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

DATE: May 27, 2015

- TO: Planning Commission
- FROM: Planning Staff
- **SUBJECT:** <u>EXECUTIVE SUMMARY</u>: Consideration of Non-Conforming Use Permit, Design Review Permit, and Grading Permit to allow construction of a new 1,380 sq. ft. single-family residence with a detached 394 sq. ft. garage, 366 cubic yards of grading, and removal of eight significant trees, on a legal, non-conforming 7,268 sq. ft. parcel located on Woodland Place in the unincorporated Emerald Lake Hills area of the County. A Non-Conforming Use Permit is required to allow the detached garage to have a plate height of 16 feet 2 inches and a 10-foot right side setback, and the new house to have a 5.5-foot left side setback.

County File Number: PLN 2015-00005 (Kahn)

## PROPOSAL

The applicant proposes to construct a new 1,380 sq. ft. single-family residence and a 394 sq. ft. detached garage on a legal non-conforming parcel. In addition to a Design Review Permit and Grading Permit, a Non-Conforming Use Permit is required to provide relief from the Residential Hillside (RH) Zoning District development standards for setbacks and plate height.

#### RECOMMENDATION

That the Planning Commission approve the Non-Conforming Use Permit, Design Review Permit, and Grading Permit, County File Number PLN 2015-00005, by making the required findings and adopting the conditions of approval listed in Attachment A of the staff report.

#### **SUMMARY**

The applicant submitted a design review application for a new single-family residence in the Emerald Lake Hills community. The subject parcel is zoned Residential Hillside/Design Review. The project requires a Design Review Permit, a Grading Permit, and Non-Conforming Use Permit, due to the narrowness of the parcel's 37-foot wide road frontage and steepness of the parcel's topography.

On April 7, 2015, the project was reviewed by the Emerald Lake Hills Design Review Officer for compliance with all of the Design Review Standards for the Emerald Lake Hills community and recommended for approval. The proposed residence has been designed and sited on the parcel to achieve privacy, retain trees outside of the footprint of the construction, replicate the existing topography of the site, has good articulation and no blank walls, and uses the recommended natural materials and colors. The trees proposed to be removed are in the footprint of the residence and protection measures are required to protect the remaining trees. The proposed grading follows the existing topography and has been reviewed by the Department of Public Works and Geotechnical Section for compliance with the standards called for by the County's Grading Regulations.

The total proposed residential development is 1,774 sq. ft. (a 1,380 sq. ft. house and a 394 sq. ft. garage), has a conforming lot coverage of 13.76%, and a conforming floor area ratio (FAR) of 23.75%. The size of the development is less than FAR limits of 2,400 sq. ft., or 30% of the parcel size, and is less than the maximum allowed lot coverage, 25% of the parcel size. Therefore, the project is proportioned with the parcel size.

The proposed garage has an asymmetrical shed roof which is 16 feet 2 inches at its highest point. Plate heights are limited to reduce the appearance of a tall, detached building in the front yard setback. A 10-foot plate height could be inserted into the proposed garage, but would have no impact on the exterior appearance of the garage, and would diminish the ability to use the structure to satisfy the parking requirement. In addition, the asymmetrical roof is a design element which makes the garage, the primary visual focus from Woodland Place, appear more interesting.

The requested exceptions are consistent with the use permit findings and are in scale and proportion to the parcel size and nearby development. Staff has determined that granting of the use permit will not lead to detrimental outcomes for the neighboring parcels or the community at large.

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

DATE: May 27, 2015

- TO: Planning Commission
- FROM: Planning Staff
- **SUBJECT:** Consideration of Non-Conforming Use Permit, Design Review Permit, and Grading Permit, pursuant to Zoning Regulations Sections 6133.3b(1)(b) and 6565.7, and Section 8602 of the County Ordinance Code, respectively, to allow construction of a new 1,380 sq. ft. single-family residence with a detached 394 sq. ft. garage on a legal, non-conforming 7,628 sq. ft. parcel located on Woodland Place in the unincorporated Emerald Lake Hills area of the County. A Non-Conforming Use Permit is required to allow the detached garage to have a plate height of 16 feet 2 inches where 10 feet is the maximum allowed, a 10-foot right side setback where a minimum of 12.5 feet is required, and the new house to have a 5.5-foot left side setback where a minimum of 7.5 feet is required. The project also requires a Grading Permit for 366 cubic yards of earthwork and includes the removal of eight significant trees.

County File Number: PLN 2015-00005 (Kahn)

## PROPOSAL

The applicant proposes to develop a legal, non-conforming 7,628 sq. ft. parcel with a 1,380 sq. ft. single-family residence and a 394 sq. ft. detached garage. Construction of the residence requires a Non-Conforming Use Permit to allow (1) a 16-foot 2-inch high plate height for a garage in the front setback where 10 feet is the maximum allowed, (2) a 10-foot right side setback for the detached garage where a minimum of 12.5 feet is required, and (3) a 5.5-foot left side setback for the house where a minimum 7.5 feet is required. The project also requires a Design Review Permit and a Grading Permit for 366 cubic yards of cut.

#### **RECOMMENDATION**

That the Planning Commission approve the Non-Conforming Use Permit, Design Review Permit, and Grading Permit, County File Number PLN 2015-00005, by making the required findings and adopting the conditions of approval listed in Attachment A.

#### BACKGROUND

Report Prepared By: Erica Adams, Project Planner, Telephone 650/363-1828

Owner: Sara and Nawab Khan

Applicant: Macksoud Kahn

Location: Woodland Place Road, Redwood City (Emerald Lake Hills)

APN: 068-052-160

Parcel Size: 7,628 sq. ft.

Existing Zoning: RH/DR (Residential Hillside/Design Review)

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

Existing Land Use: Vacant

Water Supply: City of Redwood City

Sewage Disposal: Emerald Lake Heights Sewer District

Flood Zone: Flood Zone X, Areas of Minimal Flooding, Community Panel No. 05081C0285E, effective October 16, 2012.

Parcel Legality: The subject parcel has a certificate of compliance which was recorded March 1, 2012.

Environmental Evaluation: Exempt under California Environmental Quality Act (CEQA) Section 15303 (Class 3, construction of minor structures, including a single-family residence).

Setting: The subject property is a legal, 7,628 sq. ft. parcel, where 30,000 sq. ft. is the current minimum parcel size required. The parcel is steeply sloped, with an average slope of 30%, and contains a large boulder roughly in the center. There are existing residences on both sides of the parcel.

#### **DISCUSSION**

#### A. KEY ISSUES

#### 1. Conformance with General Plan and Emerald Lake Hills Area Plan

The General Plan Visual Quality Policy 4.4 requires the appearance of rural and urban development to "promote aesthetically pleasing development." The General Plan then calls for the establishment of guidelines for communities to achieve these goals. The establishment of the Design Review Chapter in the San Mateo County Zoning Regulations is the mechanism which fulfills this directive. A project that complies with the Emerald Hills Design Standards (Section 6565.15 of the San Mateo County Zoning Regulations) also conforms with General Plan Policies 4.14 (Appearance of New Development) and 4.35 (Urban Area Design Concept). These policies require structures to promote and enhance good design, and improve the appearance and visual character of development in the area by managing the location and appearance of the structure. The application has been reviewed by the Emerald Lake Hills Design Review Officer and has been found to meet Design Review Standards for Emerald Lake Hills, Section 6565.15. A detailed discussion of project compliance is provided in Section 3 of this report.

Policy 2.2 requires minimization of soil erosion - the process by which soil is detached and transported by running water, wind and gravity. Policy 2.17 requires the regulation of development to minimize soil erosion and sedimentation to ensure stabilization of disturbed areas and protect and enhance natural plant communities. The project minimizes soil erosion, both during construction and post-construction, through the proposed Erosion and Sediment Control Plan (Attachment G) and Drainage Plan. The project plans have been reviewed and approved by the Geotechnical Section and Department of Public Works. Comments and recommendations of these reviewing agencies have been addressed by the applicant or included as conditions of approval to ensure that the project will comply with the policies and will prevent soil erosion. Additionally, with adherence to the standard "Best Practices" (Conditions 15-21), and site-specific recommendations and conditions from the aforementioned agencies, the proposed grading will minimize soil erosion.

