

**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** April 17, 2025

**TO:** Zoning Hearing Officer

**FROM:** Planning Staff

**SUBJECT:** Consideration of a Home Improvement Exception, pursuant to Section 6531 of the San Mateo County Zoning Ordinance, for a rear deck addition to an existing single-family residence at 545 Alto Avenue, in the unincorporated Miramar area of San Mateo County. The proposed deck will encroach eight feet into the required 20-foot rear yard setback. This project is not appealable to the California Coastal Commission.

County File Number: PLN2024-00247

**PROPOSAL**

The applicant is requesting a Home Improvement Exception (HIE) for a new 380 sq. ft. deck located in the rear yard of the subject property within the rear yard setback. The rear wall of the house sits at the 20-foot rear yard setback line. The proposed deck will extend out from this wall a distance of 8 feet into the rear yard setback. Because of the sloping nature of the subject parcel, the deck will be elevated approximately 11.5 feet above grade for the majority of its area. The residence is located on a developed, conforming-size parcel located in an area designated for single-family residential use, with residences located on side and rear property lines, with the exception of the undeveloped farmland to the south. Minor grading and no significant tree removal are proposed. Consistent with the requirements of the HIE regulations, staff mailed out the required optional hearing request notice to surrounding property owners on October 11, 2024. A request for hearing was received before the end of the noticing period, resulting in this hearing.

**RECOMMENDATION**

That the Zoning Hearing Officer deny the Home Improvement Exception, County File Number PLN2024-00247, by making the required findings listed in Attachment A.

**BACKGROUND**

Report Prepared By: Randall Cohen, Project Planner, Telephone 650/383-4658

Appellant: Lisa Ryan

Applicant/Owner: Karmegam Vinod

Public Notification: Ten-day advanced notification for the hearing was mailed to property owners within 300 feet of the project parcel and a notice for the hearing posted in a newspaper (San Mateo County Times) of general public circulation. In addition, advance notice of the hearing was mailed to interested parties.

Location: 545 Alto Avenue, unincorporated Half Moon Bay.

APN(s): 048-064-290

Size: 10,680-sq. ft. parcel

Existing Zoning: R-1/S-94/DR/CD

General Plan Designation: Single Family Residential

Sphere-of-Influence: City of Half Moon Bay

Existing Land Use: Developed with a single-family residence

Water Supply: Coastside County Water District

Sewage Disposal: El Granada Community Sanitary District

Flood Zone: Zone X (areas of minimal flood hazard), FEMA Panel: 06081C0252F  
Effective Date: 08-02-2017

Environmental Evaluation: This project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15301, Class 1(e), relating to minor additions to existing structures.

Setting: The property is located in an area designated for single-family residential use, with residences located on all sides, with the exception of the undeveloped farmland to the south.

Chronology:

| <u>Date</u>  | <u>Action</u>                                                                                                                   |
|--------------|---------------------------------------------------------------------------------------------------------------------------------|
| May 9, 2024  | - Parent Building Permit (BLD2024-01052) received by County of San Mateo Planning and Building.                                 |
| May 13, 2024 | - Building Department deemed submittal complete and referred out project for departmental reviews; assigned to Project Planner. |

- May 21, 2024                    -    Subject application reviewed for initial compliance by Project Planner. Identified conflicts with proposed structure and setbacks and requested clarification.
  
- May 30, 2024                    -    Revised plans received from Applicant.
  
- June 4, 2024                    -    Applicant informed project is being reviewed as a new deck and not replacement. A Home Improvement Exception is required to encroach into the rear yard setback.
  
- July 7, 2024                    -    Applicant agreed to move forward with Home Improvement Exception.
  
- October 4, 2024                -    Project Application materials and fees received. Project deemed complete.
  
- October 4, 2024                -    Design Review Exemption Site Poster sent to Applicant.
  
- October 9, 2024                -    Noticing of proposed Home Improvement Exception to neighborhood began 10/11/24 and concluded 10/22/24. The noticing period included one extra day for a holiday on 10/14/2024).
  
- October 13, 2024               -    An objection was received, and a request for a public hearing was submitted by the neighboring property owner to the rear of the subject property at 548 Hermosa Avenue. The appellant expressed concerns that the proposed deck would compromise privacy, allowing neighbors to easily view the primary bedroom from the proposed deck. The appellant also stated that the deck would significantly impact their quality of life and could potentially reduce the property's value.
  
