



County of San Mateo

Inter-Departmental Correspondence

Department: PLANNING AND BUILDING

File #: 20-573

Board Meeting Date: 8/4/2020

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 deny a Coastal Development Permit, Design Review Permit, and Variance, for the construction of a single-family residence with an internal second unit located on a 5,000 sq. ft. legal parcel. Relief from height, daylight plane, and parking requirements are requested through the Variance. Minor grading and removal of ten trees is also proposed. The project is located on Sunshine Valley Road in the unincorporated Moss Beach area of San Mateo County. If approved the Coastal Development Permit is appealable to the California Coastal Commission.
County File Number: PLN 2018-00458 (Jaehning/Li)

RECOMMENDATION:

Consideration of an appeal of the Planning Commission's decision to deny a Coastal Development Permit, Design Review Permit, and Variance, for the construction of a single-family residence with an internal second unit located on a 5,000 sq. ft. legal parcel:

- A) Open public hearing
- B) Close public hearing
- C) Uphold the appeal and approve the proposed Coastal Development Permit, Design Review Permit, and Variance, applications contained in County File No. PLN 2018-00458, and adopt the Mitigated Negative Declaration included as Attachment I, based on the findings and conditions of approval contained in Attachment A.

BACKGROUND:

At its March 25, 2020 public hearing, the Planning Commission voted unanimously to deny the application to construct a new three story 1,460 sq. ft. single-family residence with a first floor 730 sq. ft. accessory dwelling unit (ADU) on a conforming 5,000 sq. ft. legal parcel. Due to site constraints that limit the developable area of the parcel in the form of a creek along the northern property line

and riparian corridor along the eastern property line that requires 30-foot setbacks, the applicant requested variances from the: (1) required rear yard setback (18-foot setback where 20 feet is required); (2) maximum building height (31'-4" where 28 feet is the maximum); (3) rear yard daylight plane (due to the rear yard setback), and (4) covered parking standards (two uncovered tandem parking spaces where two side-by-side covered parking spaces are required). Upon denial, the Planning Commission voiced concerns regarding the number of variances sought and the number of bedrooms in relation to off-street parking spaces provided.

David Jaehning, the appellant and applicant, is appealing the Planning Commission's decision to deny the subject application. The appellant has proposed a revised design in response to the concerns raised by the Planning Commission that reduces: (1) the number of bedrooms from six to four; (2) the footprint of the project from 730 sq. ft. to 690 sq. ft., (3) the FAR from 2190 sq. ft. to 2,070; (4) and the number of requested variances from four to three by complying with the rear yard setback requirements. The revised project still requires variances from height, rear daylight plane, and parking configuration standards. Without the requested variances, the appellant asserts that they would be denied the same rights and privileges to build a comparable sized residence enjoyed by other landowners in the same vicinity due to the subject parcel's site constraints.

Discussion of the revised project design is provided in this staff report. Recommended findings and conditions are included in Attachment A. Staff recommends approval of the revised project design given the physical constraints of the property.

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Applicant: David Jaehning

Owner: Fuli Li

Location: Vacant parcel on Sunshine Valley Road, Moss Beach

APN: 037-156-130

Size: 5,000 sq. ft.

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

General Plan Designation: Medium Density Residential (6.1-8.7 dwelling units per acre)

Local Coastal Plan Designation: Medium Density Residential (6.1-8.7 dwelling units per acre)

Sphere-of-Influence: City of Half Moon Bay

Parcel Legality: Legal parcel (Certificate of Compliance (Type A) recorded on July 24, 2019).

Existing Land Use: Undeveloped/vacant parcel

Water Supply and Sewage Disposal: Montara Water and Sanitary District

Flood Zone: Zone X (area of minimal flooding); Community Panel No. 06081C0119F, effective August 2, 2017.

Environmental Evaluation: An Initial Study and Mitigated Negative Declaration (IS/MND) was prepared for this project and was circulated from January 15 through February 10, 2020.

Setting: The 5,000 sq. ft. parcel is vacant, relatively flat, and located on the south side of Sunshine Valley Road east of Crescent Avenue in a single-family residential area. Dean Creek (an intermittent creek) bisects the front of the parcel. Associated riparian vegetation is located just off the project parcel further to the east. In the past the parcel has been utilized as an extended side yard area for the residence located at 1855 Sunshine Valley Road and is improved with garden beds and an at grade patio area.

Chronology:

<u>Date</u>	<u>Action</u>
September 11, 2018	-Application submitted
May 17, 2019	-Project deemed complete
July 11, 2019	-Coastside Design Review Committee recommends approval
July 24, 2019	-Certificate of Compliance Type A recorded (Document No. 2019-058070)
January 15, 2020	-Initial Study and Mitigated Negative Declaration circulated
February 10, 2020	-End of public review period for IS/MND
March 25, 2020	-Planning Commission public hearing; project denied
April 6, 2020	-Appeal filed
August 4, 2020	-Board of Supervisors public hearing

DISCUSSION

A. PREVIOUS ACTIONS

At its public hearing on March 25, 2020, the Planning Commission denied the application based on the number of variances sought and the fact that only two uncovered parking spaces were proposed for the six-bedroom development.

B. BASIS FOR APPEAL TO THE BOARD OF SUPERVISORS

On April 6, 2020, Mr. Jaehning submitted an appeal of the Planning Commission's decision of denial. The appellant's key points of appeal are summarized below followed by staff's response.

