, retain a majority of the natural grade of the upper parcel, and result in an average height of 29 feet where the maximum allowed average height is 36 feet.

Though not visible from Skyline Boulevard, the proposed development is built around the existing trees on the lot, minimizes tree removal activities, employs natural wood siding and colors, does not exceed the height the forest canopy, is grouped together in the front of the parcel to reduce the development footprint, and adheres to the design and development standards of the Skyline State Scenic Corridor and zoning district (See Section 4) to blend in with the surrounding environment and minimize visual impacts. In addition, per Condition of Approval No. 16, all exterior lights shall be dark sky compliant and designed and located as to confine direct rays to the subject property and prevent glare to the surrounding area.

d. Rural Land Use Policies

Policy 9.23 (*Land Use Compatibility in Rural Lands*) seeks to encourage compatibility of land uses in order to promote the health and safety and seek to maintain the scenic and harmonious nature of the rural lands.

The parcel is designated Low Density Residential Rural and development is clustered toward the front of the parcel (Huckleberry Tail). To reduce the development footprint, the proposed development will leave the rear of the parcel undeveloped with the exception of the underground septic and drainage systems and a rear retaining wall. All proposed building materials will be durable, blend with the surrounding environment, and meet the requirements for Moderate Fire Hazard Severity State Responsibility Zones per the California Building Code. To further mitigate potential fire risks, the project will upgrade a current wharf hydrant to a full fire hydrant, install a more robust fire sprinkler system than would otherwise be required and set the house back farther from the front property line to provide more space to maneuver in the event of an emergency. In addition, all utilities will be undergrounded per Condition of Approval No. 15. As the proposed development is not visible from Skyline Boulevard, staff concludes that there will be no visual impact to the Skyline State Scenic Corridor and that the project is in character with the forested nature of this parcel and the surrounding low density rural development.

e. Wastewater Policies

Policy 11.10 (*Wastewater Management in Rural Areas*) seeks to require individual sewage disposal systems in rural areas.

The proposed project includes a plan to install an on-site septic system. Leach lines for the septic system will be installed in the rear of the parcel with the septic tank located underground in the driveway area. The parcel is large enough to accommodate the primary leach lines and provides room for expansion lines in the event the primary lines fail or the system must be expanded sometime in the future. Due to steep slopes, portions of the rear property will be graded to a slope of less

than 50% to accommodate the leach lines. San Mateo County Environmental Health Services has performed two separate site visits, determined the soils can support the proposed septic system, and has reviewed and conditionally approved the proposed on-site septic system for compliance with County wastewater policies and setback requirements.

f. Water Supply Policies

Policy 10.15 (*Water Suppliers in Rural Areas*) and Policy 10.25 (*Efficient Water Use*) consider water systems and wells as appropriate methods of water supply and encourage efficient water use for new development.

The project site and surrounding rural residential parcels are serviced by California Water Service Company-Bear Gulch (Cal Water). The proposed development includes a plan to replace and upgrade 254 linear feet (LF) of an existing water line located underneath Huckleberry Trail in order to serve the proposed development and associated new fire hydrant. Cal Water has confirmed that the project parcel can be serviced by their system and has reviewed and conditionally approved the proposal to extend and upgrade the existing waterline located under Huckleberry Trail.

4. Conformance with the Zoning Regulations

a. R-1/S-10 Zoning District Regulations

Located within the R-1/S-10 (*Single-Family Residential/S-10 Combining District*) Zoning District, the proposed development complies with the development standards set forth by the County Zoning Regulations with the exception of minimum lot size, minimum lot width, and minimum left side yard setback as outlined below:

Table 3 Main House		
	Required	Proposed
Minimum Lot Size	20,000 sq. ft.	17,500 sq. ft.
Minimum Lot Width	75 ft.	50 ft.
Minimum Front Yard Setback (fronting Huckleberry Trail)	20 ft.	25 ft.
Minimum Rear Yard Setback (fronting Creek Trail)	20 ft.	94 ft.
Minimum Right Side Yard Setback	10 ft.	10 ft.
Minimum Left Side Yard Setback	10 ft.	7 ft.
Maximum Height*	36 ft.	29 ft.
Maximum Lot Coverage**	25%	12.18%

Table 3 Main House		
	Required	Proposed
Minimum Parking Spaces	2 Covered 1 Uncovered	2 Covered 1 Uncovered
<i>* Height measured from average finished grade to average roofline.</i> <i>** Lot coverage includes footprint of main house, garage, decking, and second unit.</i>		