#### 2. <u>Conformance with Zoning Regulations</u>

The project is located in the Residential Hillside/Design Review (RH/DR) Zoning District and is subject to all other general provisions related to singlefamily residences and detached garages. The project requires a Use Permit to provide exceptions to the RH Zoning District Section 6804 - Yards *Required,* for the side setbacks, and Section 6805.b - *Height,* for the garage plate height. The project's degree of compliance with the district's development standards, as required by Sections 6803 through 6808 and Section 6412, is detailed in the table below:

	Regulations	Existing or Proposed	
PARCEL			
Minimum Building Site	30,000 sq. ft.	7,628 sq. ft.	
Frontage	50 ft.	37.8 ft.	
Width	50 ft. or greater	35.8 ft. to 50 ft.	
GARAGE			
Maximum Structure Height	19 ft.	18 ft.	
Maximum Plate Height	10 ft.	16 ft 2 in.*	
Minimum Setbacks (Garage)			
Front	0 ft. with a 14% or greater slope over front half of parcel	9 ft.	
Sides	both sides combining to 20 ft. with a 7 1/2 ft. minimum width	Combined 18 ft 6 in.	
Left	7.5 ft.	7 ft 8 in.	
Right	12.5 ft.	10 ft 10 in.*	
RESIDENCE			
Maximum Building Height	28 ft.	27 ft 6 in.	
Maximum Lot Coverage	25% (1,817 sq. ft.)	13.76% (1,050 sq. ft.)	
Minimum Setbacks (House)			
Front	20 ft.	38 ft.	
Rear	20 ft.	87 ft.	
Sides	both sides combining to 20 ft. with a 7 1/2 ft. minimum width	Combined 21 ft 8 in.	
Left	7.5 ft.	5 ft. 6 in.*	
Right	12.5 ft.	16 ft. 2 in.	
Maximum Floor Area	2,400 sq. ft. or 30%, whichever is greater	1,774 sq. ft. (23.25%)	
On-Site Parking	2 covered on-site; 2 uncovered guest parking	2 on-site guest spaces required; 2 guest spaces in right-of-way	
Grading	1,000 cubic yards maximum	366 cubic yards	
*The subject use permit is necessar	y to allow these exceptions.		

#### 3. <u>Conformance with Design Review Standards</u>

The proposed residence was reviewed against the Design Review Standards for Emerald Lake Hills and has been recommended for approval by the Emerald Lake Hills Design Review Officer (DRO) on April 7, 2015. The building site, design, and massing were found to comply with all applicable design review standards. The DRO stated that the project has a small footprint, will minimize disturbance to the natural topography, grading, and tree removal. The architectural style is similar to a cabin and is compatible with other houses in the immediate vicinity and the neighborhood. The asymmetrical, sloped roof of the detached garage adds architectural interest, reduces the dominance of garage doors from the street, and allows the garage to follow the existing topography. The facades are well articulated and have adequate windows and doors to prevent blank walls. The eight trees being removed are all in the front half of the yard and located within the building envelope or in the path of access to the site. The small footprint of the proposed development allows mature trees close to the side property lines to provide screening and privacy.

The DRO determined that the proposed side setbacks are adequate to minimize the impacts to privacy of the neighbors. In addition, replacement trees will be planted along side property lines to increase screening and privacy.

#### 4. <u>Conformance with Use Permit Findings</u>

Zoning Non-Conformities Regulations, Section 6133.3.b(1)(b) of the Zoning Regulations allows development on any unimproved non-conforming parcel that does not conform with the zoning regulations with a use permit, subject to the following findings (each followed by staff response):

a. The proposed development is proportioned to the size of the parcel on which it is being built.

The project includes a detached garage located in the front setback as permitted by Section 6118.b.1 of the RH Zoning Regulations, since the slope on the front half of the parcel exceeds 14%. The proposed garage has an asymmetrical shed roof, which also establishes the plate height for the structure. The garage must be cut into the hillside, and because the plate height follows the grade, the height ranges from 8 feet 2 inches to 16 feet 2 inches, where the maximum plate height limit is 10 feet.

Detached accessory structures are limited to 19 feet in height. The proposed garage is at 18 feet in height which conforms to the building height limitation. Plate heights are limited to reduce the appearance of

a tall, detached building in the front yard setback. A 10-foot plate height could be inserted, but would have no impact on the exterior appearance of the garage, and would diminish the ability to use the structure to satisfy the parking requirement. In addition, the asymmetrical roof is a design element which makes the garage, the primary visual focus from Woodland Place, appear more interesting.

The total proposed residential development is 1,774 sq. ft. (a 1,380 sq. ft. house and a 394 sq. ft. garage), has a conforming lot coverage of 13.76%, and a conforming floor area ratio (FAR) of 23.75%. The size of the development is less than FAR limits of 2,400 sq. ft., or 30% of the parcel size, and is less than the maximum allowed lot coverage, 25% of the parcel size. The proposed residential development is less than is typical for new houses built in the Emerald Lake Hills area, and within the allowed development standards for lot coverage and floor area. Therefore, the project is proportioned with the parcel size.

b. All opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven infeasible.

The applicant does not own property on either side of the subject parcel. Both adjacent parcels are currently developed with homes.

c. The proposed development is as <u>nearly</u> in conformance with the zoning regulations currently in effect as is <u>reasonably</u> possible.

The applicant proposes a reasonably-sized and well-designed house on a small, legal lot, with width and slope constraints. The parcel width is 37.8 feet. RH Zoning District requires the combined right and left setbacks to equal 20 feet. The residence has a combined side yard setback of 21 feet 8 inches; however, it encroaches by 2 feet into the left setback to accommodate the root system of 30-inch oak tree on the right side of the property. The oak tree is in poor health and is scheduled to be removed during construction, but the root system will remain intact to stabilize the hillside. The garage has a combined side yard setback of 18 feet 6 inches because both the 20-foot combined side yard setbacks and 18 feet of width for parking cannot be accommodated by the 37.8-foot wide road frontage.

The garage plate height ranges from 8 feet 2 inches to 16 feet 2 inches, making the average 12 feet. The garage is being cut into the hillside and the roof will follow the hillside and not give the appearance of being over height. The highest part of the roof is also the top of the retaining wall for the stairs. If the garage roof were lowered, the use permit application would need to be amended to request an over

height wall in the front setback. The over-height plate height is a better alternative since there is architectural interest and an increased degree of compliance with the design review standards.

The parcel width, steep slope at the front of the parcel and the 30-inch oak on the right side of the parcel make development of the site more difficult. However, the applicant has designed a proposal that complies with side setbacks to the greatest extent feasible, minimizes tree removal and minimizes grading.

d. The establishment, maintenance, and/or conducting of the proposed use will not, under the circumstances of the particular case, result in a significant adverse impact to the coastal resources, or be detrimental to the public welfare or injurious to property or improvements in the said neighborhood.

The site is not located in the Coastal Zone. The proposed singlefamily residence and garage, as designed and located, will not have any adverse impacts on the surrounding neighborhood, as the proposed use is an allowed use in this district. Encroachments for the residence and garage into the side yard are only 2 feet, and not close to any structure on adjoining parcels. The over-height plate height does not change the overall height of the garage or cause the structure to exceed the allowed height of 19 feet.

e. Use permit approval does not constitute a granting of special privileges.

The plate height in the garage adds a design feature and allows the garage to serve as a retaining wall and to integrate it into the hillside. The project has been appropriately sized for the parcel and is within the development standards applicable to other residences in the vicinity. The use permit will allow construction of a single-family home, which is the principal permitted use in the RH Zoning District.

