### COUNTY OF SAN MATEO PLANNING AND BUILDING DEPARTMENT

DATE: May 10, 2017

- TO: Planning Commission
- FROM: Planning Staff
- **SUBJECT:** <u>EXECUTIVE SUMMARY</u>: Consideration of a Design Review Permit, a Non-Conforming Use Permit, and a Fence Height Exception, to allow construction of a 1,454 sq. ft. addition and a major remodel which includes a new second story addition and an attached 400 sq. ft. garage to an existing 1,150 sq. ft. single-family residence on a non-conforming 7,540 sq. ft. legal parcel at 4028 Jefferson Avenue in the unincorporated Emerald Lake Hills area of San Mateo County. The Non-Conforming Use Permit is required for the new garage to maintain a 3-ft. right side setback (where 7.5 ft. is the minimum). The Fence Height Exception is required to legalize a 6-ft. fence in the front yard were 4 ft. is the maximum. No significant trees are proposed to be removed.

County File Number: PLN 2016-00055 (Schneider)

# PROPOSAL

The applicant proposes to construct an addition and major remodel to an existing 1,150 sq. ft. single-family residence on a substandard size parcel (lot area is 7,540 sq. ft. where 12,000 sq. ft. is required) in the Emerald Lake Hills neighborhood. The addition/remodel involves removing the unpermitted 260 sq. ft. carport and replacing it with an attached 400 sq. ft. garage, three feet from the property line, construction of a 96 sq. ft. first floor addition, and a new 745 sq. ft. second story. The addition requires a Design Review Permit, and a Non-Conforming Use Permit is required to allow the 3-ft. garage setback. A non-conforming 6-ft. fence exists within the front yard setback, where 4 feet is the maximum height. To retain the fence, the applicant must secure a Fence Height Exception. No trees are proposed for removal.

### **RECOMMENDATION**

That the Planning Commission approve the Design Review Permit, the Non-Conforming Use Permit, and the Fence Height Exception for County File Number PLN 2016-00055, based on and subject to the required findings and conditions of approval listed in Attachment A.

### **SUMMARY**

### Design Review

The property is located in a Design Review Zoning District. Accordingly, single-family residential development requires a Design Review recommendation from the Emerald Lake Hills Design Review Officer (DRO). This project was initially considered by the DRO on April 5, 2016. The hearing was attended by neighboring property owners who expressed concern about potential loss of privacy and sunlight from a proposed deck over the garage which was proposed on the initial submission, but was subsequently removed and the new second story observes required setbacks. At the hearing, the DRO found the proposal to be in compliance with the design review standards with the exception of the proposed materials, since no material reference in the standards was utilized. A condition of approval was added to require the change of materials. Revised materials and elevations, which now include wood siding, were submitted and were determined by the DRO to be in compliance with the design review standards.

### Non-Conforming Use Permit

Section 6133.3.a.(2) of the Zoning Regulations allows development, which does not conform to development standards on an improved non-conforming parcel, with the issuance of a Use Permit.

Staff determined that the project complies with the required findings for a use permit in that, the development is proportioned in size since the only proposed exception to the standards being requested is a 3-ft. right side setback, where 7.5 feet is required. Also, both adjacent parcels are developed and there are no opportunities to acquire contiguous land. The proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible. The proposal will not be detrimental to the public welfare or injurious to property or improvements, as the new garage will be in the same location as the unpermitted carport, with a 3-ft. side yard setback. The setback exception is not granting any special privilege as there is no other location for a two-car garage on the property and the lot is substandard in size.

### Fence Height Exception

Staff has determined that the approval of the fence height exception will not jeopardize public safety, sight distance, or create any visual obstructions, as indicated by the Department of Public Works review. A condition that drought resistant plants be placed in front of the wood fence has been added to improve the aesthetic of views from Jefferson Avenue. The 6-ft. wood fence is compatible with the surrounding neighborhood and design review standards.

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# COUNTY OF SAN MATEO

### PLANNING AND BUILDING DEPARTMENT

DATE: May 10, 2017

- TO: Planning Commission
- **FROM:** Planning Staff
- **SUBJECT:** Consideration of a Design Review Permit, a Non-Conforming Use Permit, and a Fence Height Exception, pursuant to Sections 6565.3, 6133, and 6412.2 of the San Mateo County Zoning Regulations, respectively, to allow construction of a 1,454 sq. ft. addition and a major remodel which includes a new second story addition and an attached 400 sq. ft. garage to an existing 1,150 sq. ft. single-family residence with a 280 sq. ft. attached carport, on a non-conforming 7,540 sq. ft. legal parcel at 4028 Jefferson Avenue in the unincorporated Emerald Lake Hills area of San Mateo County. The Non-Conforming Use Permit is required for the new garage to maintain a 3-ft. right side setback (where 7.5 ft. is the minimum). The Fence Height Exception is required to legalize a 6-ft. fence in the front yard where 4 ft. is the maximum. No significant trees are proposed to be removed.

