



County of San Mateo

Inter-Departmental Correspondence

Department: PLANNING AND BUILDING

File #: 16-613

Board Meeting Date: 10/17/2017

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Steve Monowitz, Community Development Director

Subject: Public hearing to consider an appeal of the San Mateo County Planning Commission's decision to deny an appeal and uphold the San Mateo County Community Development Director's decision to approve an "After-the-Fact" staff-level Coastal Development Permit (CDP) for the unpermitted removal of vegetation (PLN 2016-00264 and VIO 2016-00141), and a Coastside Design Review Permit (PLN 2016-00337), pursuant to Sections 6328.4 and 6565.3 of the San Mateo County Zoning Regulations, respectively, to allow construction of a new 2-story 3,546 sq. ft. single-family residence with an attached 487 sq. ft. 2-car garage, and a 1,152 sq. ft. second unit with a detached 400 sq. ft. carport, on an existing 22,337 sq. ft. legal parcel (COC PLN2015-00444). The project is not appealable to the California Coastal Commission.

RECOMMENDATION:

Recommendation to:

- A) Open public hearing
- B) Close public hearing
- C) Deny the appeal and affirm the decision of the Planning Commission to uphold the San Mateo County Community Development Director's decision to approve an "After-the-Fact" staff-level Coastal Development Permit (CDP) for the unpermitted removal of vegetation (PLN 2016-00264 and VIO 2016-00141), and a Coastside Design Review Permit (PLN 2016-00337) to allow construction of a new single-family residence and second unit, based on the findings and conditions of approval contained in Attachment A.

BACKGROUND:

Proposal: The applicant, Steve Peterson, requests after-the-fact approval for the unpermitted removal of vegetation (PLN 2016-00264 and VIO 2016-00141) and a Coastside Design Review Permit (PLN 2016-00337) to allow construction of a new two-story single-family residence and a 1,152 sq. ft. second unit with a detached 400 sq. ft. carport, including minor grading. Seventeen (17) existing significant trees consisting of four pine trees and thirteen eucalyptus trees, are proposed for removal associated with the construction of the new residence. The vegetation removal for which

after-the-fact authorization is sought took place in 2016 and comprised is for sixteen (16) Eucalyptus trees and one (1) pine tree, all of which were less than 12 inches in diameter at breast height.

The proposed two-story home includes a master bedroom and bath, two bedrooms, a bathroom, a great room, and a laundry room on the lower level, while the upper level accommodates a dining room, breakfast room, kitchen, and bath, three additional bedrooms and two bathrooms, kitchen, study and a two-car garage. The proposed development is located on an undeveloped property on the corner of Miramar Drive and Terrace Avenue in the unincorporated Miramar area of the County. The site is fairly steep in topography at approximately 38% slope, and is not located in the California Coastal Commission's geographic appeals jurisdiction.

Report Prepared By: Dennis P. Aguirre, Project Planner, Telephone: 650/363-1867

Owner/Applicant: Steve Peterson

Appellants: Tejinder Singh and Tripatinder Chowdhry

Location: Miramar Drive and Terrace Avenue, Miramar

APN: 048-072-290

Parcel Size: 22,337 sq. ft.

Parcel Legality: Certificate of Compliance recorded on November 23, 2015 (PLN 2015-00444).

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

General Plan Designation: Medium Low Density Residential (2.4 to 6.0 dwelling units/acre)

Sphere-of-Influence: City of Half Moon Bay

Existing Land Use: Undeveloped Single-Family Residential Parcel

Water Supply: Coastside County Water District

Sewage Disposal: Granada Community Services District

Flood Zone: FEMA Flood Insurance Rate Map designation indicates parcel as Zone X, Areas of Minimal Flooding, Community Panel No. 06081C0255E, dated October 16, 2012.

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

DISCUSSION:

A. PREVIOUS ACTION REGARDING CURRENT PROPOSAL

The applicant submitted a Design Review application for a new house on August 10, 2016. The Coastside Design Review Committee (CDRC) initially reviewed the project on January 12, 2017. Based on the CDRC's recommendations for redesign, revised plans were submitted,

and another meeting was held on February 9, 2017, when the CRDC recommended approval of the Design Review permit based on the project's compliance with applicable Design Review Standards.

On June 22, 2017, the Community Development Director approved the Design Review Permit for the new residence and also granted a Coastal Development Permit for after-the-fact authorization to remove vegetation, based on the findings included in the letter of decision included as Attachment F. On July 6, 2017, the appellants filed an appeal of the Community Development Director's decision (see Attachment D). The Planning Commission (PC) considered the appeal at its September 13, 2017 meeting, and by a vote of 5-0, denied the appeal and upheld the Director's approval of the project. On September 20, 2017, the appellants filed an appeal of the Planning Commission's decision.