1. **Denial of the variances would deny the landowner the rights and privileges enjoyed by other landowners in the same district/vicinity.**

The appellant states that the Dean Creek and riparian setbacks impose additional constraints on the parcel that reduce its allowable building envelope when compared to adjacent unconstrained R-1/S-17 parcels. While still retaining the proposed internal ADU, the appellant has reduced the size of the project to no longer encroach into the rear yard setback and requests variances from maximum height, rear yard daylight plane, and parking configuration standards.

Height

To compensate for the reduced building envelope caused by the constraints of the 30-foot creek and riparian corridor setbacks located along the parcel's front and eastern boundary lines, in addition to normal setback requirements, the appellant has proposed a variance to increase the maximum building height from 28-feet to 31'-4". The appellant has stated that such an action is necessary as massing studies conducted for this project illustrated a structure kept at a 28-foot height limit would not be able to achieve a size close to or even comparable to the allowable floor area ratio enjoyed by other unconstrained 5,000 sq. ft. parcels located in the R-1/S-17 Zoning District.

To reduce the overall height of the structure, the appellant explored sinking the residence three feet into the ground. Such an action, however, was not incorporated into the project as it would trigger the need for a sump pump due to the high water table and is not advisable by the appellant's geotechnical engineer. The appellant also noted that the project was initially submitted with a building height of 33-feet and, as a result of discussions with Planning staff, was reduced to the current proposed height of 31'-4" by reducing the pitch of the roof and plate heights.

Parking

The appellant states that the project provides the quantity of off-street parking spaces required by the zoning regulations and the requested parking variance is required to allow uncovered tandem parking where side-by-side covered parking is required. The appellant contends that site constraints caused by the 30-foot riparian and creek setbacks preclude the construction of a compliant detached covered parking structure or the placement of additional uncovered parking on site as no vehicles or structures are permitted within the 30-foot riparian or creek setback areas. The appellant states that to provide compliant covered parking on site would require the removal of the proposed first floor ADU. In response to the parking concerns raised by the Planning Commission, while still retaining the ADU, the appellant still requests a variance to provide two uncovered tandem parking spaces on site but has reduced the number of bedrooms (inclusive of the ADU) from six to four.

Staff Response: The appellant is correct that the subject parcel is encumbered by a 30-foot intermittent creek setback at its front and a 30-foot riparian corridor buffer zone along its left (eastern) side in which no development or parking is permitted. The appellant is also correct regarding the reduced building envelope of the subject parcel. An unconstrained standard 5,000 sq. ft. S-17 parcel (with setbacks deducted) has a potential building envelope of 2,100 sq. ft. in which structures and compliant off-street parking spaces can be placed. Comparatively, the subject parcel has a building envelope area of 1,177 sq. ft. (a 44% reduction). That said, lot coverage and FAR maximums in any given zoning district are not always achievable, nor are they a guarantee of allowable development precisely because of site constraints and varying legal parcel sizes

(conforming and non-conforming). The S-17 development standards allow for a maximum 53% FAR and 35% lot coverage. The revised design reduces the proposed FAR from 44% to 41.4% (2,190 sq. ft. to 2,070 sq. ft.) and lot coverage from 14.6% to 13.8% (730 sq. ft. to 690 sq. ft.). The proposed project in terms of FAR and lot coverage is compliant with development standards and is below what is achievable on an unconstrained parcel.

Regarding height, Staff notes that maximum height in the S-17 District is 28-feet for parcels with a less than 30% slope (as is the case here) and 33-feet for parcels with slopes of 30% or greater. When initially submitted to the Planning Department, the structure had a proposed height of 33-feet. In response to initial Planning comments, the appellant reduced the height of the structure by redesigning the roof, reducing the plate heights, and reducing the interfloor area between each story to achieve a maximum height of 31'-4" where 28-feet is the maximum allowed without a variance. Staff notes that 31'-4" tall structure would not result in the only development above 28-feet in this area as the adjacent parcels to the rear of the subject property sit above the parcel on steep slopes and are developed with residences at or above 28-feet in height.

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Regarding parking, two side-by side covered parking spaces are required for all single-family residences with two or more bedrooms per Chapter 3 (*Parking*) Section 6117 of the Zoning Regulations. The applicant has requested a variance to provide two uncovered tandem parking spaces. Covered parking compliant with Section 6117 can be accommodated on site if a majority first floor (where the proposed ADU is located) is converted to a garage or carport. Staff notes that the parcel cannot physically accommodate a compliant detached covered parking structure and a residential footprint of 690 sq. ft. given site constraints. The rear yard is not wide enough to accommodate a detached covered parking structure given setback and building separation requirements. Similarly, covered (i.e. a parking structure) or uncovered parking would not be permitted within the front creek or left side riparian setback areas.

The project meets the minimum parking spaces (albeit uncovered) as required by the Zoning Regulations. In this instance, the variance for parking is necessary to accommodate the proposed ADU which both the State and County consider to be an affordable housing option.

Variations provide a mechanism for a landowner to develop a property in a similar manner as other developments in the same zoning district. To this end, staff believes the requested variations for the revised design are reasonable given the site constraints, and because they can be accommodated without incurring adverse impacts as the proposed project will be partially shielded from public views due to existing and proposed vegetation.