County File Number: PLN 2016-00055 (Schneider)

# PROPOSAL

The applicant proposes to construct an addition and major remodel to an existing 1,150 sq. ft. single-family residence on a substandard size parcel (lot area is 7,540 sq. ft. where 12,000 sq. ft. is required) in the Emerald Lake Hills neighborhood. The addition/remodel involves removing the unpermitted 260 sq. ft. carport and replacing it with an attached 400 sq. ft. garage three feet from the property line, construction of a 96 sq. ft. first floor addition, and a new 745 sq. ft. second story. A non-conforming 6-ft. fence exists within the front yard setback. The addition requires a Design Review Permit, and a Non-Conforming Use Permit is required to allow the 3-ft. garage setback. A Fence Height Exception is required to legalize the 6-ft. wood fence in the front yard setback. No significant trees are proposed to be removed.

### RECOMMENDATION

That the Planning Commission approve the Design Review Permit, the Non-Conforming Use Permit, and the Fence Height Exception, for County File Number PLN 2016-00055, based on and subject to the required findings and conditions of approval listed in Attachment A.

### BACKGROUND

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

Applicant/Owner: Nicholas and Christine Schneider

Location: 4028 Jefferson Avenue, Emerald Lake Hills

APN: 068-185-200

Size: 7,540 sq. ft.

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

General Plan Designation: Medium Low Residential/Urban

Sphere-of-Influence: City of Redwood City

Existing Land Use: Single-Family Residential

Water Supply: City of Redwood City Municipal Water Department

Sewage Disposal: Emerald Lake Sewer District

Flood Zone: Zone X, Panel Number 06081C0285E, Effective Date: October 16, 2012

Environmental Evaluation: This project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15301, Class 1, relating to additions to structures of less than 10,000 sq. ft. in an urbanized area where all public services and facilities are available and the project area is not environmentally sensitive. The existing residence is served by water and sewer districts, the project site has been previously disturbed, and is located in a residential community that is not environmentally sensitive.

Setting: The property is a parcel developed with a single-family residence constructed in 1950 in the unincorporated community of Emerald Lake Hills. The parcel size is 7,540 sq. ft., less than the 12,000 sq. ft. minimum of the Residential Hillside Zoning District. Surrounding parcels are of a similar, non-conforming size, and are also developed with single-family residences.

Chronology:

Date		Action	
February 10, 2016	-	Application Submitted.	
February 25, 2016	-	Application deemed incomplete.	
March 21, 2016	-	Application scheduled for Design Review hearing.	
April 5, 2016	-	At the Emerald Lake Hills Design Review Officer (DRO) hearing, the DRO recommended modifications to the proposed materials.	
April 28, 2016	-	Revised elevation plans with wood siding are submitted.	
September 22, 2016	-	The Department of Public Works requires plans to be revised to address inconsistencies.	
January 23, 2017	-	Revised plans are submitted to address DPW and DRO comments.	
January 30, 2017	-	Project deemed complete.	
May 10, 2017	-	Planning Commission hearing.	

### **DISCUSSION**

- A. KEY ISSUES
  - 1. Conformance with the General Plan

The General Plan Visual Quality Policy 4.4 requires the appearance of 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 Zoning District, Section 6565 of the San Mateo County Zoning Regulations, is the mechanism which fulfills this directive. A project that complies with the Emerald Lake Hills Design Standards (Section 6565.15 of the San Mateo County Zoning Regulations), therefore, 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, as well as 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, as

conditioned, to be in compliance with the Design Review Standards for Emerald Lake Hills. A detailed discussion is provided in Section A.3 of this report.

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

A summary of project compliance with the current requirements of the Residential Hillside (RH) Zoning District is provided in the table below. The Non-Conforming Use Permit is required to address the proposed non-conforming right side setback (as indicated by an asterisk \*).