- April 17, 2025                 -    Zoning Hearing Officer public meeting.

## **DISCUSSION**

### **A.    KEY ISSUES**

#### **1.    Conformance with General Plan**

##### **a.    Visual Quality Policies**

Policy 4.15 (*Appearance of New Development*) regulates development to promote and enhance good design, site relationships, and other aesthetic considerations. The zoning regulations, which implement the General Plan, include setback provisions in order to prevent overcrowding in neighborhoods, ensure adequate access to light and ventilation for each property, and promote a visually consistent appearance within a community by regulating where buildings can be placed on a lot. Most importantly in this instance, they help maintain privacy, safety, and aesthetic appeal by preventing structures from being built too close together.

The proximity of the proposed deck to the common property line between the subject parcels and the deck's elevation above grade would infringe upon the neighboring properties privacy by allowing anyone standing on the deck to look down into the adjacent yards and directly into bedrooms windows.

## 2. Conformance with Zoning Regulations

### a. Compliance with S-94 Zoning District Regulations

The 10,680-square foot project site conforms to the minimum lot size of the R-1/S-94/DR/CD zoning district. As shown in the table below, the proposed project does not comply with the minimum rear setback requirements of this zoning district.

| Table 1 - Compliance with the R-1/S-17/DR/CD Zoning District |                   |                 |                  |
|--------------------------------------------------------------|-------------------|-----------------|------------------|
|                                                              | <i>Required</i>   | <i>Proposed</i> | <i>Complies?</i> |
| Min. Side Yard Setback                                       | 10 feet           | 14 feet         | Yes              |
| Min. Front Setback                                           | 20 feet           | 30 feet         | Yes              |
| Min. Rear Setback                                            | 20 feet           | 12 feet 1 inch  | No               |
| Max. Floor Area Ratio                                        | 5,660 sq. ft max. | 3,088 sq. ft.   | Yes              |
| Max. Building Site Coverage                                  | 30%               | 28%             | Yes              |
| Min. Average Lot Width                                       | 50 feet           | 120 feet        | Yes              |
| Min. Lot Size                                                | 10,000 sq. ft.    | 10,680 sq. ft.  | Yes              |

### b. Compliance with Coastside Design Review Standards

Section 6565.20(C)(2)(a). *Site Planning and Structure Placement (Privacy)*. Chapter 28.1 of the Zoning Regulations outlines Design Review standards for the development of new single-family dwellings and additions in the MidCoast area of San Mateo County. Specifically, this Section addresses the placement of structures and additions in order to protect privacy on adjacent parcels. As discussed in this section of the Zoning Ordinance:

*“Privacy is one of the keys to a property owner’s enjoyment of their property and their quality of life. Decks and balconies can provide outdoor living space and add architectural interest to a home. However, they must be carefully designed to avoid substantially affecting a neighbor’s privacy. It is particularly important to consider the impact the placement of a new structure (such as a deck) and/or windows may have on privacy when setbacks are the minimum allowed by the Zoning Regulations.*

*To the extent feasible, site and design new buildings, additions, decks, balconies, and associated infrastructure to respect the privacy of neighboring houses by locating, orienting, and designing windows, entrances, decks, and balconies to minimize and mitigate direct views into neighboring houses and outdoor decks/patios.”*

In this instance, the applicant is requesting an exception to allow for a setback that is significantly less than the minimum required. Staff believes that this codified design standard cannot be met with the proposed project because the reduced setback and elevated nature of the deck will make it possible to look down into the back yards of the parcels directly behind the subject residence and directly into adjacent bedrooms of those residences.

### 3. Conformance with Home Improvement Exception Findings

In order to approve a Home Improvement Exception, the following findings must be made:

- a. **The existing structure has a design or there are conditions applicable to the property such that the proposed project would result in only minor exterior changes.**

The house sits at the rear setback line, resulting in almost the entirety of the deck encroaching into the rear yard setback. The house does not have a unique design nor is there a unique situation involved with this request. The proposed deck would create a substantial amount of active living space that would be highly visible to the two adjacent properties to the rear of the subject parcel.