Parcel Size and Width

The R-1/S-10 Zoning District requires a 20,000 sq. ft. minimum parcel size and a 75-foot minimum parcel width. The project parcel consists of two different lots: one lot that fronts Huckleberry Trail (APN: 067-167-070), and one lot that fronts Creek Trail (APN: 067-167-280). Though smaller than the standard lot size of 20,000 sq. ft., these two lots were merged into one legal 17,500 sq. ft., 50-foot wide (average), developable parcel in 1983 as part of a mass lot merger (Merger June 4, 1983). This action merged substandard contiguous lots held in common ownership together in an effort to increase base parcel size so that the resulting parcels would be large enough to support required septic systems and would thus be potentially developable. As a result of the merger in 1983, the subject 17,500 sq. ft., 50-foot wide project parcel is a legal non-conforming parcel.

Left Side Yard Setback

The proposed second unit/viewing room two-story raised building is attached to the main house by a connecting rear deck. Due to its raised elevation, a landing and stairway access to this structure encroaches into the left side yard setback by 3 feet resulting in a left side yard setback of 7 feet where 10 feet is required. Section 6406 of the Zoning Regulations allows stairways and landings to encroach a maximum of 3 feet into a side yard setback provided that: *(1) Such landing place or uncovered porch shall have its floor no higher than the entrance floor of the building, (2) a railing no higher than 42 inches may be placed around such landing place, (3) such stairway, landing place, or porch is unroofed and unenclosed above and below, and (4) such stairway, landing place, or uncovered porch shall not reduce the effective side yard clearance to a distance less than 3 feet.* With the entrance to the first floor viewing room at the same elevation as the main house, and Conditions of Approval Nos. 22 and 23 which restricts the rail height of the encroaching landing and stairway and requires that such structures remain unroofed, the proposed side yard encroachment meets the requirements of Section 6406 and is permitted under the Zoning Regulations.

General Compliance with Development Standards and Parking

With the exception of the parcel size, parcel width, and left side yard setback as discussed above, the proposed project adheres to the development standards of the R-1/S-10 Zoning District. Located on the smaller portion of the parcel that

fronts Huckleberry Trail, the main house will be setback further from the front property line than is otherwise required to provide more room to maneuver on the narrow road and adheres to the minimum right side and rear setbacks. The proposed development will result in a lot coverage of 12% (2132 sq. ft.) where 25% (4375 sq. ft.) is the maximum allowed and will have an average height of 29 feet where 36 feet is the maximum. As required by Section 6117 (*Required Automobile Parking Spaces*) and Section 6429 (*Development Standards for New Second Units*), the proposed project must provide at least two covered parking spaces for the main residence and one uncovered parking space for the second unit. The proposed 460 sq. ft. garage will provide the required parking for the main house while the one uncovered parking space required for the second unit will be located adjacent to the garage in front of the entrance to the main house.

5. Conformance with the Significant Tree Ordinance

Forty-three trees are located on the vacant parcel. The upper portion of the parcel fronting Huckleberry Trail is dominated by several large (40-52" diameter at breast height (dbh)) redwood trees while the steeply sloped rear portion of the parcel contains two small groves of redwood trees and a mixture of madrone, Douglas fir, and coast live oak trees. Section 12,023 (*Criteria for Permit Approval*) of the Significant Tree Ordinance states that the Community Development Director or any other person or body charged with determining whether to grant, conditionally grant, or deny a Significant Tree Cutting Permit may approve a permit only if one or more of the following findings are made:

1. The tree is diseased;
2. The tree could adversely affect the general health and safety;
3. The tree could cause substantial damage;
4. The tree is a public nuisance;
5. The tree is in danger of falling;
6. The tree substantially detracts from the value of the property;
7. The tree acts as a host for a plant which is parasitic to another species of tree;
8. The tree is a substantial fire hazard;
9. The tree will be replaced by plantings approved by the Community Development Director; or
10. The required action is necessary: (a) to utilize the property in a manner which is of greater public value than any environmental degradation caused by the action; (b) to allow reasonable economic or other enjoyment of the property.

Due to the number of trees dispersed throughout the vacant property, building a residence on this lot will necessitate the removal of some trees. However, the current proposal to remove 11 trees (6 significant and 5 non-significant) has been reduced from the original proposal to remove 16 trees (9 significant and 7 non-significant), will allow for a reasonable economic enjoyment of the property, and will be mitigated by required tree replantings.