Development Standards	Zoning Requirements	Existing	Proposed		
Minimum Building Site Area	12,000 sq. ft. for slope of 17% or less	7,540 sq. ft. 12 % slope	No changes		
Minimum Building Site Width	50 ft.	57 ft.	No changes		
Minimum Setbacks					
Front	20 ft.	23.5 ft.	No changes		
Rear	20 ft.	34.3 ft.	21 ft.		
Sides	Combination of 20 ft. with a minimum 7.5 ft.	Left side 17.3 ft. Right side 16 ft. for house, 3 ft. for carport	Left side - No changes. Right side 3 ft. for attached garage*		
Maximum Lot Coverage	25% (Maximum 1,885 sq. ft.)	19.3% 1,430 sq. ft.	21.2% 1,598 sq. ft.		
Maximum Building Floor Area	The greater of 30% or 2,400 sq. ft.	15% 1,430 sq. ft.	31% 2,391 sq. ft.		
Maximum Building Height	28 ft.	16 ft.	22.5 ft.		
Minimum Parking	2 covered spaces and 2 guest spaces	1 covered space and 2 uncovered spaces	2 covered spaces and 2 uncovered spaces		
*Non-conformity will be addressed by the Non-Conforming Use Permit Application.					

\*Non-conformity will be addressed by the Non-Conforming Use Permit Application.

As shown above, the project complies with all requirements of the RH Zoning District with the exception of the right side setback. The new attached garage is proposed to be located within the required 7.5-ft. minimum side setback and will maintain a 3-ft. setback. The garage also allows the development to conform to the parking requirement of two covered parking spaces. This area of non-compliance is discussed in further detail in Section A.4 of this report.

The proposed development on-site includes a two car garage in the location of the one-car carport The carport was not constructed with

permits and does not maintain the required setbacks, nor does it meet the County's parking requirement for two covered parking spaces with dimensions of 9 feet by 18 feet. The proposed garage requires a use permit as it does not meet the minimum 7.5-ft. side setback.

### 3. <u>Conformance with the Design Review Regulations</u>

The project was considered by the Emerald Lake Hills Design Review Officer at a public hearing conducted on April 5, 2016. Members of the public submitted correspondence, attended the meeting, and raised concerns about potential blockage of light and reduced privacy.

The Design Review Officer (DRO) discussed the project and stated that the original proposal was modified at the suggestion of staff to remove a proposed deck over the new garage which would have significantly reduced the privacy of the neighbors to the right of the subject parcel. At the hearing, the DRO recommended changes to the proposed materials and stated that, with these modifications, the project is consistent with the Design Review Standards, Section 6515.15 of the Zoning Regulations.

The project's compliance with each component of each Design Review Standard is discussed below:

- a. <u>Site Planning</u>: Requires the siting of new buildings on a parcel in locations which achieve the following five objectives:
  - (1) Minimize tree removal.

No significant trees are proposed to be removed with this project. A mature oak is located in the left side yard and protection measures are required during construction to ensure its health and survival.

(2) Minimize alteration of the natural topography.

The site is currently developed with a single-family residence and an attached 280 sq. ft. unpermitted carport. The proposed first floor addition of 496 sq. ft. additional floor area includes removal of the carport and replacing it with the new garage. All new construction would be located adjacent to the existing residence, on topography which was altered during previous construction. There will be virtually no change to the existing topography. (3) Respect the privacy of neighboring houses and outdoor living areas.

The project originally included a roof deck over the garage which would also encroach into the side yard setback. These plans were revised prior to the April 5, 2016 meeting, due to the potential privacy impacts on the adjacent parcel. The proposed second story addition does not have any windows which look directly in to windows of the neighboring properties, and the second story conforms to the 7.5-ft. setback of the RH Zoning District. In addition, there are numerous mature trees within the side yard of the adjacent properties within the side yard setbacks which provide screening for privacy.

(4) Minimize blockage of sunlight on neighboring housing and outdoor living areas.

The proposed second story meets all the setbacks of the Residential Hillside Zone District. Blockage of sunlight on outdoor living areas is minimized.

(5) Minimize alteration of streams and natural drainage channels.

There are no streams or drainage channels that would be impacted by this project.

b. <u>Architectural Styles</u>: Requires buildings to be architecturally compatible with existing buildings, and reflect and emulate architectural styles and the natural surroundings of the immediate area.

There is a wide array of residential styles in the immediate surrounding area. The initial proposal included all stucco siding. Stucco has become a commonly used material in Emerald Lake Hills, however, it is not identified in the design review standards as a recommended material. The DRO requested to the owner to modify project plans to incorporate materials mentioned in the design standards to better reflect the style of residences in the area.