#### 5. <u>Conformance with the Grading Regulations</u>

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 project site has undergone a geotechnical study from David Jones Associates, and has been reviewed by the County's Geotechnical Section for soil stability. The grading plan has been prepared by a licensed civil engineer and reviewed by the Department of Public Works.

Each agency's review of the project is based on the project providing adequate health and safety measures to protect the community. No agency expressed significant concerns about the project which cannot be adequately addressed during the construction phase of the project.

The report from David Jones Associates provides detailed recommendations about the proposed development. These specific recommendations and recommendations from other reviewing agencies have been integrated into the application and have been made conditions of approval for the grading permit, and will prevent a significant adverse impact on the environment.

b. That the project conforms to the criteria of Chapter 8, Division VII of the San Mateo County Ordinance Code, including the standards referenced in Section 8605.

The grading meets the standards referenced in Section 8605: (1) Erosion and Sediment Control, (2) Grading, (3) Geotechnical Reports, (4) Dust Control Plans, (5) Fire Safety, and (6) Time Restrictions. Erosion and sediment control measures have been required to remain in place during and post-construction, and they will be monitored throughout construction. Performance standards for grading have been added as conditions of approval and will be implemented and monitored. A dust control plan must be submitted for approval and implemented on the site. The proposed grading plan was prepared by a licensed civil engineer and reviewed for adequacy by the San Mateo County Department of Public Works. A geotechnical report was also prepared for the site and reviewed by the County's Geotechnical Section. Grading is only allowed during the period between April 30 and October 1.

The design of the project and conditions associated with an approval will assure that the development is accomplished in a manner that minimizes the potential for erosion. In addition, the proposed grading will be subject to standard conditions of approval that include preconstruction, during, and post-construction measures to ensure that the project is in compliance with San Mateo County Grading Regulations.

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

The General Plan designation for this site in the Emerald Lake Hills community is Medium-Low Density Residential. Due to its steep

slopes, Emerald Lake Hills is a region of the County where grading permits are often obtained for construction of new residences. The proposed construction grading for a residence is consistent with the land use allowed by this General Plan designation. In addition, as discussed in the General Plan Compliance Section A.1 of this report, the project, as conditioned, complies with all applicable General Plan goals and policies.

#### B. ENVIRONMENTAL REVIEW

This project is exempt under Section 15303 (Class 3, Construction of Small Structures) of the California Environmental Quality Act (CEQA).

#### C. <u>REVIEWING AGENCIES</u>

Emerald Hills Design Review Officer Department of Public Works Building Inspection Section Geotechnical Section Woodside Fire Protection District

## **ATTACHMENTS**

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Project Site Plan
- D. Project Elevations
- E. Project Floor Plans
- F. Grading Plan
- G. Erosion and Sediment Control Plan
- H. Emerald Lake Hills DRO Recommendation Letter, dated April 21, 2015
- I. Tree Survey

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#### County of San Mateo Planning and Building Department

## **RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2015-0005

Hearing Date: May 27, 2015

Prepared By: Erica Adams Project Planner For Adoption By: Planning Commission

#### RECOMMENDED FINDINGS

#### Regarding the Environmental Review, Find:

1. That this project is exempt from California Environmental Quality Act (CEQA) Section 15303, Class 3, regarding construction of small structures, which include single-family residences.

#### Regarding the Use Permit, Find:

- 2. That the proposed development is proportioned to the size of the parcel on which it is being built, because the proposed residence does not exceed the maximum lot coverage and floor area ratio allowed in the RH/DR (Residential Hillside/Design Review) Zoning District, and the proposed development is comparable to the proportions on adjacent parcels.
- 3. That all opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven infeasible, because both adjacent parcels are developed with residences.
- 4. That the proposed development is as <u>nearly</u> in conformance with the zoning regulations currently in effect as is <u>reasonably</u> possible. The parcel width, steep slope at the front of the parcel and the 30-inch oak on the right side of the parcel make development of the site more difficult. However, the applicant has designed a proposal that complies with side setbacks to the greatest extent feasible, minimizes tree removal and minimizes grading.
- 5. That the establishment, maintenance, and/or conducting of the proposed use will not, under the circumstances of the particular case, result in a significant adverse impact to the coastal resources, or be detrimental to the public welfare or injurious to property or improvements in the said neighborhood. The proposed single-

family residence and garage, as designed and located, will not have any adverse impacts on the surrounding neighborhood, as the proposed use is an allowed use in this district. Encroachments for the residence and garage into the side yard are only 2 feet, and not close to any structure on adjoining parcels. The over-height plate height does not change the overall height of the garage or cause the structure to exceed the allowed height of 19 feet.

6. That the use permit approval does not constitute a granting of special privileges, because the project has been appropriately sized for the parcel and is within the development standards applicable to other residences in the vicinity. The use permit will facilitate construction of a single-family home with a detached garage, which is the principal permitted use in the RH Zoning District.

## Regarding the Design Review, Find:

7. That the project complies with the provisions of Chapter 28.1 of the San Mateo County Zoning Regulations, because the building's site planning, design and massing were found to meet the Design Review Standards for Emerald Lake Hills.

#### Regarding the Grading Permit, Find:

- 8. That the granting of the permit will not have a significant adverse effect on the environment. The proposed grading is required to construct a new single-family residence. This project has been reviewed by the Department of Public Works and the Building Inspection Section's Geotechnical Engineer.
- 9. That the project conforms to the criteria of Chapter 8, Division VII, San Mateo County Ordinance Code, including the standards referenced in Section 8605. The project, as proposed and conditioned, conforms to the standards in the Grading Regulations, specifically in the areas of erosion and sediment control, dust control, and the timing of grading activity.
- That the project is consistent with the General Plan. As proposed and conditioned, the project complies with General Plan Policies 2.23 (*Regulate Excavation, Grading, Filling, and Land Clearing Activities Against Accelerated Soil Erosion*) and 2.17 (*Erosion and Sedimentation*), because the project includes measures to maintain the existing slope and minimizes the removal of significant trees.

## **RECOMMENDED CONDITIONS OF APPROVAL**

#### Current Planning Section

1. The project shall be constructed in compliance with the approved plans. Any changes or revisions to the approved plans shall be submitted for review by the Community Development Director to determine if they are compatible with Design

Review Standards and in substantial compliance with the approved plans <u>prior to</u> <u>being incorporated into the building plans</u>. Adjustments to the project may be approved by the Design Review Officer if they are consistent with the intent of and are in substantial conformance with this approval. Adjustments to the design during the building plan stage may result in the assessment of additional plan resubmittal or revision fees. Alternatively, the Design Review Officer may refer consideration of the adjustments, if they are deemed to be major, to a new Emerald Lake Hills Design Review public hearing which requires payment of an additional fee of \$1,500.

- 2. The design review final approval shall be valid for five (5) years from the date of final approval, in which time a building permit shall be issued and a completed inspection (to the satisfaction of the Building Inspector) shall have occurred within 180 days of its issuance. The design review approval may be extended by one 1-year increment with submittal of an application for permit extension and payment of applicable extension fees sixty (60) days prior to the expiration date.
- 3. The site plan shall be modified to show dimensions of all setbacks to the property line for the garage and residence.
- 4. An addressing fee of \$45 shall be paid prior to the issuance of a building permit.
- 5. Eight significant trees are approved for removal per the submitted plans. Trees designated to remain shall be protected from damage during construction. Any additional tree removal is subject to the San Mateo County Tree Ordinance and will require a separate permit for removal.
- 6. Eight, 15-gallon trees, four of which shall be oaks, shall be planted prior to the Current Planning Section's final approval on the associated building permit. A site plan showing the locations and types of trees to be planted shall be submitted for the review and approval of the Community Development Director prior to planting. Photographs of the planted trees shall be provided to the Design Review Officer, as proof of compliance with the condition, and for a final building permit sign-off by the Current Planning Section.
- 7. All utilities shall be installed underground.
- 8. The approved exterior colors and materials shall be verified prior to final approval of the building permit. The applicant shall provide photographs to the Design Review Officer to verify adherence to this condition prior to a final building permit sign-off by the Current Planning Section.
- Prior to Current Planning Section approval of the building permit application, the applicant shall also have the licensed land surveyor or engineer indicate on the construction plans: (1) the natural grade elevations at the significant corners (at least four) of the footprint of the proposed structure on the submitted site plan, and

(2) the elevations of proposed finished grades. In addition, (1) the natural grade elevations at the significant corners of the proposed structure, (2) the finished floor elevations, (3) the topmost elevation of the roof, and (4) the garage slab elevation must be shown on the plan, elevations, and cross-section (if one is provided).