2. **Too many bedrooms relative to the number of parking spaces provided.**

A concern was raised by the Planning Commission regarding the number of bedrooms given the number of off-street parking spaces provided. In response, the appellant has revised the project to reduce the number of bedrooms (inclusive of the ADU) from six to four while still proposing to provide two off-street parking spaces.

Staff Response: As noted, two covered off-street parking spaces are required for a

residence with two or more bedrooms. There is no requirement in this zoning district to provide guest parking and no additional parking spaces are required for the ADU pursuant to Zoning Regulations Section 6429 which states that second units that are part of the existing primary residence shall not be required to provide any parking in addition to the parking required for the primary residence. As such, the proposal is compliant with the parking regulations with regard to the number of parking spaces that must be provided.

3. **Increased height is necessary to build a reasonably sized residence due to site constraints.**

The appellant states that the required zoning setbacks, along with the 30-foot creek and riparian setbacks greatly reduce the location and footprint of where a structure can be placed on the subject parcel. Due to site constraints, the appellant contends that an increase in height is necessary to accommodate an ADU and build a structure that is somewhat comparable in FAR to what is otherwise permitted by the zoning district.

Staff Response: The creek setback encroaches 35 to 55 feet into the front of the subject parcel and a riparian corridor setback encroaches 9 to 24 feet onto the left (east) side of the parcel. Site constraints, along with other required setbacks, reduce the available building envelope on site by 44% (to 1,177 sq. ft.) when compared to adjacent unconstrained R-1/S-17 properties.

The revised design proposes a 3-story 31'-4" structure that retains the first floor ADU and reduces the footprint of the structure from 730 sq. ft. to 690 sq. ft. (where 1,750 sq. ft. is allowed per the S-17 District) and FAR from 2,190 sq. ft. to 2,070 sq. ft. (where 2,650 sq. ft. is allowed). With a footprint of 690 sq. ft., approximately 487 sq. ft. of space is available in which to locate a structure. The appellant has chosen to utilize the free space to provide two off-street parking spaces.

The maximum height in the S-17 District is 28-feet for parcels with a less than 30% slope (such as the project parcel) and 33 feet for parcels with slopes of 30% or greater. When initially submitted to the Planning Department the proposed structure was 33-feet tall. Staff notes that the appellant reduced the height of the structure to 31'-4" by reducing the pitch of the roof, the plate height of each story, and the interfloor space between each level by employing a more robust joist system. In terms of height, the revised design is the same as what was presented before the Planning Commission. The appellant stated that further reduction in the height of the 3-story structure would affect internal cooling by bringing trapped heat at the ceiling closer to the occupants and result in the floors feeling very confined due to the proposed 7 to 8.5-foot low ceilings compared to a typical industry plate height of 9-feet. Furthermore, the appellant stated that the structure could not be sunk into the ground to reduce its height due to the site's high water table.

The appellant has requested a variance to increase the height of the structure to achieve an FAR somewhat comparable to what is permit on unconstrained parcels. A 28-foot height maximum would result in the elimination of one story of the structure (the ADU) and a FAR of 29% where 53% is the maximum permitted in the S-17 District. That said, lot coverage and FAR maximums in any given zoning district are not always achievable nor are they a guarantee of allowable development precisely because of site

constraints.

4. **Rear yard daylight plane encroachment is necessary to accommodate requested increased height.**

The appellant states that an encroachment into the rear yard daylight plane is necessary to accommodate an increased height of 31'-4". If the daylight plane encroachment were not granted, the appellant states that the project would have to reduce the height of the structure and eliminate one story of the building.

Staff Response: The Design Review regulations require either daylight plane or façade articulation to control the appearance and bulk of a proposed structure. Electing the daylight plane option, the appellant employed a 20-foot/45-degree daylight plane at the front and rear setback lines of the parcel. The structure is further set back from the front 20-foot setback line and complies with the front daylight plane but does not comply with the rear daylight plane.

The structure's rear wall elevation as it meets the roof is located between 26 and 28 feet. With a 45-degree daylight plane at 20-feet above grade, the upper 6 to 8 feet of the revised design would encroach into the rear daylight plane. The only way to avoid daylight plane encroachment would be to reduce the height of the building to two-stories or further setback the structure from the 20-foot rear setback line. This would reduce the project's footprint even more than the 690 sq. ft. footprint offered in the revised design proposal.

5. **Modification to allow uncovered parking is necessary as the site cannot accommodate a detached covered parking structure.**

The appellant states that a detached compliant parking structure cannot be accommodated on site due to the reduced building envelope. The appellant states that the first floor ADU would have to be removed to provide compliant covered parking on site.

Staff Response: Chapter 3 (*Parking*) of the Zoning Regulations requires two side-by-side covered parking spaces (342 sq. ft.) for all residences with two or more bedrooms. The appellant has proposed to provide two uncovered tandem parking spaces in the right side yard setback as no parking (either uncovered or covered) is permitted within the 30-foot creek setback or 30-foot riparian setback. Staff explored if compliant parking could be provided on site as outlined below:

Right Side Yard Location

The right-side yard setback is 11 feet 2 inches where 5 feet is the minimum required. This leaves approximately 6-feet to construct a covered parking structure while still complying with the 5-foot side yard setback. The minimum dimensions of a 2-car covered parking structure is 18-feet wide by 19-feet long. The 6-foot available width to the right of the proposed residence is not large enough to accommodate a 2 -car covered parking structure or even a tandem parking structure (which requires 9 feet in width where only 5 feet is available in which to build).