- b. **The Home Improvement Exception sustains the integrity or enhances an existing design concept or the neighborhood character.**

The subject house, as designed, was placed right at the rear setback line. The subject house was designed to emphasize the open views to the south and not the adjacent residential uses to the north (rear) of the property, as demonstrated by the minimum number of windows along the rear face of the house, which helps to maintain privacy for the adjacent properties but also emphasizes the lack of views in this direction. The proposed deck would intrude into the privacy of the adjacent properties and disrupt the neighborhood character.

- c. **The granting of this application will not be detrimental or injurious to the property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience.**

As discussed previously, the requested exception to the Zoning Regulations will impact the privacy of the adjacent parcels to the rear of the subject property. The proposed deck would allow an observer to look directly down into both back yards and directly into the bedroom of 548 Hermosa.

- d. **The Home Improvement Exception authorizes only uses or activities which are permitted by the zoning district.**

The subject parcel is zoned for single family residential use. Decks are a typical accessory use to single family dwellings.

- e. **The Home Improvements Exception is consistent with the objectives of the General Plan and the Zoning Regulations.**

As discussed previously, Staff believes that the proposed deck conflicts with Visual Quality policies of the General Plan and is inconsistent with Coastside Design Review standards as codified in the Chapter 28.1 of the Zoning Regulations.

B. REVIEW BY THE MIDCOAST COMMUNITY COUNCIL (MCC)

Planning staff referred the project to the Midcoast Community Council (MCC) on December 20, 2024. The Council's position on the project was "No comment".

C. ENVIRONMENTAL REVIEW

This project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301(e).

D. REVIEWING AGENCIES

County of San Mateo Planning and Building Department  
Midcoast Community Council

**ATTACHMENTS**

- A. Recommended Findings and Conditions of Approval
- B. Location Map
- C. Plans
- D. Request for Hearing Document

County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN2024-00247

Hearing Date: April 17, 2025

Prepared By: Randall Cohen, Planner II

For Adoption By: Zoning Hearing Officer

**RECOMMENDED FINDINGS TO APPROVE APPEAL AND DENY PROJECT**

Regarding Environmental Review, Find:

1. This project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15301(e), relating to minor additions to existing structures..

Regarding the Home Improvement Exception, Find:

2. **The existing structure has a design or there are conditions applicable to the property such that the proposed project would result in only minor exterior changes.**

The house sits at the rear setback line, resulting in almost the entirety of the deck encroaching into the rear yard setback. The house does not have a unique design nor is there a unique situation involved with this request. The proposed deck would create a substantial amount of active living space that would be highly visible to the two adjacent properties to the rear of the subject parcel.

3. **The Home Improvement Exception sustains the integrity or enhances an existing design concept or the neighborhood character.**

The subject house, as designed, was placed right at the rear setback line. The house was designed to emphasize the open views to the south and not the adjacent residential uses to the north (rear) of the property, as demonstrated by the minimum number of windows along the rear face of the house, which helps to maintain privacy for the adjacent properties but also emphasizes the lack of views in this direction. The proposed deck would intrude into the privacy that the adjacent properties enjoy and disrupt the neighborhood character.

4. **The granting of this application will not be detrimental or injurious to the property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience.**