- 10. The applicant shall include an erosion and sediment control plan compliant with the County's erosion and sediment control plan guidelines on the plans submitted for the building permit. This plan shall identify the type and location of erosion control devices to be installed upon the commencement of construction in order to maintain the stability of the site and prevent erosion and sedimentation off-site.
- 11. The applicant shall apply for a building permit and shall adhere to all requirements from the Building Inspection Section, the Department of Public Works, and the Woodside Fire Protection District.
- 12. No site disturbance shall occur, including any grading or tree removal, until a building permit has been issued.
- 13. To reduce the impact of construction activities on neighboring properties, comply with the following:
  - a. All debris shall be contained on-site; a dumpster or trash bin shall be provided on-site during construction to prevent debris from blowing onto adjacent properties. The applicant shall monitor the site to ensure that trash is picked up and appropriately disposed of daily.
  - b. The applicant shall remove all construction equipment from the site upon completion of the use and/or need of each piece of equipment which shall include but not be limited to tractors, back hoes, cement mixers, etc.
  - c. The applicant shall ensure that no construction-related vehicles impede through traffic along the right-of-way on Woodland Place. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on Woodland Place. There shall be no storage of construction vehicles in the public right-of-way.
- 14. Noise levels produced by the proposed construction activity shall not exceed the 80-dBA level at any one moment. Construction activities shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction operations shall be prohibited at any time on Sunday, Thanksgiving and Christmas.

## Grading Conditions

15. No grading shall be allowed during the winter season (October 1 to April 30) to avoid potential soil erosion. An applicant-completed and County-issued grading

permit "hard card" is required prior to the start of any land disturbance/grading operations. The "hard card" shall only be issued at the same time or after the issuance of the building permit for the new residence.

- 16. Prior to the issuance of the grading permit "hard card," the applicant shall submit a dust control plan for review and approval by the Current Planning Section. The plan, at a minimum, shall include the following measures:
  - a. Water all construction and grading areas at least twice daily.
  - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
  - c. Pave, apply water two times daily, or apply (non-toxic) soil on all unpaved access roads, parking areas and staging areas at the project site.
  - d. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
  - e. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- 17. Projects subject to Provision C.3.i (individual single-family home projects that create and/or replace 2,500 sq. ft. or more of impervious surface, and other projects that create and/or replace at least 2,500 sq. ft. of impervious surface but are not C.3 Regulated Projects) shall implement at least one of the six site design measures listed below:
  - a. Direct roof runoff into cisterns or rain barrels and use rainwater for irrigation or other non-potable use.
  - b. Direct roof runoff onto vegetated areas.
  - c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
  - d. Direct runoff from driveways, and/or uncovered parking lots onto vegetated areas.
  - e. Construct sidewalks, walkways, and/or patios with permeable surfaces.
  - f. Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.
- 18. Prior to issuance of the grading permit "hard card," the property owner shall submit a schedule of all grading operations to the Current Planning Section, subject to review and approval by the Current Planning Section. Along with the

"hard card" application, the applicant shall submit a letter to the Current Planning Section, at least two (2) weeks prior to commencement of grading, stating the date when grading operations will begin, anticipated end date of grading operations, including dates of revegetation, and estimated date of establishment of newly planted vegetation. If the schedule of grading operations calls for the grading to be completed in one grading season, then the winterizing plan shall be considered a contingent plan to be implemented if work falls behind schedule.

- 19. The property owner shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines" including, but not limited to, the following:
  - a. Delineation with field markers of clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses within the vicinity of areas to be disturbed by construction and/or grading.
  - b. Protection of adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
  - c. Performing clearing and earth-moving activities only during dry weather.
  - d. Stabilization of all denuded areas and maintenance of erosion control measures continuously between October 1 and April 30.
  - e. Storage, handling, and disposal of construction materials and wastes properly, so as to prevent their contact with stormwater.
  - f. Control and prevention of the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.
  - g. Use of sediment controls or filtration to remove sediment when dewatering site and obtain all necessary permits.
  - h. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
  - i. Limiting and timing application of pesticides and fertilizers to prevent polluted runoff.
  - j. Limiting construction access routes and stabilization of designated access points.

- k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
- I. Training and providing instruction to all employees and subcontractors regarding the Watershed Protection Maintenance Standards and construction Best Management Practices.
- m. Additional Best Management Practices in addition to those shown on the plans may be required by the Building Inspector to maintain effective stormwater management during construction activities. Any water leaving the site shall be clear and running slowly at all times.
- n. Failure to install or maintain these measures will result in stoppage of construction until the corrections have been made and fees paid for staff enforcement time.
- 20. It shall be the responsibility of the engineer of record to regularly inspect the erosion control measures for the duration of all grading remediation activities, especially after major storm events, and determine that they are functioning as designed and that proper maintenance is being performed. Deficiencies shall be immediately corrected, as determined by and implemented under the observation of the engineer of record.
- 21. For the final approval of the grading permit, the property owner shall ensure the performance of the following activities within thirty (30) days of the completion of grading at the project site: (a) the engineer shall submit written certification that all grading has been completed in conformance with the approved plans, conditions of approval/mitigation measures, and the Grading Regulations, to the Department of Public Works and the Planning and Building Department's Geotechnical Engineer; and (b) the geotechnical consultant shall observe and approve all applicable work during construction and sign Section II of the Geotechnical Consultant Approval form, for submittal to the Planning and Building Department's Geotechnical Engineer and the Current Planning Section.

## Department of Public Works

22. Prior to the issuance of the building permit or planning permit, the applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed project and submit it to the Department of Public Works for review and approval. The drainage analysis shall consist of a written narrative and a plan. The flow of the stormwater onto, over, and off of the property shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage. Post-development flows and velocities shall not exceed those that existed in the pre-developed state. Recommended measures shall be designed and included in

the improvement plans and submitted to the Department of Public Works for review and approval.