The elevation of the proposed residence was modified to integrate wood siding with the stucco. The DRO reviewed the plans and found that the architectural style of the revised project is compatible with nearby residences, those throughout the Emerald Lake Hills community, and the natural surroundings. c. <u>Unenclosed Spaces</u>: Requires avoiding the creation of space beneath buildings and prohibits buildings that are predominantly built on stilts.

No unenclosed spaces, or structures built on stilts, would be created by this proposal.

d. <u>Building Shapes and Bulk</u>: Requires that buildings are designed with shapes that respect and conform to the natural topography of the site.

The existing residence is one story and is built on a portion of the parcel which is flat. The proposed addition to the first floor will be constructed in an area in which topography has previously been modified. The new second story would not require a change in topography. Therefore, there is no change in topography with this proposal.

e. <u>Facades</u>: Requires well-articulated and proportioned facades.

The facades are proportioned and the pattern of windows and doors on the proposed structure does not create any massive blank walls.

f. <u>Roofs</u>: Requires pitched roofs.

The roof plan of the house includes pitched roofs and complies with this design standard.

g. <u>Materials and Colors</u>: Requires that varying architectural styles are compatible by using similar materials and colors which blend with the natural setting and the immediate area.

The proposal includes natural colors and materials such as wood siding. The exterior siding and accents will be brown, a color that is compliant with the design review standards.

h. <u>Utilities</u>: New utilities should be placed underground.

All utilities will be placed underground per Condition No. 7.

i. <u>Paved Areas</u>: Requires minimization of paved areas.

The amount of proposed paved area complies with this standard as the amount of pavement is limited to that necessary for appropriate vehicle access and parking.

### 4. <u>Conformance with the Use Permit Regulations</u>

The subject parcel is 7,540 sq. ft., which is significantly less than the 12,000 sq. ft. minimum parcel size for the RH Zoning District. The subject parcel is legal based on the issuance of the 1950 building permit for the existing residence. As a legal, non-conforming parcel, development that does not meet zoning standards can be allowed with the approval of a Non-Conforming Use Permit, per Section 6133 of the Zoning Regulations. The proposal includes a 3-ft., right side setback for a new, attached two-car garage where 7.5 feet is the required minimum setback.

The following is a discussion of the required findings for the Planning Commission to grant the Non-Conforming Use Permit:

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

The parcel is non-conforming in size and is approximately 40% smaller than a conforming parcel. As detailed in Section A.2 of this report, the proposal does not exceed the amount of floor area or lot coverage allowed by the RH Zoning District. The front, rear, and left side setbacks are being met with this proposal. The only exception being requested is a 3-ft. right side setback, where 7.5 feet is required. The residence will not exceed the maximum size allowed by the RH Zoning District. Based on these aspects of the project design and the overall compliance with the RH Zoning District, the proposed development is proportioned to this parcel.

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 to be infeasible.

All parcels contiguous to the subject parcel are privately owned, and developed with single-family residences. No opportunities to acquire additional land are currently available for the property owner.

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

The proposal complies with all of the RH Zoning District except the right side yard setback. In addition, the construction of a new two-car garage will bring the project into conformance with the parking regulations. The 3-ft. right side setback is the only exception being requested, and all other zoning regulations are being met. The proposed location of the garage is the only feasible location due to size constraints including the location of the existing driveway, the

current house location, and an existing concrete retaining wall at the front of the property.

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

The new garage is being proposed in the same location currently occupied by an unpermitted carport, with the same 3-ft. side yard setback. Although the carport was not authorized by the County, it has existed for an indeterminable number of years in this location. The carport's historical existence will reduce the impact of the garage with a 3-ft. setback, since the proposed location and the use of the area will be similar to the current one. In addition, the increase in the number of off-street parking spaces is a benefit to the community as parking in Emerald Lake Hills is often a concern.

Fire department regulations require a minimum of 3 feet of space between a structure and the property line. The proposal has been reviewed by Woodside Fire Department, and conditions of approval have been added to Attachment A. The project is not located in the Coastal Zone and would not impact coastal resources.

Based on the foregoing, Staff has determined that this proposal will not be detrimental to the public welfare or injurious to property or improvements. The garage is in a location which has been utilized for years as parking and would not be disharmonious with the surrounding residences or with the Emerald Lake Hills community due to project adherence to Emerald Lake Hills Design Review Standards.

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

It is not uncommon for substandard parcels to require relief from setback requirements in order to better accommodate development and to meet other regulations. The setback exception is not granting any special privilege as there is no other location for a two-car garage on the property, and the lot is substandard in size.