Rear Yard Location

Detached covered parking structures require a 3-foot setback from the rear and side property lines and a 5-foot setback from any adjacent building (i.e., the main residence). The revised design complies with the rear yard setback and proposes a 20-foot wide rear yard. The rear yard would have to be a minimum of 27-feet wide to accommodate a detached 19-foot long parking structure, 3-foot setback from the rear property line, and a 5-foot separation from the main house. Accommodating a covered parking structure in the rear yard would require further reduction in either the footprint of the main residence and ADU or removal of the ADU entirely from the project scope.

Ground Floor Location

The first-floor of the proposed residence is the only feasible location in which to accommodate a compliant 2-car covered parking structure. The appellant has stated that locating compliant covered parking at the first floor of the structure would result in the elimination of the ADU from the project scope and preclude the construction of a detached ADU in the future. Similar to the issues discussed above regarding locating a detached parking structure on site, a detached ADU cannot feasibly be located on the project site. Staff notes that under State and County ADU regulations, if required to provide a garage on the first floor of the residence, the appellant would subsequently be able to convert that garage into an ADU by obtaining a ministerial building permit, and the County would have no discretion to require replacement of the off-street parking. (See, e.g., Government Code Section 65852.2 (a)(1)(D)(xi) "When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those off-street parking spaces be replaced.").

6. ***In addition to the issues raised in the appeal, the Planning Commission discussed the replacement requirements for the proposed removal of 8 significant trees.***

Though not a point of appeal, the Planning Commission indicated a preference to have the 8 significant and 2 non-significant trees approved for removal by the CDRC replaced with 8 non-invasive tree species, rather than the 6 replacement trees recommended by the CDRC. The appellant agrees with the greater replanting requirement discussed by the Planning Commission, and will replant two white alder, two wester sycamore, and four trees approved by the CDRC and will use the pre-approved list of trees identified in the San Mateo County Wide Pollution Prevention Program, Table A-1 Plant List for Stormwater Measures to select and plant four replacement trees.

Staff Response: A condition of approval or the replanting of 8 non-invasive trees from Table A-1 has been included in Attachment A.

C. PROJECT CONFORMANCE WITH COUNTY REGULATIONS

1. Conformance with the General Plan

a. Vegetative, Water, Fish and Wildlife Resources

Policy 1.23 (*Regulate Development to Protect Vegetative, Water, Fish, and Wildlife Resources*), Policy 1.26 (*Protect Water Resources*) and Policy 1.28 (*Regulate Development to Protect Sensitive Habitats*) seek to regulate land uses and

development activities to prevent, and/or mitigate to the extent possible, significant adverse impacts on vegetative, water, fish, and wildlife resources by regulating land uses and development on or near water resources and/or sensitive habitats such that the development will not impair capacity, stream flow, or water quality for vegetative, fish, and wildlife habitats, nor impair the capacity of these resources, and maintain the biological productivity of important plant and animal habitats.

A Biological Impact Report (Attachment E) was prepared by Coast Ridge Ecology (CRE) and a memorandum to the Biological Impact Report (Attachment F) was prepared by SWCA Environmental Consultants for this project. Reconnaissance-level field surveys of the project parcel and surroundings were conducted on July 12, and July 20, 2018 by two CRE biologists to document the existing biological conditions and determine the potential for special-status species to occur within the project area.

The project parcel is comprised of two plant communities. A majority of the parcel (82%) covered by raised garden beds, ornamental plants, non-native grasses, and two mature trees (a Monterey cypress and redwood tree). The remainder of the parcel is comprised of a mixture of native and non-native plants and shrubs. The CRE biologists also noted the presence of an intermittent creek (Dean Creek) along the northern edge of the property parallel to Sunshine Valley Road and a riparian corridor to the east of the project parcel. The potential for special-status animal species to occur within or adjacent to the project parcel is discussed below:

Special-Status Species

California Red-legged Frog (CRLF)

CRLF is listed as Threatened under the Federal Endangered Species Act (FESA). CRLF have been observed within a mile of the parcel along Montara Creek and there is a potential that they could utilize Dean Creek to disperse to adjacent habitats.

San Francisco Garter Snake (SFGS)

The SFGS is listed as Endangered under the FESA. SFGS have been documented within a mile of the project parcel and CRE determined this species could utilize Dean Creek as a movement corridor between breeding habitats and that there is a moderate potential for SFGS to be found on-site.

Saltmarsh Common Yellowthroat (SCY)

The SCY is a California species of special-concern. SCYs have been observed within 2 miles of the project parcel. CRE noted that the undeveloped land to the east of the project parcel contains suitable foraging and nesting habitat resulting in a moderate potential for the SCY to be found on the project site.

San Francisco Dusky-footed Woodrat (SFDW)

The SFDW is a California species of special-concern. CRE biologist observed

woodrat middens to the east of the project site and concluded that they could utilize the project parcel as foraging habitat.