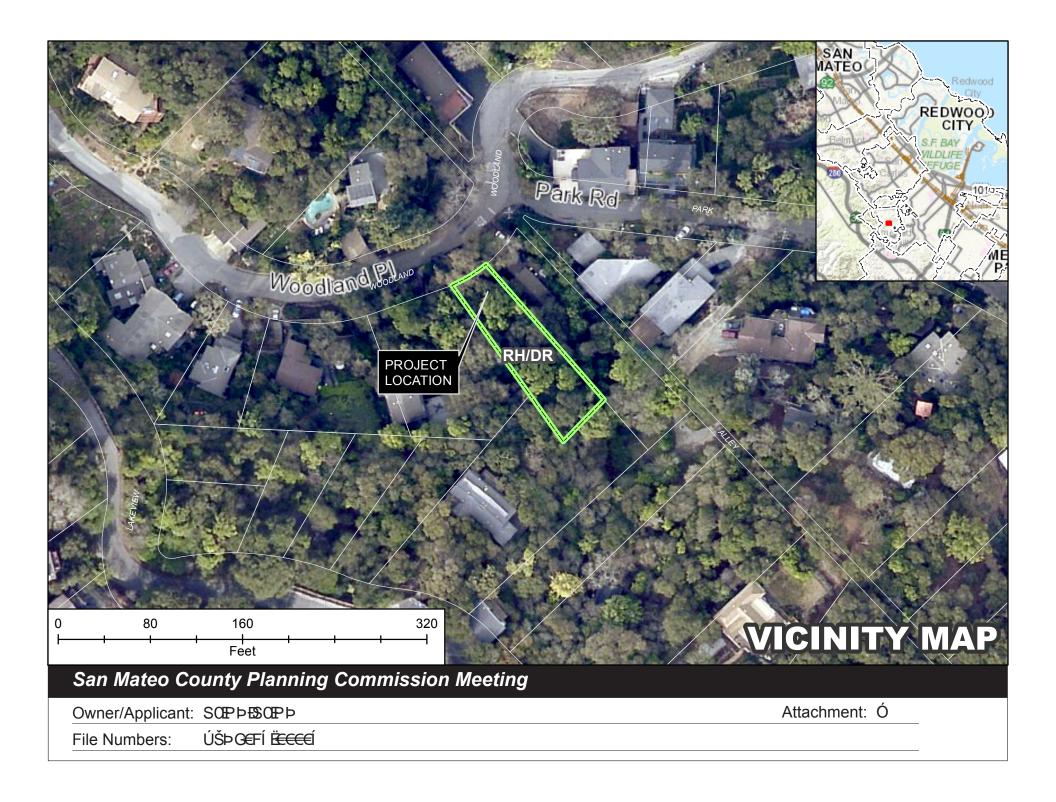
- 23. Prior to the issuance of the building permit or planning permit (if applicable), the applicant shall submit a driveway "Plan and Profile," to the Department of Public Works, showing the driveway access to the parcel (garage slab) complying with County Standards for driveway slopes (not to exceed 20%) and to County Standards for driveways (at the property line) being the same elevation as the center of the access roadway. When appropriate, as determined by the Department of Public Works, this plan and profile shall be prepared from elevations and alignment shown on the roadway improvement plans. The driveway plan shall also include and show specific provisions and details for both the existing and the proposed drainage patterns and drainage facilities.
- 24. No proposed construction work within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued. The applicant shall contact a Department of Public Works Inspector 48 hours prior to commencing work in the right-of-way.
- 25. Prior to the issuance of the building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance No. 3277.

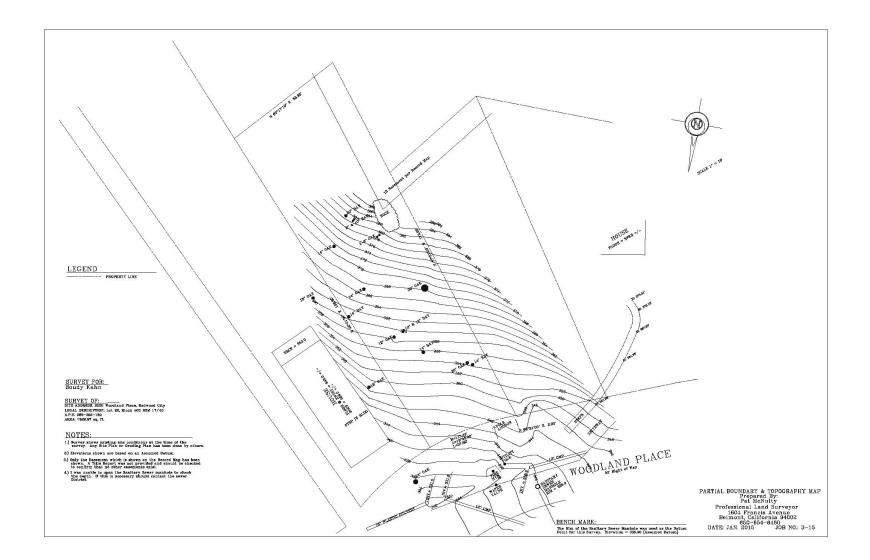
#### Woodside Fire Protection District

- 26. Project shall comply with Chapter 7A of CBC code for ignition resistant construction and materials. All wood siding must be listed on the California State Fire Marshal website as tested and approved ignition resistant materials. Foundation, attic, gable, soffit and eave vents must be Brandguard or Vulcan type. Windows to be tempered and roof to be Class A.
- 27. Address shall be clearly posted and visible from the street with a minimum of 4" numbers on contrasting background.
- 28. Approved spark arrester shall be installed on all chimneys including outside fireplace.
- 29. Smoke and CO detectors shall be installed per code.
- 30. NFPA-13D fire sprinkler system shall be installed in new residence.
- 31. A 100-foot defensible space around the proposed new structure shall be established prior to the start of construction.

- 32. Upon final inspection, a 30-foot perimeter defensible space will need to be completed.
- 33. Driveway shall meet Woodside Fire Protection District requirements (<u>www.woodsidefire.org</u>).
- 34. Fire Hydrant Need to confirm. Hydrant shall be within 500 feet of the front door measured on a drivable roadway. Please provide drawings on next submittal addressing fire hydrant requirement.

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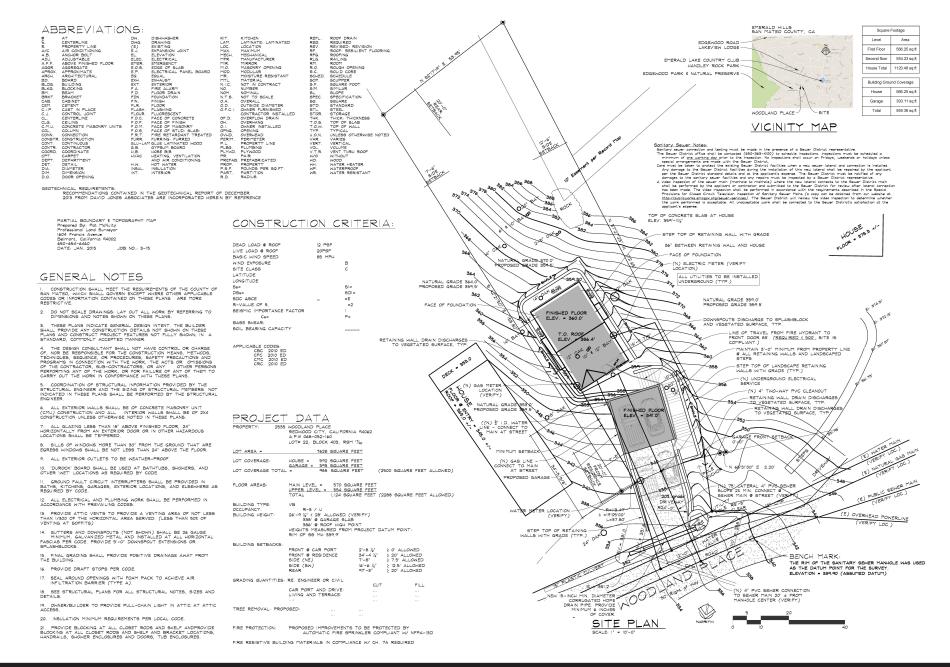