### 5. <u>Conformance with the Fence Height Exception Regulations</u>

Findings for granting a Fence Height Exception include Notification of owners of property within 300 feet of the subject parcel and any neighborhood associations, review by the Department of Public Works and Planning Department for safety issues, and ensuring that the proposed fence is compatible with the surrounding neighborhood and has good design, meeting zoning regulations and aesthetic considerations of General Plan Policy 4.14.

The subject parcel has a non-conforming 6-ft. high fence in the front yard setback. The fence is on a 2-ft. high retaining wall along the front of the property at Jefferson Avenue, and is approximately 3 feet from the property line, and on top of a higher grade, there is a 6-ft. high wood fence. The fence height limit is 4 feet in the front yard setback. A condition of the Design Review Recommendation was to address the unpermitted fence and its non-conformity. The Fence Height Exception was added to this permit which requires a decision by the Planning Commission.

The project has been reviewed by the Department of Public Works and no concerns were raised with respect to the height of the wood fence since the parcel is not at a corner and the fence is not immediately adjacent to the street.

Staff has determined that the approval of the fence height exception will not jeopardize public safety, as indicated by Department of Public Works review. The stone and wood materials used are consistent with Design Review Standards. In addition with the condition to install landscape in front of the fence, the fence will meet aesthetic considerations and will be compatible with the neighborhood.

### B. ENVIRONMENTAL REVIEW

This project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15301, Class 1, relating to additions to structures of less than 10,000 sq. ft. in an urbanized area where all public services and facilities are available and the project area is not environmentally sensitive. The existing residence is served by water and sewer districts, the project site has been previously disturbed, and is located in a residential community that is not environmentally sensitive.

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

Building Inspection Section Department of Public Works Woodside Fire Emerald Lake Hills Homeowners Association

# **ATTACHMENTS**

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map and Assessor's Parcel Map
- C. Survey and Existing Site Plan
- D. Existing Floor Plan and Elevations
- E. Project Site Plan and Roof Plan
- F. Proposed Floor Plans
- G. Proposed Cross Section and Elevations
- H. Project Rendering
- I. Site Photos
- J. Applicant Statement, Dated May 2, 2017
- K. Emerald Lake Hills Design Review Officer Recommendation Letter, Dated April 15, 2016

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### County of San Mateo Planning and Building Department

# **RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2016-00055

Hearing Date: May 10, 2017

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

# RECOMMENDED FINDINGS

### For the Environmental Review, Find:

1. This project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15301, Class 1, relating to additions to structures of less than 10,000 sq. ft. in an urbanized area where all public services and facilities are available and the project area is not environmentally sensitive. The existing residence is served by water and sewer districts, the project site has been previously disturbed, and is located in a residential community that is not environmentally sensitive.

# For the Design Review, Find:

- This project, as designed and conditioned, 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 and approved by the Emerald Lake Hills Design Review Officer (DRO) on April 5, 2016.
- 3. After consideration of public testimony and additional correspondence, the DRO found that the proposed house design, as proposed and conditioned, is in compliance with the Design Review Standards because the project: (a) has a well-articulated front facade and other elevations, (b) uses materials which comply with the Design Review Standards, (c) has a building shape that will allow for privacy and will not create blockage of sun, and (d) respects privacy of neighboring houses.

# For the Use Permit, find:

4. That the project complies with the required findings for a non-conforming use permit per Section 6133.3.a.(2) in that:

- a. The development is proportioned in size since the only proposed exception to the standards being requested is a 3-ft. right side setback, where 7.5 feet is required.
- b. Both adjacent parcels are developed and there are no opportunities to acquire contiguous land.
- c. The proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible.
- d. The proposal will not be detrimental to the public welfare or injurious to property or improvements, as the new garage will be in a location that has been historically used for parking, with a 3-ft. side yard setback.
- e. The setback exception is not granting any special privilege as there is no other location for a two-car garage on the property and the lot is substandard in size.

### For the Fence Height Exception, find:

- 5. The proposed fence, which exceeds the height limits set forth in Section 6412 (Zoning Regulations) by 2 feet, has been reviewed under and found to be in compliance with the provision and findings stipulated in Section 6412.2 of the County Zoning Regulations, including:
  - a. Written notification of the exception request was sent to all owners of property located within 300 feet of the parcel, and to any member of the public requesting such notification.
  - b. No member of the public nor organization or association has submitted to the Community Development Director written objection to the exception request.
  - c. After consultation with the Department of Public Works, the Planning Commission finds that approving the exception will not jeopardize public safety, as it does not impede any sight distance or create any visual obstructions to drivers or pedestrians in the neighborhood.
  - d. After reviewing the parcel where the Fence Height Exception is proposed, the Planning Commission finds that approving the exception will be compatible with the neighborhood surrounding that parcel, and will not be detrimental to the public welfare.
  - e. The Planning Commission finds that the proposed fence or hedge promotes or enhances good design, site relationships, and other aesthetic

considerations, in accordance with San Mateo County General Plan Policy 4.14.