B. APPELLANTS' POINTS OF APPEAL

On September 20, 2017, the appellants filed an appeal (see Attachment I). The following discussion includes staff's response to the points of the appeal:

1. The appellants assert that the recent removal of trees and vegetation and the presence of construction trucks has compromised the stability of Terrace Avenue along the project site, and that a fire truck would not be able to service the area.

Staff's Response: The Coastside Fire Protection District (CFPD) has reviewed the project and provided conditions of approval that require the asphalt surface of the private road to be maintained such that a fire apparatus will have adequate ingress and egress access along the road. Regarding the removal of vegetation, notwithstanding the photos provided by the appellants, staff concludes that there is no evidence that the road has been compromised by this action.

2. As a consequence of the compromised roadway which the Appellants have asserted, the Appellants also assert that the project should include, as a condition of approval, a continuous retaining wall along APN 048-072-290 adjoining Terrace Avenue. Again, the appellant asserts that the photos (included with their appeal in Attachment I) show the fragile condition of Terrace Avenue along the project site.

Staff's Response: The applicant proposes to shore up the front portion of the property along Terrace Avenue with retaining walls as shown on Page C-2.0 of the Project Plans (Attachment C). The project has been reviewed by the Department of Public Works (DPW) staff. The proposed access improvements, as included in the civil plans included in Attachment C, have been found to be adequate and have been preliminarily approved by DPW Staff. The additional improvements requested by appellants are not included in the condition of approvals because they are outside of the scope of the project. The applicant has been working with neighbors that use Terrace Avenue to prepare a private maintenance agreement to address ongoing maintenance of the road.

3. The appellants assert that before the project can be approved by the County, studies describing the impact of the tree removal, earth moving activity/digging activity associated with water and sewer connections (i.e. Utility Plans), and the potential risk of mudslides and landslides, should be prepared.

Staff's Response: The applicant has submitted plans for site and access improvements and erosion control prepared by a licensed civil engineer, as well as a soils report which analyzes the stability of the site and makes recommendations for project construction. The plans have been reviewed by DPW and Planning Staff for compliance with County standards and regulations pertaining to grading and erosion control and have been found to be adequate. The Grading and Drainage Plan that the applicant has submitted show the existing and proposed utility improvements, where water and sewer service to the new residence need only to connect to the existing main water and sewer lines. Submittal of a more detailed Utility Plan is typically required at the building permit stage. The soils report was reviewed and preliminarily approved by the Geotechnical Section. The project site is not located in a Geological Hazard (GH) Zoning District where the potential presence of seismic faults would require project mitigation measures to reduce potential environmental impacts to a less than significant level.

4. The appellants assert that the project will have a significant impact on the environment and therefore is not be exempt from CEQA review.

Staff's Response: The Community Development Director determined that the project is categorically exempt from the California Environmental Quality Act (CEQA), because it is a small structure/single family residence. The appeal contends that the project is not exempt from CEQA review because of alleged significant environmental impacts associated with the removal of trees, which the appellants assert has compromised the stability of Terrace Avenue. As noted, appellants assert that the project should include as a condition of approval the requirement to add retaining walls along Miramar Drive and Terrace Avenue.

Staff has thoroughly reviewed the applicable CEQA regulations and development standards and confirmed that the project is indeed exempt from CEQA. While the project would not be exempt if it was located in an area containing an officially designated and precisely mapped environmental resource, or if there was a reasonable possibility the project has the potential to result in a significant adverse environmental impact due to unusual circumstances, the project site is not located in any such designated area and there are no unusual circumstances giving rise to a reasonable possibility of a significant environmental impact.

C. ANALYSIS OF PROJECT COMPLIANCE WITH ALL APPLICABLE POLICIES AND REGULATIONS

The following is a discussion of the project's compliance with all applicable regulations, policies, and standards:

1. Conformance with the Local Coastal Program

Although the parcel is located in a Single-Family Residence Categorical Exclusion Area pursuant to Section 6328.5(e) of the Coastal Development Permit Regulations (Regulations), where a CDP is not required for the construction of a single-family residence, the removal of major vegetation is considered development requiring a CDP, pursuant to Section 6328.4 of the Regulations. The CDP application (PLN 2016-00264) was submitted in response to VIO 2016-00141 for the unauthorized removal of sixteen eucalyptus trees and one pine tree, all under 12 inches in diameter at breast height. The

project is outside the California Coastal Commission appeals jurisdiction and the CDP is not appealable to the California Coastal Commission. Staff has determined that the project is in compliance with applicable Local Coastal Program (LCP) Policies, as follows:

- a. The project conforms to applicable policies of the San Mateo County Local Coastal Program, such as the Visual Resources and Sensitive Habitat policies, specifically elaborated as follows:

Sensitive Habitats Policy 7.1 (Definition of Sensitive Habitats) defines sensitive habitat as any area in which plant or animal life or their habitats are either rare or especially valuable. These areas include habitats supporting rare, endangered, and unique species.