# San Mateo County Planning Commission Meeting

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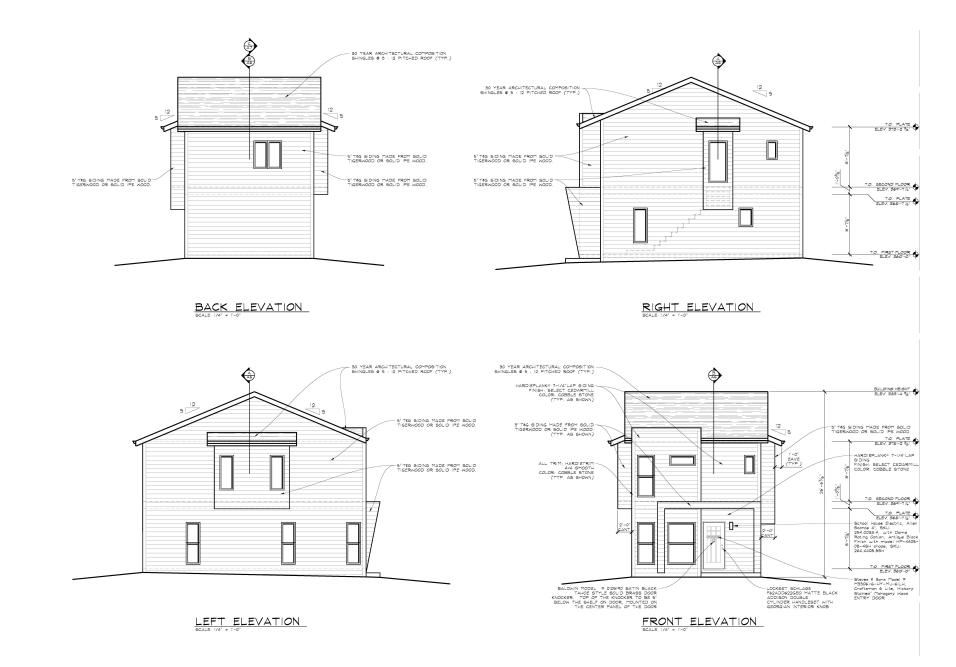


## San Mateo County Planning Commission Meeting

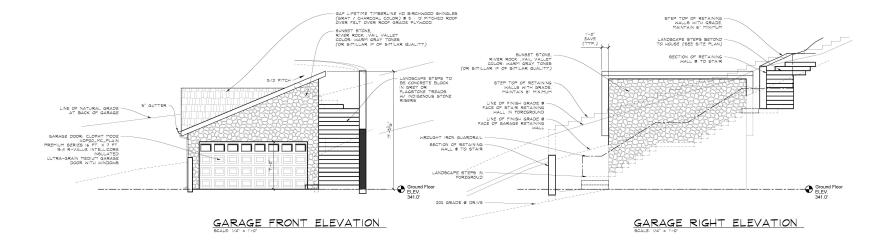
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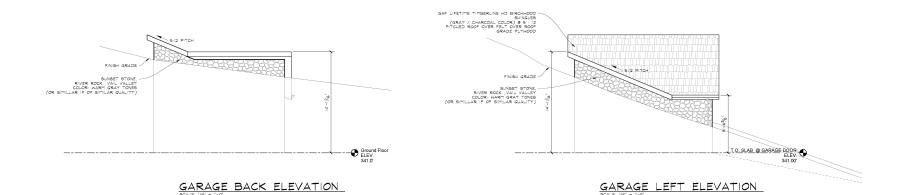
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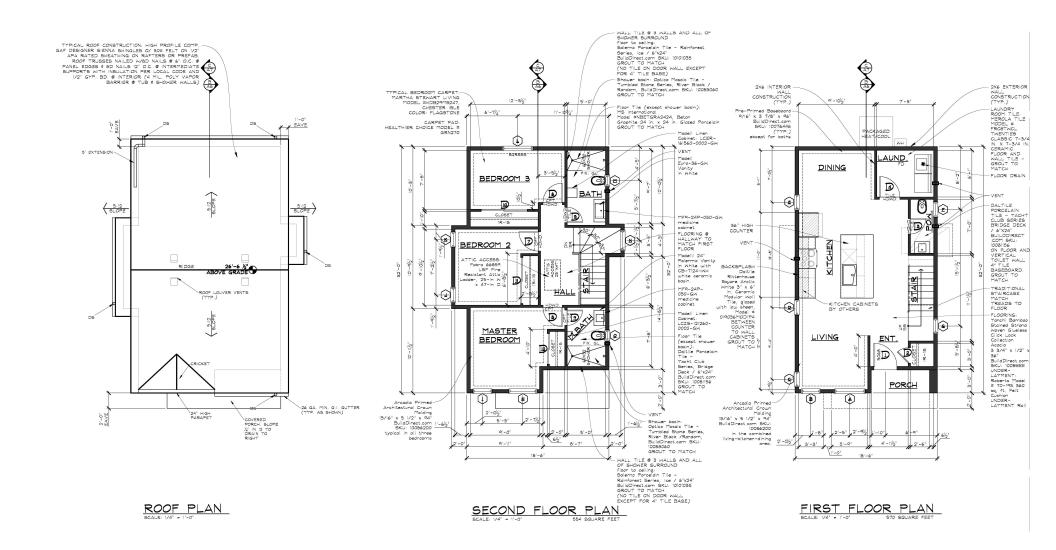


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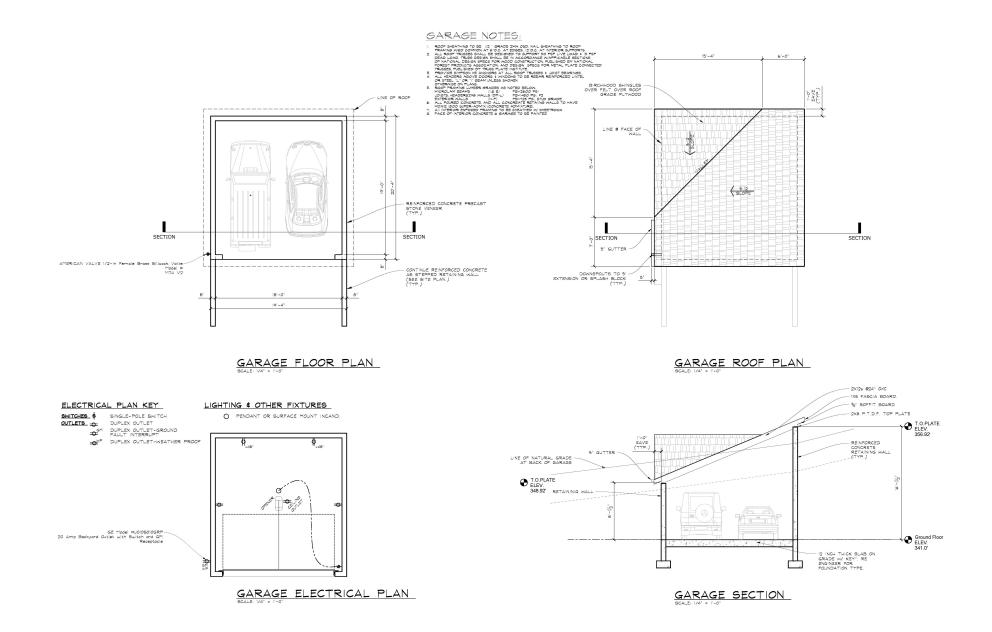


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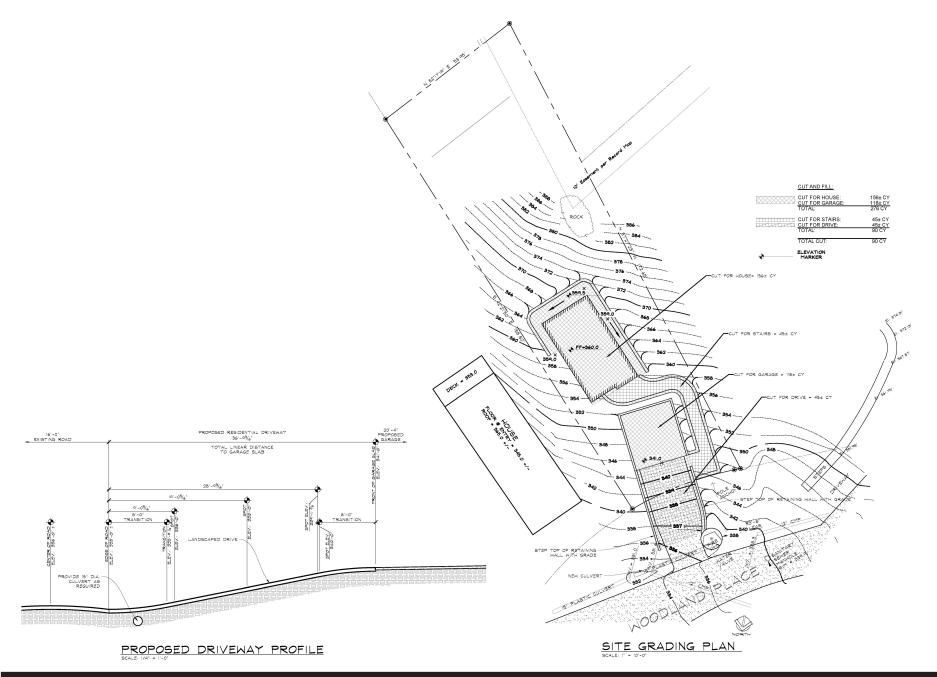