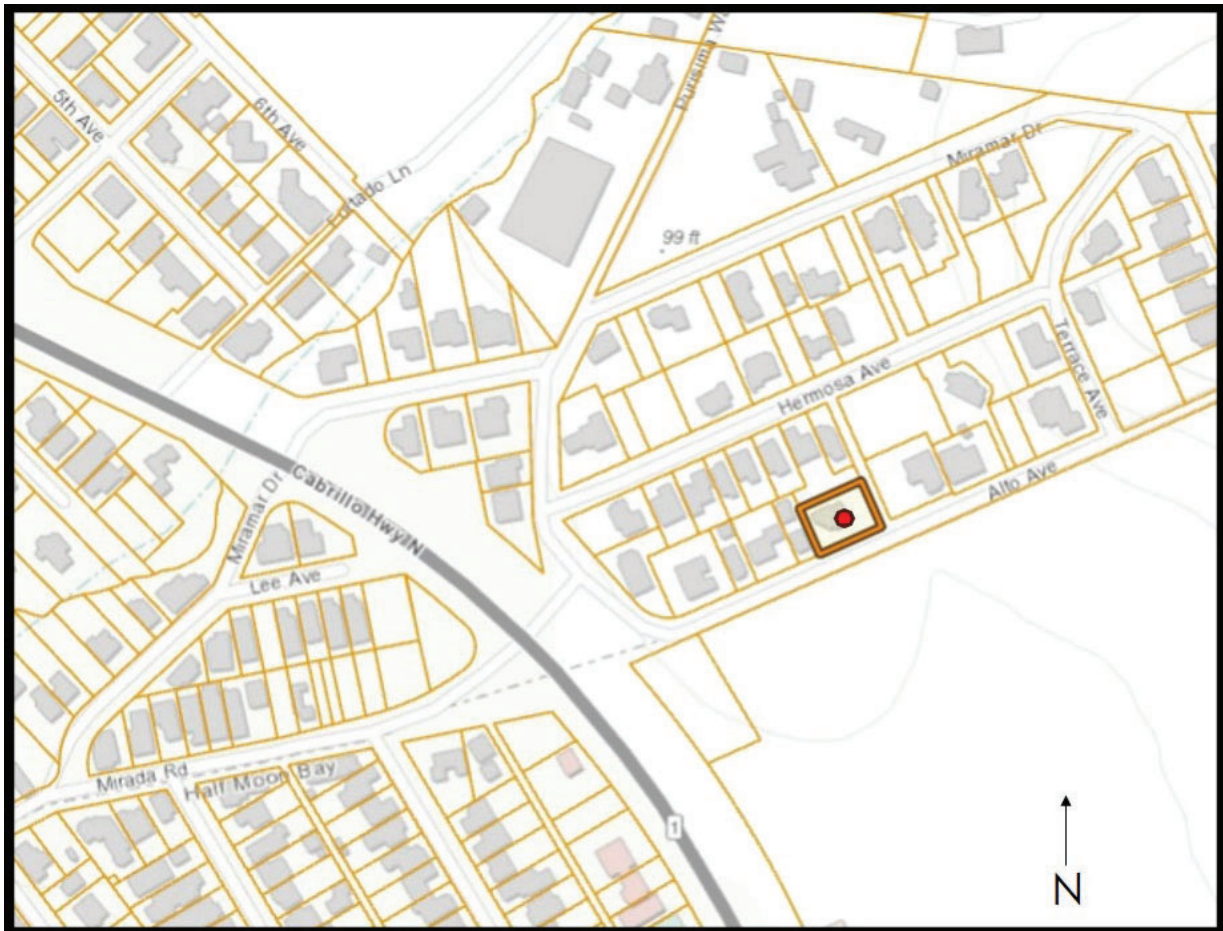
As discussed previously, the requested exception to the zoning regulations will have a detrimental effect upon the privacy of the adjacent parcels to the rear of the subject property. The proposed deck would allow an observer to look directly down into both back yards and directly into the bedroom of 548 Hermosa.

5. **The Home Improvement Exception authorizes only uses or activities, which are permitted by the zoning district.**

The subject parcel is zoned for single family residential use. Decks are a typical accessory use to single family dwellings.

6. **The Home Improvements Exception is consistent with the objectives of the General Plan and the Zoning Regulations.**

As discussed previously, Staff believes that the proposed deck conflicts with Visual Quality policies of the General Plan and is inconsistent with Coastsides Design Review standards as codified in the Chapter 28.1 of the Zoning Regulations.







## Attachment D

**From:** [Lisa Ryan](#)  
**To:** [Randall Cohen](#)  
**Subject:** PLN2024-00247 Public hearing request  
**Date:** Sunday, October 13, 2024 7:54:50 PM

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CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Hi Randall,

Could you please pass this email to the Zoning Hearing Officer. I would like to officially request a public hearing on case number PLN2024-00247. The 11 feet tall raised deck without adequate setback would greatly affect my privacy. The owners would be directly looking into my primary bedroom which I consider to be the most private room in my house. I don't want to live in a bedroom with my curtains always drawn. I like natural light, and this room has my only ocean view. This deck would greatly impact my quality of life, and potentially affect the value of my home. I'm requesting this public hearing due to the impingement of my privacy that this rear deck addition would cause.

Sincerely,

Lisa Ryan

Sent from my iPad