Impacts on Sensitive Species and Habitats

The project includes the construction of a single-family residence and 23-foot long access bridge/driveway across Dean Creek at the north of the parcel. Due to the riparian buffer zone and creek setback, the house location was shifted toward the rear and west side of the parcel and requires the removal of eight significant tree and two non-significant trees among other low-lying ornamental vegetation. The applicant has proposed to replant eight native trees and vegetation throughout the site to complement the riparian vegetation to the east of the project site and restore onsite riparian vegetation that was removed to accommodate the site's existing garden beds and patio areas.

Proposed Condition of Approval No. 17 requires construction of the bridge to occur during the dry season, when no water is present in Dean Creek, to reduce siltation and potential impact on animals that may use the creek as a travel corridor. With the footings of the bridge located outside of the banks of the creek and implementation of the recommended erosion control measures contained in the Biological Impact Report Memorandum submitted by SWCA Consultants (Attachment F), the project is not expected to impact Dean Creek or its environs.

Construction of the proposed residence itself is expected to result in less than significant impacts to the adjacent riparian corridor located off-site to the east of the project parcel. The residence has been located 30 feet from the edge of the riparian corridor to reduce potential impacts to this sensitive habitat while the driveway, surface parking for the residence, and underground drainage features have been located on the west side of the residence to further reduce development and activity within/adjacent to the 30-foot riparian buffer zone. Implementation of the mitigation measures from the Mitigated Negative Declaration (included as conditions of approval) include wildlife exclusion fencing, timing of construction, and preconstruction surveys to reduce the project's impacts to surrounding sensitive habitats and species to a less than significant level.

b. Visual Qualities

Policy 4.15 (*Appearance of New Development*), Policy 4.36 (*Urban Area Design Concept*) and Policy 4.38 (*Urban Design Review District*) seek to regulate development to promote and enhance good design and site relationships, improve upon the appearance and visual character of development in urban areas, ensure that new development is orderly and harmonious, and apply design review regulations where applicable.

Adjacent development includes a mixture of one, two, and tree-story single-family residences to the west, south, and north of the project parcel.

Due to the creek setback and riparian buffer zone, the available building envelope in which to locate a residence is reduced compared to other similarly zoned R-1/S-17 parcels. To adhere to the required buffer zones, the applicant has requested a

height variance for 31'-4", where 28-feet is the maximum for parcels with a less than 30% slope (as is the case here) and 33-feet for parcels with slopes of 30% or greater. The proposed structure's reduced footprint, deep-set location within the lot, and existing vegetation will reduce its visibility and scale when viewed from Sunshine Valley Road. Staff also notes that the proposed structure would not be the only development above 28-feet in this area as the rear adjacent parcels sit above the project parcel on steep slopes and are developed with residences at or above 28-feet in height. Natural wood siding, a non-reflective dark metal roof, minimal exterior lighting, and native riparian landscaping minimizes the structure's visibility by blending in with the surrounding vegetation and complementing the natural colors and material utilized by adjacent residences. The project has been reviewed by the Coastside Design Review Committee and found to be in compliance with the applicable Design Review regulations. Further discussion regarding adherence with the Design Review guidelines can be found in Section A.5 of this report.

c. Historical and Archaeological Resources

Policy 5.15 (*Character of New Development*), Policy 5.20 (*Site Survey*), and Policy 5.21 (*Site Treatment*) seek to determine if sites proposed for development contain archaeological/paleontological resources and encourage the protection and preservation of identified archaeological/paleontological resources.

The proposed project was referred to the California Historical Resources Northwest Information Center of Sonoma State University to determine the potential for cultural or historical resources on the site. In a response letter dated July 25, 2019, the Northwest Information Center noted Native American resources have been found in areas populated by oak, buckeye, laurel, and hazelnut trees as well as sites near watercourse and bodies of water in the past. With the project site located in a wooded area, adjacent to a creek, approximately 1-mile from the coast, and near several other watercourses/small bodies of water, it was determined that there is a moderate potential for unrecorded Native American resources to be present at the proposed project area and recommended that an archeological survey be conducted.

In response, Holman & Associates Inc., prepared an archaeological report. The archeologist was able to examine the exposed ground surface areas for prehistoric artifacts, historic artifacts, and soil discoloration that may indicate the presence of cultural midden and/or historic structures or buildings. No archaeological resources were identified on the project parcel. The archeologist determined that the site has a low potential for the presence of cultural and/or historical resources and recommended no further studies at this time. In the event a previously undocumented cultural or historical resource is uncovered on the project parcel during construction, conditions of approval have been included to require the cessation of work in the area until a qualified archeologist can evaluate the nature and significance of the find.

d. Water Supply and Wastewater

Policy 10.10 (*Water Supplies in Urban Areas*) and Policy 10.25 (*Efficient Water Use*)

) seek to encourage development in urban areas use public water supply. Policy 11.5 (*Wastewater Management in Urban Areas*) seeks to encourage public sewer systems as the appropriate wastewater management method in urban areas.

The applicant has proposed to connect to the public water and sewer system managed by the Montara Water and Sanitary District (MWSD). MWSD has confirmed that while they have the capacity to service the parcel, there are no installed or uninstalled water or sewer service connections assigned to the project parcel. As such, the applicant will be required obtain a domestic water connection permit and sewer connection permit from MWSD prior to building permit issuance. Conditions of approval suggested by MWSD are included in the conditions of approval recommended by staff.