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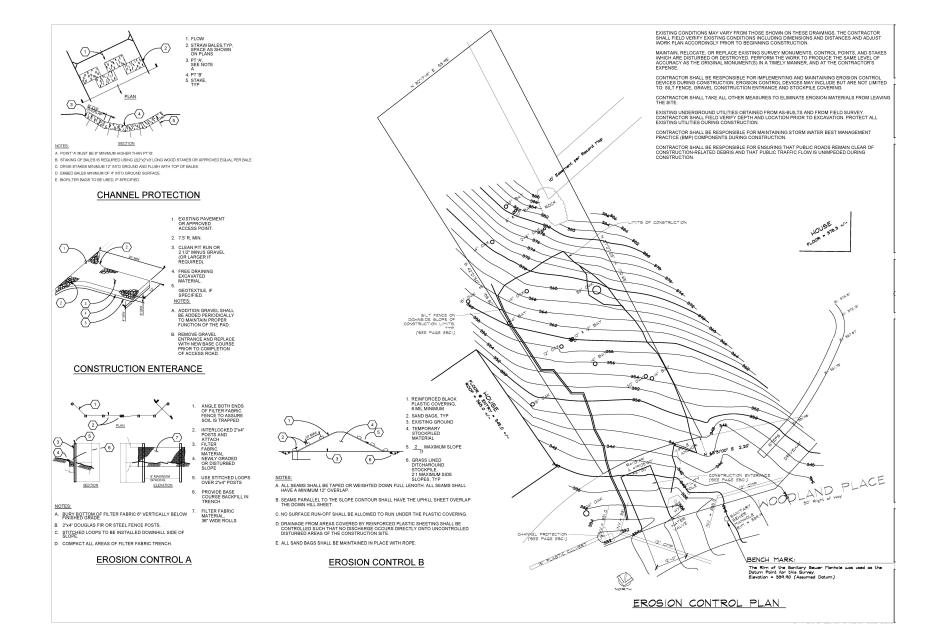
San Mateo County Planning Commission Meeting		
Owner/Applicant:	KHAN/KHAN	Attachment: E
File Numbers <sup>.</sup>	PLN2015-00005	



# San Mateo County Planning Commission Meeting

Owner/Applicant:	KHAN/KHAN
File Numbers:	PLN2015-00005

Attachment: F



## San Mateo County Planning Commission Meeting

Owner/Applicant: KHAN/KHAN

File Numbers: PLN2015-00005

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

County Government Center 455 County Center, 2nd Floor Redwood City, CA 94063 650-363-4161 T 650-363-4849 F www.planning.smcgov.org

April 21, 2015

MacSoud Kahn 3093 Ross Road Palo Alto, CA 94303

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Dear Mr. Kahn:

SUBJECT: Emerald Lake Hills Design Review Recommendation 2535 Woodland Place, Emerald Hills APN 068-052-160; County File No. PLN 2015-00005

At the meeting of April 7, 2015, the San Mateo County Emerald Lake Hills Design Review Officer considered your application for construction of a new 1,390 sq. ft. single-family residence with a detached 394 sq. ft. garage on a legal, non-conforming 7,268 sq. ft. parcel. The project also requires a Grading Permit for 366 cubic yards and a Non-Conforming Use Permit to allow a detached garage to have a 10-ft. right side setback where 12.5 ft. is required, and the new house to have a 5.5-ft. left side setback where 7.5 ft. is required. Eight significant trees are proposed to be removed. A final decision on the design review approval, the associated Grading Permit, and Non-Conforming Use Permit will occur at a future Planning Commission hearing.

All property owners within 300 feet of the subject property, the Emerald Lake Hills Homeowners Association, and the Emerald Hills Community Coalition were notified on March 23, 2015. No members of the public attended the meeting, and one email about the project from an interested member of the public requesting additional information was received.

In a review of compliance with the design standards, the Design Review Officer determined that the project, as designed and conditioned, complies with standards regarding architectural style, building shape and bulk, and roof pitch. Based on the plans and accompanying materials submitted, the Emerald Lake Hills Design Review Officer recommended approval of the design review portion of your project subject to the following findings and conditions.

#### FINDINGS

The Emerald Lake Hills Design Review Officer found that:

#### For the Environmental Review

1

1. This project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 53103, Class 3, relating to construction of small structures.

Planning Commission Meeting

Owner/Applicant: KAHN/KAHN

File Numbers: PLN 2015-00005

Attachment: H

#### Mr. MacSoud Kahn

#### For the Design Review

2. This project has been reviewed under and found to be in compliance with the Design Review Standards as stipulated in Chapter 28, Section 6565.15, of the San Mateo County Zoning Regulations. The proposal was reviewed by the Emerald Lake Hills Design Review Officer (DRO) on April 7, 2015.

After consideration of public testimony, the DRO found that the project, as proposed and conditioned, is in compliance with the Design Review Standards because the project (a) is architecturally compatible with the neighborhood, (b) has a building shape that conforms to the natural topography, (c) has well-articulated facade and other elevations, and (d) uses colors and materials which comply with the design review standards.

#### **RECOMMENDED CONDITIONS OF APPROVAL**

#### Current Planning Section

- 1. The project shall be constructed in compliance with the approved plans. Any changes or revisions to the approved plans shall be submitted for review by the Community Development Director to determine if they are compatible with Design Review Standards and in substantial compliance with the approved plans <u>prior to being incorporated into the building plans</u>. Adjustments to the project may be approved by the Design Review Officer if they are consistent with the intent of and are in substantial conformance with this approval. Adjustments to the design during the building plan stage may result in the assessment of additional plan resubmittal or revision fees. Alternatively, the Design Review Officer may refer consideration of the adjustments, if they are deemed to be major, to a new Emerald Lake Hills Design Review public hearing which requires payment of an additional fee of \$1,500.
- 2. The design review final approval shall be valid for five (5) years from the date of final approval, in which time a building permit shall be issued and a completed inspection (to the satisfaction of the Building Inspector) shall have occurred within 180 days of its issuance. The design review approval may be extended by one 1-year increment with submittal of an application for permit extension and payment of applicable extension fees sixty (60) days prior to the expiration date.
- 3. The site plan shall be modified to show dimensions of all setbacks to the property line for the garage and residence.
- 4. An addressing fee of \$45 shall be paid prior to the issuance of a building permit.
- 5. Eight significant trees were approved for removal. Trees designated to remain shall be protected from damage during construction. Any additional tree removal is subject to the San Mateo County Tree Ordinance and will require a separate permit for removal.
- 6. Eight, 15-gallon trees shall be planted prior to the Current Planning Section's final approval on the associated building permit. Photographs of the planted trees shall be provided to the Design Review Officer, as proof of compliance with the condition, and for a final building permit sign-off by the Current Planning Section.