Section 12,012 of the County Significant Tree Ordinance defines a “significant tree” as any live woody plant rising above the ground with a single stem or trunk of a circumference of 38” or more or 12” in diameter as measured at 4 1/2 feet vertically above ground. The trees proposed for removal, which are identified by certified Master Arborist John McClenahan (WE-1476B) with McClenahan Consulting LLC can be found in Table 2 below.

Table 2			
Tree No.	Size (dbh)	Species	Reason for Removal
15*	12”	Madrone	Fallen
16*	12”	Madrone	Poor condition, located close to proposed retaining wall and in area of grading activity
17	7”	Live oak	Very poor condition, located in drainage system footprint
18	8”	Live oak	Very poor condition, located in drainage system footprint
21*	13.5”, 15”, 16.7”	Madrone	Very poor, located in drainage system footprint
22*	22”	Douglas fir	Poor to fair condition, previous top failure, close proximity to septic leach line, in area of grading activities
23*	16.3”	Live oak	Very poor condition, significant die back, close proximity to proposed retaining wall, in area of grading activities
24*	12”, 14”, 15”, 19”	Madrone	Poor to fair condition, within building footprint
25	9.7”	Coast redwood	Poor to fair condition, previous top failure, close proximity to septic leach line, in area of grading activities
A	8”	Madrone	Located in drainage system footprint and in close proximity to drainage system lines
B	6”	Douglas fir	Adjacent to proposed retaining wall, in area of grading activities
* Denotes significant sized tree.			

A majority of the trees proposed for removal were assessed by the project arborist as being in fair to declining health and are proposed for removal either because they are within the footprint of the proposed septic and drainage systems, located in proposed grading areas, or located in close proximity to the rear retaining wall. Two of the trees (Nos. A and B) were noted on the plans but were omitted from the submitted arborist report. Tree A (an 8" dbh Madrone) and Tree B (a 6" dbh Douglas fir) are non-significant in size. Located in the rear of the parcel, Tree A is proposed for removal due to its close proximity to drainage system lines. Tree B, also located in the rear of the parcel, is proposed for removal due to its close proximity to the proposed rear retaining wall and because it is located in a steeply sloped area (50% or greater slope) which will see more intensive grading activities. Due to their location, retaining these trees would likely result in root loss and damage which would lead to their decline and possible death. The proposed project and arborist report has been reviewed and approved by the County Arborist. Per the County Arborist, a revised arborist report that properly documents Trees A and B will be required upon building permit submittal (Condition of Approval No. 17).

Foundation System

Located in the front of the parcel in close proximity to several significant sized redwood trees, the proposed two-story house and second unit/viewing room structures have been designed around the existing trees on-site to minimize tree removal activities and construction impacts. The proposed pier and beam foundation system will raise the structures above grade which reduce overall grading quantities and preserve the roots of the surrounding trees. The foundation system will also allow some flexibility to adjust the location of the piers to avoid damaging the structural roots of the surrounding redwood trees. Recommendations from the arborist report such as establishing appropriate Tree Protection Zones (TPZs), hand or air digging within TPZs, and monitoring by an on-site arborist have been incorporated as conditions of approval.

Tree Protection Measures

To ensure construction activities do not damage or unduly impact the remaining trees on the property, a tree protection plan was required for this project. To minimize injuries, the arborist report established Tree Protection Zones for each tree (or group of trees) and recommended that these TPZs be roughly six times the trunk diameter of the trees proposed to be retained. At this distance, associated buttress and anchoring roots would be preserved and minimal injury to the functional root area of the trees is anticipated. As some construction and grading activities encroach within established TPZs, the arborist report recommended that all grading activities occur by hand and also included specific requirements for excavation and demolition activities, tree pruning and maintenance, erosion and sediment control, and regular site visits by the project arborist. All tree protection measures discussed in the arborist report are included as conditions of approval in Attachment A.

Tree Replacement

Pursuant to Section 12,024(a) of the County Significant Tree Ordinance, a 1:1 replacement for each significant tree removed is required. With a proposed removal of 6 significant sized trees and 5 non-significant sized trees and based on the County replanting requirements, the County Arborist recommended the applicant plant 6 trees consisting of an even mixture of coast redwood, Douglas fir, and coast live oak using at least 15-gallon sized stock. To ensure that these trees are replanted in areas that will encourage their establishment and long term survival, the applicant will be required to submit a tree replanting plan (generated by the project arborist) upon building permit submittal (Condition of Approval No. 24).