The site is not a mapped sensitive habitat area, but since the undeveloped site consisted of major vegetation that potentially supported such an area, staff required determination of its current environmental condition in order to comply with applicable policies of the LCP. The owner/applicant provided a biological report.

A Biotic Report prepared on February 22, 2017 by Charles Patterson, Plant Ecologist, described that the site is dominated by non-native tree species and supports no native plant species, natural plant communities, riparian vegetation, wetlands, drainage channels, nor sensitive animal species or habitats. The subject site does not contain sensitive habitat. However, Mr. Patterson states that the trees on-site could be used by owls, bats, and other raptors for nesting or roosting. The report recommends a pre-construction nesting survey of the trees (within 30 days of work starting) if the construction coincides with the spring/summer nesting season. Also, it recommends that State and/or County guidelines for such surveys (season, timing, level of detail, qualifications) should be consulted and followed to guide when and how the trees are to be removed, and if any associated mitigation would be warranted (included as Condition No. 11). The report also recommends erosion control during project construction and grading (required by Condition Nos. 6 and 7).

Visual Resources Policy 8.9 (a) and (g) (Trees) require that tree removal be minimized for the location and design of new development, but that tree removal is allowed when trees pose a threat to public health, safety, and welfare. Mr. Patterson states that eucalyptus trees, in general, constitute a significant hazard due to potential branch and trunk failure. In a letter dated August 17, 2016, he stated that the trees that are the subject of this CDP were removed for fire safety.

The applicant proposes to maintain several mature trees on-site, which will be protected during grading and construction activities (see Condition No. 16).

Visual Resources Policy 8.10 (Vegetative Cover) requires the replacement of vegetation removed during construction with plant materials (i.e., trees, shrubs, ground cover) which are compatible with surrounding vegetation and is suitable to the climate, soil, and ecological character of the area. The proposed landscape plan recommended for approval at the February 9, 2017 CDRC meeting includes new trees and plants, adding 49 replacement trees and other plantings on site, to address both the unauthorized removal of trees and vegetation and the removal of

17 existing significant trees to accommodate the new single-family residence .

2. Compliance with the Grading Regulations

Only minor grading is proposed. Seventeen (17) existing significant trees consisting of four pine trees and thirteen eucalyptus trees, are proposed for removal associated with the construction of the new residence. The project does not require a Grading Permit, pursuant to Section 9284 (Exemptions) of the San Mateo County Ordinance Code, as excavation involved for the construction of each proposed structure would be less than 250 cubic yards.

3. Compliance with Design Review (DR) Zoning District Standards

a. Section 6565.7 of the Design Review District Regulations requires Design Review Committee review of residential projects in the Midcoast. This project has been reviewed by the CDRC and found to be in compliance with 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, specifically elaborated as follows:

(1) Section 6565.20 (4) Exterior Materials and Colors: The colors chosen blend well with the environment and the neighborhood and break up the massing of the building.

(2) Section 6565.20 (C) Site Panning and Structure Placement: The house design would maximize privacy for neighbors and integrate with the natural setting.

(3) Section 6565.20 (F): The comprehensive landscape plan harmonizes with the existing trees and provides screening to protect the privacy of neighbors.

4. Compliance with the Second Unit Regulations

This project is in compliance with the Second Unit Regulations, Section 6425 of the San Mateo County Zoning Regulations. The floor area of the proposed second dwelling unit is 1,152 sq. ft., which is less than the maximum allowed size of 35% of the floor area of the main unit (1,241 sq. ft.). The requirement of a minimum of one off-street parking space is satisfied, in addition to those parking spaces required for the single-family dwelling.

D. ENVIRONMENTAL REVIEW

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

E. REVIEW BY THE MIDCOAST COMMUNITY COUNCIL

Staff referred the project to the Midcoast Community Council and did not receive any comments.

F. REVIEW BY THE CALIFORNIA COASTAL COMMISSION

Staff referred the project to the California Coastal Commission and has been notified of the Planning Commission's review of this project.

G. OTHER REVIEWING AGENCIES

Building Inspection Section
Department of Public Works
Coastside Fire Protection District
Coastside County Water District
Granada Community Services District
Midcoast Community Council

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

FISCAL IMPACT:

No fiscal impact.

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Project Plans
- D. Appeal Submittals dated July 6, 2017
- E. CDRC Decision Letters
- F. Staff-Level "After-the-Fact" CDP Permit Letter
- G. Miramar Terrace Subdivision Map
- H. Site Photos
- I. Appeal Submittals dated September 20, 2017
- J. Map of adjacent approved single-family residences