#### Mr. MacSoud Kahn

- 7. All utilities shall be installed underground.
- 8. The approved exterior colors and materials shall be verified prior to final approval of the building permit. The applicant shall provide photographs to the Design Review Officer to verify adherence to this condition prior to a final building permit sign-off by the Current Planning Section.
- 9. Prior to Current Planning Section approval of the building permit application, the applicant shall also have the licensed land surveyor or engineer indicate on the construction plans: (1) the natural grade elevations at the significant corners (at least four) of the footprint of the proposed structure on the submitted site plan, and (2) the elevations of proposed finished grades. In addition, (1) the natural grade elevations at the significant corners of the proposed structure, (2) the finished floor elevations, (3) the topmost elevation of the roof, and (4) the garage slab elevation must be shown on the plan, elevations, and cross-section (if one is provided).
- 10. The applicant shall include an erosion and sediment control plan compliant with the County's erosion and sediment control plan guideline on the plans submitted for the building permit. This plan shall identify the type and location of erosion control devices to be installed upon the commencement of construction in order to maintain the stability of the site and prevent erosion and sedimentation off-site.
- 11. The applicant shall apply for a building permit and shall adhere to all requirements from the Building Inspection Section, the Department of Public Works, and the Woodside Fire Protection District.
- 12. No site disturbance shall occur, including any grading or tree removal, until a building permit has been issued.
- 13. To reduce the impact of construction activities on neighboring properties, comply with the following:
  - a. All debris shall be contained on-site; a dumpster or trash bin shall be provided on-site during construction to prevent debris from blowing onto adjacent properties. The applicant shall monitor the site to ensure that trash is picked up and appropriately disposed of daily.
  - b. The applicant shall remove all construction equipment from the site upon completion of the use and/or need of each piece of equipment which shall include but not be limited to tractors, back hoes, cement mixers, etc.
  - c. The applicant shall ensure that no construction-related vehicles impede through traffic along the right-of-way on Woodland Place. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on Woodland Place. There shall be no storage of construction vehicles in the public right-of-way.

14. Noise levels produced by the proposed construction activity shall not exceed the 80-dBA level at any one moment. Construction activities shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction operations shall be prohibited on Sunday and any national holiday.

#### Woodside Fire Protection District

- 15. Project shall comply to CH7A of CBC code for ignition resistant construction and materials. All wood siding must be listed on the California State Fire Marshal website as tested and approved ignition resistant materials. Foundation, attic, gable, soffit and eave vents must be Brandguard or Vulcan type. Windows to be tempered and roof to be Class A.
- 16. Address shall be clearly posted and visible from the street with a minimum of 4" numbers on contrasting background.
- 17. Approved spark arrestor shall be installed on all chimneys including outside fireplace.
- 18. Smoke and CO detectors shall be installed per code.
- 19. NFPA 13D Fire Sprinkler system shall be installed in new residence.
- 20. One hundred feet defensible space around proposed new structure shall be established prior to start of construction.
- 21. Upon final inspection, 30' perimeter defensible space will need to be completed.
- 22. Driveway shall meet WFD requirements (<u>www.woodsidefire.org</u>).
- 23. Fire Hydrant Need to confirm. Hydrant shall be within 500' of the front door measured on a driveable roadway. Please provide drawings on next submittal addressing Fire Hydrant requirement.

#### Department of Public Works

- 24. Prior to the issuance of the building permit or planning permit, the applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed project and submit it to the Department of Public Works for review and approval. The drainage analysis shall consist of a written narrative and a plan. The flow of the stormwater onto, over, and off of the property shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage. Post-development flows and velocities shall not exceed those that existed in the pre-developed state. Recommended measures shall be designed and included in the improvement plans and submitted to the Department of Public Works for review and approval.
- 25. Prior to the issuance of the building permit or planning permit (if applicable), the applicant shall submit a driveway "Plan and Profile," to the Department of Public Works, showing the driveway access to the parcel (garage slab) complying with County Standards for driveway slopes (not to exceed 20%) and to County Standards for driveways (at the property line) being the same elevation as the center of the access roadway. When appropriate, as

determined by the Department of Public Works, this plan and profile shall be prepared from elevations and alignment shown on the roadway improvement plans. The driveway plan shall also include and show specific provisions and details for both the existing and the proposed drainage patterns and drainage facilities.

- 26. No proposed construction work within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued. The applicant shall contact a Department of Public Works Inspector 48 hours prior to commencing work in the right-of-way.
- 27. Prior to the issuance of the building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance #3277.

Please be aware that the aforementioned conditions are not a complete list from all responding agencies, are recommended, and are subject to change at the final decision stage. Unless modified, these recommendations will be incorporated into the conditions of approval for the final decision letter for the design review approval, grading permit, and use permit. Please contact Erica Adams, Design Review Officer, at 650/363-1828 if you have any questions.

To provide feedback, please visit the Department's Customer Survey at the following link: http://planning.smcgov.org/survey.

Sincerely,

Érica D. Adams Design Review Officer

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# ARDORISTS TREE SURVEY

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Tree #	Species (Common)	DBH (inchos)	Condition (percent)	Height (feet)	Spread (feet)	Comments
1	Coast Live Oak	29.3	40	40	45	Cavity at the base; root crown covered; significant lean southwest; codominant at 6 feet with included bark; large deadwood present; lvy on trunk; cavity at 6 feet.
2	Coast Live · Oak	27.4	55	55 K	42	Root crown covered; slight lean over the power lines; large wound in upper canopy from previously failed leader.
3	Coast Live Oak	14.5	46	45	33	Root crown covered; slight lean northwest; growth suppressed by surrounding canopies.
4	Callfornia Bay Laurei	13.6	35	40	27	Dead portion of trunk on the north side to 15 feet; root crown covered; growing into cak canopy.
5	Coast Live Oak	.26.7	40	35	54	Root crown covered; large cavity at 2½ feet; codominant at 10 feet; large deadwood present; codominant tops at 30 feet.
6	Callfornia Bay Laurel	18.6	45 <sup>.</sup>	50	30	Leans north; three-stem codominant top at 20 feet; abundance of interior lower deadwood; poor form and good vigor.
7	Coast Live Oak	11.6	35	30	18	Leans southwest; poor form and good vigor; cavity at 3½ feet.
8	California Bay Laurei	11.7, 12.6	45	40	39	Two-stem at 1 foot; slight lean northeast on both stems; healthy canopy and poor form.
9	Coast Live Oak	29.9	55	50	63	Codominant at 7 feet; two bay trees within 6 inches of trunk; uphill side of root crown covered; healthy canopy.
10	Coast Live Oak	15.9	10	30	18	Mostly dead. Large cavity at base to 4 feet high; significant hazard.
11	California Bay Laurei	14.8	45	40	42	ivy on trunk; codominant at 6 feet; healthy canopy and poor form.
12	Coast Live	15.2	40	30	33	Significant lean northwest; ivy on

# Planning Commission Meeting

Owner/Applicant.	KAHN/KAHN
File Numbers:	PLN 2015-00005
Attachment:	

#### Observations and Conclusions

2

There is an abundance of small saplings and juvenile trees in the understory on this property. Many of the larger trees have had little to no maintenance in their past. Because of this many of the trees are suppressed by the surrounding large trees and have poor form due to a competition for light. I recommend removing the large deadwood that is present to make the area less hazardous.

The slope of this property contributes to the soil buildup on the upper sides of the trunks through natural erosion; thus, covering the root crowns and making the trees more susceptible to fungal attack. Simply exposing the root crowns and allowing more oxygen and sunlight to dry out the area around the base of the tree will reduce this potential problem.

Trees #6, #7, #8, #10, #12, #13, and #14 will all need to be removed as they are in very poor health or are within the footprint of the proposed construction. Trees #5 and #9 will have approximately 30 to 35 percent of their natural root zone affected; 65 to 70 percent of their root zones should be unaffected by the proposed construction, which should be ample for the trees to survive while remaining structurally sound.

Many of the coast live oaks on the property have bay trees around them and some bay limbs are touching the oak trunks. This increases the chance of *Phytophthora ramorum* to infect the oak trees. It is recommended by the California Oak Mortality Task Force (COMTF) to remove small bay trees near the base of coast live oaks and, if possible, keep large California bay laurel trees and branches at least fifteen feet away from the oaks. These two steps can significantly reduce the potential for infection to occur.

## Planning Commission Meeting

Owner/Applicant:KAHN/KAHNFile Numbers:PLN 2015-00005Attachment:I