2. Conformance with the Local Coastal Program

A Coastal Development Permit (CDP) is required pursuant to Section 6328.4 of the County Zoning Regulations for development within the Coastal Development (CD) District. The property is located within the appeals jurisdiction and adjoins an area of sensitive habitat associated with Dean Creek but is not located in a scenic corridor. Staff has determined that the project is in compliance with applicable Local Coastal Program (LCP) Policies, as discussed below:

a. Locating and Planning New Development

Policy 1.18 (*Location of New Development*) encourages infilling and directs new development towards existing urban areas in order to discourage urban sprawl, and to maximize the efficiency of public facilities, services, and utilities. Policy 1.23 (*Timing of New Housing Development in the Midcoast*) seeks to limit the 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 resulting from new residential development.

The project parcel is located within the urban Midcoast area of the County and is designated as Medium Density Residential by the General Plan. The project site is adjacent to existing single-family residential development and is within the Montara Water and Sanitary District's service area. As such, construction of the proposed residence on the project site is considered infill development. In addition, less than 25 building permits have been issued for new dwelling units in the Midcoast as of July 10, 2020 which is well under the maximum allowed for the 2020 calendar year.

b. Sensitive Habitats Component

Policy 7.1 (*Definition of Sensitive Habitats*) defines sensitive habitats as any area in which plant, animal life, or their habitats are rare or especially valuable, including intermittent streams and/or riparian corridors.

A Biological Impact Report dated August 2018 identified the presence sensitive habitats in the form of an intermittent creek (Dean Creek) on the parcel near its northern (front) boundary line and delineated the edge of a riparian corridor located approximately 30 feet east (left side) of the project site.

Policy 7.3 (*Protection of Sensitive Habitats*) prohibits any land use or development which would have a significant adverse impact on sensitive habitats, and requires development adjacent to sensitive habitats to be compatible with the maintenance of biologic productivity and sited/designed to prevent impacts that could significantly degrade sensitive habitats.

A Biological Impact Report prepared for this project identified the potential for sensitive habitats and animals to be located on or immediately adjacent to the project site. Due to presence of Dean Creek, a riparian corridor east of the project site, and the potential of CRLF, SFGS, SCY, and SFDW to be found on the parcel or utilize Dean Creek to pass through the project parcel, mitigation measures such as timing of construction, pre-construction surveys, and installation of wildlife exclusion fencing have been included as conditions of approval to ensure no significant adverse impacts occur.

Policy 7.11 (*Establishment of Buffer Zones*) and Policy 7.12 (*Permitted Uses in Buffer Zones*) require that from the limit of riparian vegetation, a buffer zone be extended 30 feet outward from intermittent streams and permits residential uses on existing legal lots within buffer zones subject to a 20-foot setback from the limit of riparian vegetation if no feasible alternative exists, and only if no other building site on the parcel exists.

A riparian corridor was identified east of the project parcel. As Dean Creek is an intermittent creek, a 30-foot and 20-foot buffer zone from the edge of the existing riparian vegetation was established by the project biologist. These buffers encroach into the east (left) side of the project parcel while the required 30-foot intermittent stream buffer zone encroaches into the northerly (front) portion of the parcel. The applicant is proposing to locate the residence outside the 30-foot riparian and intermittent creek buffer zones as the site is able to accommodate these increased setbacks/buffer zones even though they greatly reduce the potential building envelope of the parcel. To accommodate this increased setback the applicant has requested a variance to increase the height of the building to achieve a FAR somewhat comparable to what is permitted on unconstrained parcels.

Policy 7.13 (*Performance Standards in Buffer Zones*) requires uses within buffer zones to minimize vegetation removal, conform to the natural topography, replant with native and non-invasive species, and keep runoff/sedimentation from exceeding pre-development levels.

The proposed residence adheres to Policy 7.13 setback standards. Developed with ornamental vegetation, the project includes the removal of low-lying vegetation, eight significant trees, and two non-significant trees, but does not propose to disturb or remove of any vegetation located within the bed or banks of Dean Creek. Revegetation of the site with eight native trees and native grass and herbaceous riparian species to restore on-site riparian vegetation is also proposed. Furthermore, minimal grading (50 cubic yards) is proposed. Specific erosion control measures have been included as conditions of approval to prevent sedimentation during construction. The project has been reviewed by the County's

Drainage Section to ensure that post-development flows on-site do not exceed pre-development water flows and do not impact neighboring parcels.

3. Conformance with the Half Moon Bay Airport Land Use Compatibility Plan

The project site is located on the edge of the Half Moon Bay Airport Influence Area (Zone 3) based on the Half Moon Bay Safety Zones Map of the Airport Land Use Compatibility Plan (ALUCP) for the Environs of the Half Moon Bay Airport as adopted in October 2014 by the City/County Association of Governments (C/CAG). The project parcel will not be exposed to high levels of aircraft noise as it is located outside of the mapped noise contours on the 2032 Noise Exposure Contours Map of the ALUCP. The project is considered residential infill development and is permitted within Airport Influence Area Zone 3. With a maximum height of 31 feet, 4 inches, the proposed residence does not penetrate the airspace threshold of 35 feet established in this area. Staff has determined that the project’s location complies with the safety, noise and height limit criteria for airport compatibility.

4. Conformance with the Zoning Regulations

a. Development Standards

The following table summarizes the project’s compliance and non-compliance with the R-1/S-17 Zoning District development standards.