6. Conformance with the Grading Regulations

The following findings must be made in order to issue a Grading Permit for this project. Staff's review of the project is discussed below:

- a. *That the granting of the permit will not have a significant adverse effect on the environment.*

The grading plan has been prepared by a licensed civil engineer and has been reviewed and preliminarily approved by the Department of Public Works and the County's Civil Section. The project site has also undergone a geotechnical study prepared by ROMIG Engineering Inc., which has been reviewed and preliminarily approved by the County's Geotechnical Section for soil stability. The site specific recommendations contained within the ROMIG Engineering Inc., report along with recommendations from other reviewing agencies have been integrated into this grading permit as conditions of approval. These conditions of approval will prevent a significant adverse impact on the environment.

- b. *That the project conforms to the criteria of Chapter 5 of the San Mateo County Ordinance Code, including the standards referenced in Section 9296.*

Proposed grading activities meet the (1) Erosion and Sediment Control, (2) Grading, (3) Geotechnical Reports, (4) Dust Control Plans, (5) Fire Safety, and (6) Time Restriction standards referenced in Section 9296 of the Grading and Land Clearing Ordinance. Erosion and sediment control measures will be inspected and must remain in place during grading and construction activities. A dust control plan must be submitted for approval and implemented before the issuance of the grading "hard card." The proposed grading plan was prepared by a licensed civil engineer and reviewed for adequacy by the Department of Public Works. As mentioned above, a geotechnical report was also prepared for this site and reviewed by the County's Geotechnical Section. Due to the County's Winter Grading Moratorium, grading is only allowed between April 30 and October 1. If the applicant wishes to preform grading activities during the wet season, they must apply for an exception from the Winter Grading Moratorium, and will be subject to more stringent erosion control measures, monitoring, and inspections.

- c. *That the project is consistent with the General Plan.*

The General Plan designation for this site is Low Density Residential Rural. The proposed construction and associated grading for a new single-family dwelling, two-car garage, second unit/viewing room building, driveway, and associated septic system is consistent with the land use allowed by this General Plan designation. As discussed in the General Plan Compliance Section of this report (Section 3), this project, as conditioned, complies with all applicable General Plan goals and policies.

7. Conformance with the Architectural Review Permit Exemption

The proposed project is located within the Skyline State Scenic Corridor. Due to the fact that the proposed project is located approximately 600 feet away from Skyline Boulevard and is not visible from the road itself, the project qualifies for an Architectural Review Permit Exemption.

The project, as proposed and conditioned, is consistent with the Standards for Architectural and Site Control within the Skyline Scenic Corridor. Specifically, the proposal accomplishes the following goals and/or meets the following standards:

- a. The project is consistent with all General Plan Visual Quality Policies, including the Architectural Design Standards for Rural Scenic Corridors and Site Planning for Rural Scenic Corridors, as discussed in Section 3.c of this report.
- b. The proposed grading associated with the project has been kept to a minimum and will follow natural contours of the property to the maximum extent possible and will blend with the natural appearance of the surrounding topography. The project has been situated to minimize tree removal activities, preserve several significant redwood trees in the front and rear of the parcel, and will be required to plant 6 replacement trees for the significant sized trees that are removed. Permanent on-site drainage and septic systems are proposed for the project and erosion and sediment control measures will be implemented throughout project construction to reduce onsite erosion and sedimentation.

B. ENVIRONMENTAL REVIEW

This project is categorically exempt under provisions of Class 3, Section 15303, of the California Environmental Quality Act (CEQA) Guidelines, relating to the construction of a single-family residential structure in a residentially zoned area.

County Counsel has reviewed the report as to form.

FISCAL IMPACT:

No fiscal impact.

ATTACHMENTS:

- A. Recommended Findings and Conditions of Approval
- B. General Location/Vicinity Map
- C. Appeal to the Board of Supervisors
- D. Applicant's Response to Appeal
- E. Alternative Materials and Methods Request Application
- F. Cal-Fire Alternative Materials and Methods Approval
- G. Cal-Fire Project Approval Letter
- H. USGS Map and County GIS Map
- I. Photos
- J. State Water Board Compliant and Resolution
- K. Project Plans
- L. Decision Letter, dated June 19, 2019