# **RECOMMENDED CONDITIONS OF APPROVAL**

### Current Planning Section

- 1. The project shall be constructed in compliance with the plans approved by the County. 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 the Design Review Standards and in substantial compliance with the approved plans prior to being incorporated into the building plans. Adjustments to the project may be approved by the Emerald Lake Hills 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 Officer public hearing which requires payment of an additional fee of \$1,500, and surcharges.
- 2. No significant trees are approved for removal. Any tree removal is subject to the San Mateo County Tree Ordinance and will require a separate permit for removal.
- 3. An arborist report that identifies tree protection measures for the oak in the left side yard, to the satisfaction of the Community Development Director, shall accompany the building permit application.
- 4. Tree protection shall be shown on the building permit plans for any tree within proximity of the construction zone.
- 5. Non-invasive drought resistant plants shall be planted in front of the 6-ft. high wood fence. The proposed plant species shall be submitted prior to the issuance of the building permit for approval by the Current Planning Section. Prior to final sign-off of the building permit, proof of installation of landscape shall be submitted to the Current Planning Section via photos for verification.
- 6. Prior to any grading or construction activity on the project site, the property owner shall implement the following tree protection plan for trees that have not been approved for removal:
  - a. The property owner shall establish and maintain tree protection zones throughout the entire length of the project.
  - b. Tree protection zones shall be delineated using 4-foot tall orange plastic fencing supported by poles pounded into the ground, located as close to the

driplines as possible while still allowing room for construction/grading to safely continue.

- c. The property owner shall maintain tree protection zones free of equipment and materials storage and shall not clean any equipment within these areas.
- d. Should any large roots or large masses of roots need to be cut, the roots shall be inspected by a certified arborist or registered forester prior to cutting.
- e. Any root cutting shall be monitored by an arborist or forester and documented.
- f. Roots to be cut should be severed cleanly with a saw or toppers.
- g. Normal irrigation shall be maintained, but oaks should not need summer irrigation.
- 7. All new utilities shall be installed underground. If the location of an existing utility is modified from its current location, the new or re-installation shall comply with current regulations regarding the location of utilities.
- 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 the 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. Once the building is under construction, prior to the below floor framing inspection or the pouring of the concrete slab (as the case may be) for the lowest floor(s), the applicant shall provide to the Building Inspection Section a letter from the licensed land surveyor or engineer certifying that the lowest floor height, as constructed, is equal to the elevation specified for that floor in the approved plans. Similarly, certifications on the garage slab and the topmost elevation of the roof are required.

If the actual floor height, garage slab, or roof height, as constructed, is different than the elevation specified in the plans, then the applicant shall cease all construction and no additional inspections shall be approved until a revised set of plans is submitted to and subsequently approved by both the Building Official and the Community Development Director.

- 11. The applicant shall adhere to all requirements of 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 vegetation 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 Jefferson Avenue. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on Jefferson Avenue. There shall be no storage of construction vehicles in the public right-of-way.
- 14. Noise sources associated with demolition, construction, repair, remodeling, or grading of any real property shall be limited to the hours from 7:00 a.m. to 6:00 p.m., weekdays, and 9:00 a.m. to 5:00 p.m., Saturdays. Said activities are prohibited on Sundays, Thanksgiving, and Christmas (San Mateo Ordinance Code Section 4.88.360).
- 15. 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.

16. 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.

### Woodside Fire Protection District

- 17. The 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.
- 18. Address shall be clearly posted and visible from the street with a minimum of 4-inch numbers on contrasting background.
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- 20. Smoke and CO detectors shall be installed per code.
- 21. NFPA-13D fire sprinkler system shall be installed.
- 22. A 100-foot defensible space around the proposed new structure shall be established prior to the start of construction.
- 23. Upon final inspection, a 30-foot perimeter defensible space shall be completed.
- 24. The driveway shall meet Woodside Fire Protection District requirements (<u>www.woodsidefire.org</u>).
- 25. Revise plans to show location of hydrant on plans.
- 26. The fire hydrants located at Jefferson and Revere need to be within 500 feet of the front door, measured on a driveable roadway, and capable of producing a flow of 1,000 gallons per minute.