	S-17 Development Standards	Revised Design Project Scope
Parcel Size	5,000 sq. ft.	5,000 sq. ft.
Building Site Width	50 ft.	50 ft.
Maximum Lot Coverage	35% (1,750 sq. ft.)	13.8% (690 sq. ft.)
Maximum Floor Area	53% (2,650 sq. ft.)	41.4% (2,070 sq. ft.)
Minimum Front Setback	20 ft.	37 ft.
Minimum Rear Setback*	20 ft.	20 ft.
Minimum Right-Side Setback	5 ft.	11 ft. 2in.
Minimum Left-Side Setback	5 ft.	15 ft.
Minimum Combined Side Yard Setback	15 ft.	26 ft.
Maximum Height*	28 ft.	31 ft. 4 in.
Minimum Parking Spaces*	2 Covered, Side-by-Side	2 Uncovered, Tandem
Daylight Plane*	20 ft./45 degree	Does not comply due to height
<i>*Indicates areas where project does not comply, which are proposed to be included in the Variance.</i>		

The 30-foot creek setback and 30-foot riparian buffer zone reduces the available building envelope where structures can be placed on the site when compared to surrounding parcels. With the exception of the variances requested (i.e., parking, daylight plane, height) the project meets or is more restrictive than the zoning district standards for front and side setbacks, lot coverage, and FAR.

5. Conformance with the Design Review District Guidelines

The CDRC considered the project at its regularly scheduled meeting on July 11, 2019 and adopted findings to recommend project approval, pursuant to the Design Review Standards for One-family and Two-family Residential Development in the Midcoast, Section 6565.20 of the San Mateo County Zoning Regulations as follows:

- a. Section 6565.20 (D) ELEMENTS OF DESIGN; 4. Exterior Materials and Colors; a. Compatibility. (1) The proposal utilizes non-reflective exterior materials and colors that complement and improve the neighborhood and are compatible with the architecture of the house.
- b. Section 6565.20 (D) ELEMENTS OF DESIGN; 4. Exterior Materials and Colors; a. Compatibility. (2) The proposal considered the materials and colors used on neighboring houses; strives for complementary materials; and avoids the use of materials and colors that are too similar, repetitive, or clashing.
- c. Section 6565.20 (F) LANDSCAPING, PAVED AREAS, FENCES, LIGHTING AND NOISE; 1. Landscaping. (f) The landscaping is drought-tolerant and contains either native or non-invasive plant species. No proposed plant species listed are problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified by the State of California.

The CDRC also provided the following recommendations for the applicant to consider to enhance the architecture of the proposed residence.

- a. Add a brow feature above the front door of the residence.
- b. Add sliding screens to the windows shown on the west elevation.

6. Conformance with the Variance Findings

Due to site constraints, the applicant has proposed a revised design scope which requires a variance from daylight plane, covered parking, and height standards. Staff has reviewed the project and provides the following analysis in support of the required findings for a variance (Zoning Regulations Chapter 25 (*Variances and Home Improvement Exceptions*)) below:

- a. **The parcel's location, size, shape, topography and/or other physical conditions vary substantially from those of other parcels in the same zoning district or vicinity.**

Dean Creek bisects the northerly (front) portion of the parcel. The required 30-foot creek setback associated with Dean Creek encroaches 35 to 55 feet into the front of the parcel. Similarly, the adjacent 30-foot riparian corridor to the east encroaches an average of 16 feet onto the east (left) side of the parcel (9 feet at its closest point and 24 feet at its furthest encroachment point).

The presence of these buffer zones, in addition to the development standards (i.e., setbacks, height, and daylight planes), greatly reduces the project parcel's potential

buildable area. A 5,000 sq. ft. R-1/S-17 zoned parcel not encumbered by creek and riparian setbacks could have a front and rear setback of 20 feet and side setbacks of 7.5 feet. These setbacks would allow for a potential building area of 2,100 square feet. However, required buffer zones on the project parcel reduce the potential building area to 1,177 sq. ft., a 44% reduction compared to adjacent R-1/S-17 zoned parcels not burdened by similar buffer zones.

To achieve a house size similar to the surrounding residences, while working within the site constraints, the applicant has proposed a project that requires a variance to allow a: (1) height of 31'-4", where 28 feet is the maximum height allowed, (2) building encroachment into the rear 20-foot/45 degree daylight plane where no building encroachment is permitted, and (3) two tandem uncovered parking spaces in the right side-yard setback, where two non-tandem covered parking spaces are required.

Rear Yard Setback

The front of the proposed residence mirrors the diagonal cut of Dean Creek and is located further from the front property line (37 feet to 48 feet) compared to other R-1/S-17 zoned residences which are permitted to have a 20-foot front setback.

The increased front setback has the effect of also reducing building length. Whereas other residences on a similarly sized parcel (i.e., 50 feet wide by 100 feet deep) could accommodate a building length of 60 feet, the creek setback reduces building length an average of 30% (17.5 feet). Whereas originally the project proposed a 2-foot encroachment (43 sq. ft. of lot coverage) into the 20-foot rear yard setback, the revised design has reduced its footprint and has eliminated this encroachment from the project scope. Though the property sits lower than the residence to the south, there is only one window located on the third story of the residence facing the rear (22 feet - 26 feet above grade for emergency egress) to increase privacy and reduce impacts to parcel to the south.