### Department of Public Works

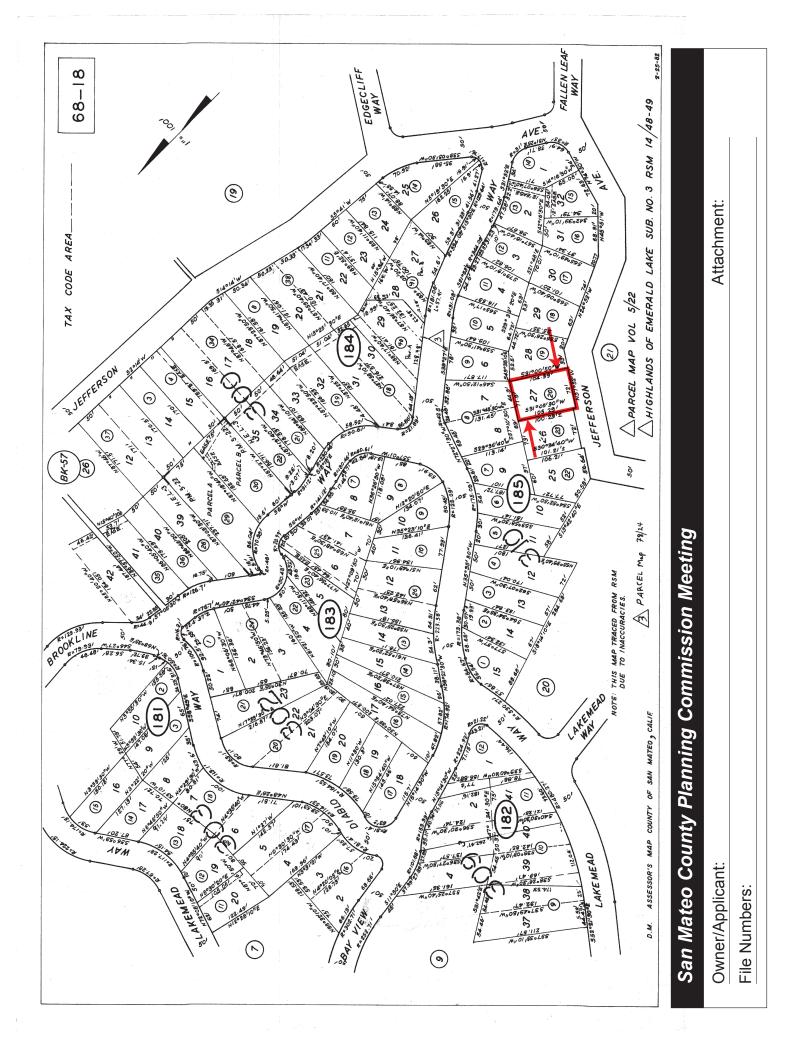
27. Prior to the issuance of the building permit or planning permit, the applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed project and submit it to the Department of Public Works for review and approval. The drainage analysis shall consist of a written narrative and a plan. The flow of the stormwater onto, over, and off of the property shall be detailed on the plan and

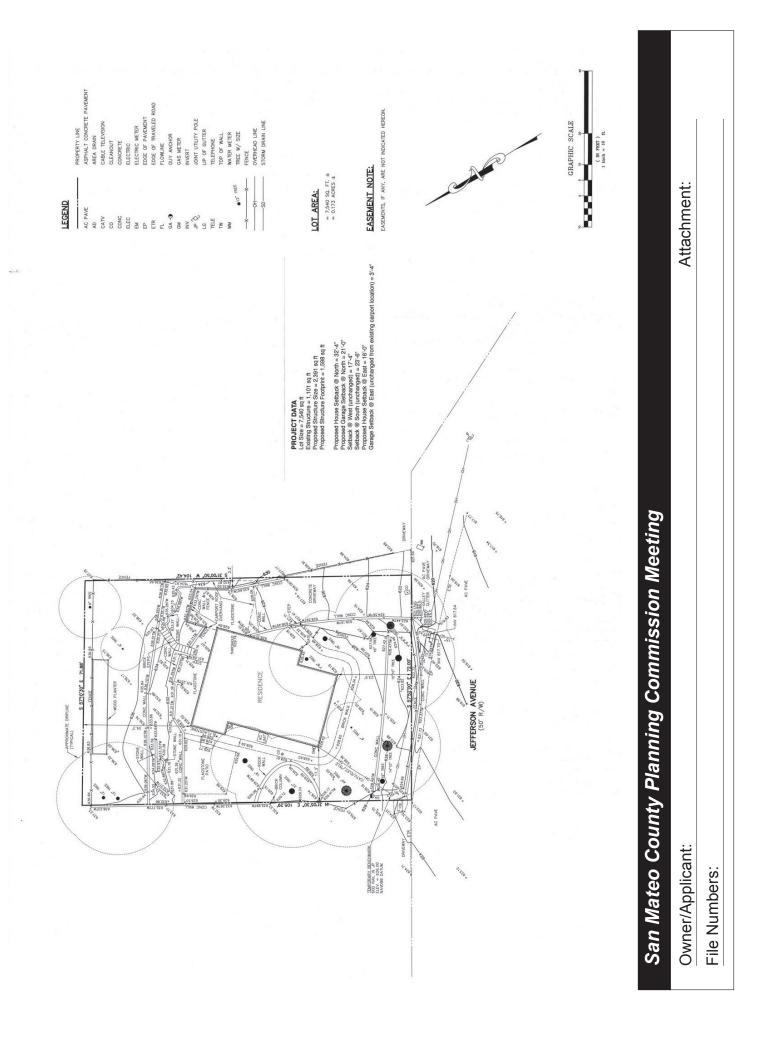
shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage. Post-development flows and velocities shall not exceed those that existed in the pre-developed state. Recommended measures shall be designed and included in the improvement plans and submitted to the Department of Public Works for review and approval.