Daylight Plane

The daylight plane requirements that apply to this application impose a 20-foot/45-degree daylight plane at the front (20 foot) and rear (20-foot) setback lines to control the bulk of the building. Though the structure complies with the front daylight plane, the 31'-4" height of the building causes it to encroach into the rear daylight plane as discussed in Section B.2.c. Compliance with the rear daylight plane would require a 6-foot to 8-foot reduction in the height of the building and effective elimination of the third story of the residence.

Height

As discussed in Section B.2, the applicant elected to build vertically with a proposed peak building height of 31'-4", where 28-feet is the maximum height permitted, to achieve a house size comparable to that enjoyed by surrounding landowners. The possibility of sinking the structure approximately 3.5 feet into the ground to reduce the overall height was explored, but abandoned due to the parcel's highwater table. However, steps have been taken to reduce the height of the structure. The

applicant has lowered the height of the structure by 1.5 feet by reducing the pitch of the roof, employing a more robust joist system to minimize floor depth (i.e., the space between stories/levels), reducing the plate heights for the first and second story to 8.5 feet and the third-story to 7 feet from where the walls meet the ceiling joist. Further reduction in plate heights would affect cooling of structure by bringing trapped heat at the ceiling closer to occupants and result in the floors feeling very confined when compared to a typical industry plate height of 9 feet. The increased setback from Sunshine Valley Road and existing vegetation will reduce the structure's scale as viewed from the road itself while the scale of the structure as experienced by the residence to the south will be reduced as the southern residence sits at a higher elevation than the project parcel and will be looking over the proposed residence.

Parking

Per the discussion in Section B, two side-by-side covered parking spaces are required for all residences with two or more bedrooms. Though the proposed project could accommodate a covered parking structure in terms of lot coverage and FAR, the reduced building envelope precludes the placement/construction of a compliant covered parking structure as such a structure would not be permitted within the creek or riparian setbacks. As such, the applicant has proposed two tandem uncovered parking spaces located to the right of the residence within the 11-foot, 2-inch setback.

b. Without the variance, the landowner would be denied the rights and privileges that are enjoyed by other landowners in the same zoning district or vicinity.

The project parcel experiences a 44% reduction in potential building area due to the presence of Dean Creek and adjacent riparian corridor. A typical 5,000 sq. ft., R-1/S-17 zoned parcel, not encumbered by a creek and riparian corridor, proposing a structure greater than 16 feet in height could achieve a maximum lot coverage of 1,750 sq. ft. and FAR of 2,650 sq. ft. However, site constraints reduce the project parcel's potential building area to 1,177 sq. ft., which impairs the applicant's ability to achieve the allowable lot coverage and FAR amounts afforded to other parcels in the same zoning district if the development is held to the R-1/S-17 development standards and the required 30-foot riparian and intermittent creek buffer zones.

c. The variance does not grant the landowner a special privilege which is inconsistent with the restrictions placed on other parcels in the same zoning district or vicinity.

Variances regarding height, daylight plane, and covered parking requirements are necessary to allow construction of a single-family residence comparable in size to what is afforded to adjacent landowners not burdened by a creek setback and a riparian buffer zone. A variance that allows construction of a single-family home of similar size to others in the same zoning district does not constitute a special privilege to the owner.

d. The variance authorizes only uses or activities which are permitted by

the zoning district.

The project parcel is zoned Single-Family Residential/Midcoast Combining District (R-1/S-17). The proposed project to build a single-family residence will not permit uses or activities that are not otherwise permitted by the zoning district.

e. The variance is consistent with the objectives of the General Plan, the Local Coastal Program, and the Zoning Regulations.

As previously described, the project complies with the applicable policies and standards of the General Plan, LCP, and Zoning Regulations (with the exception of those provisions of the Zoning Regulations for which a Variance is requested).

D. ENVIRONMENTAL REVIEW

An Initial Study and Mitigated Negative Declaration were prepared and circulated for this project in compliance with the California Environmental Quality Act (CEQA) from January 15, 2020 through February 10, 2020. No public comments were received during this period. Mitigation measures from the IS/MND have been included as conditions of approval in Attachment A of this staff report.

E. REVIEW BY THE MIDCOAST COMMUNITY COUNCIL

Staff referred the project to the Midcoast Community Council (MCC) and received a request to lower the height of the residence to 28 feet. This was relayed to the applicant. The applicant lowered the height of the residence from 33 feet to 31 feet 4 inches and demonstrated why additional reductions would be infeasible.

F. REVIEW BY THE CALIFORNIA COASTAL COMMISSION

Staff referred the project to the California Coastal Commission and received comments on January 2, 2019 that included a recommendation for staff to discuss LCP policies regarding the implication of the development of the new single-family residence near sensitive creek and riparian habitats and potential impacts to biological and water resources. Compliance with the LCP policies is discussed in Section C.2 of this report.

This report has been reviewed and approved by County Counsel as to form.

FISCAL IMPACT:

No fiscal Impact

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Planning Commission Denial Letter, dated March 25, 2020
- D. Project Plans
- E. Biological Impact Report by Coast Ridge Ecology, dated August 2018
- F. Biological Impact Report Memorandum by SWCA Consultants, dated January 2019
- G. Coastal Commission Comment Letter, dated January 2, 2019
- H. Site Photos

I. Initial Study and Mitigated Negative Declaration