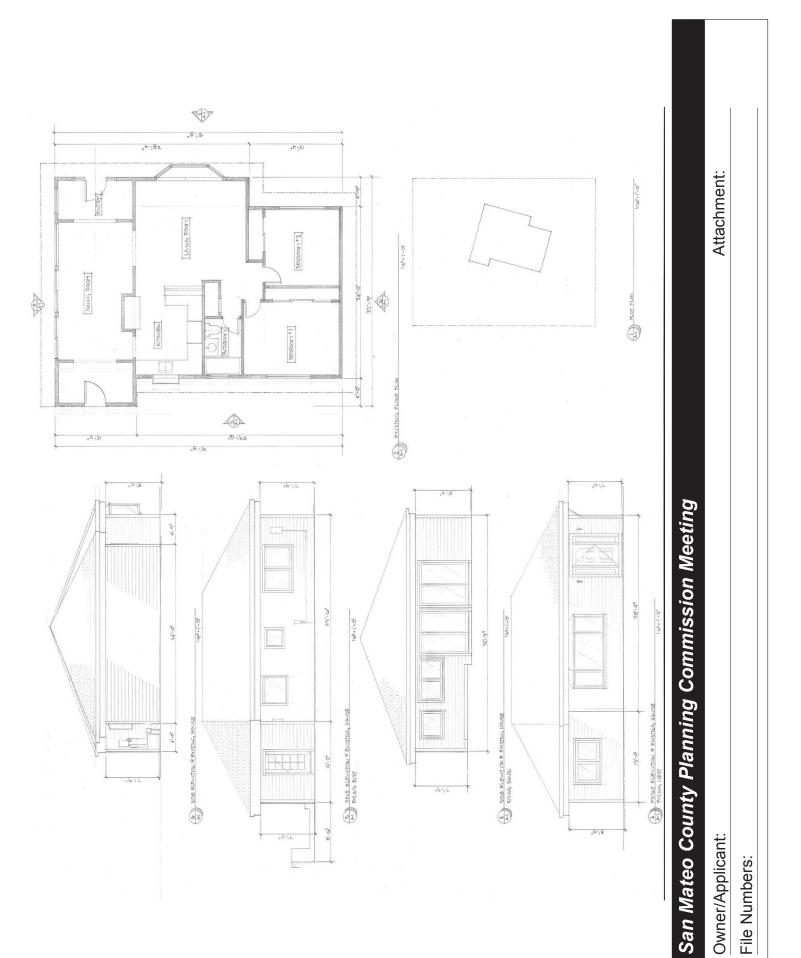
- 28. Prior to the issuance of the building permit or planning permit (if applicable), the applicant shall submit a driveway "Plan and Profile," to the Department of Public Works, showing the driveway access to the parcel (garage slab) complying with County Standards for driveway slopes (not to exceed 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.
- 29. 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.
- 30. 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.
- 31. The applicant shall execute and record an agreement in a form approved by the County for maintenance of the approved facilities in the public right-of-way. The Property Owners agree to remove, replace, and repair, upon demand by the Director of the Department of Public Works, facilities in the public right-of-way.

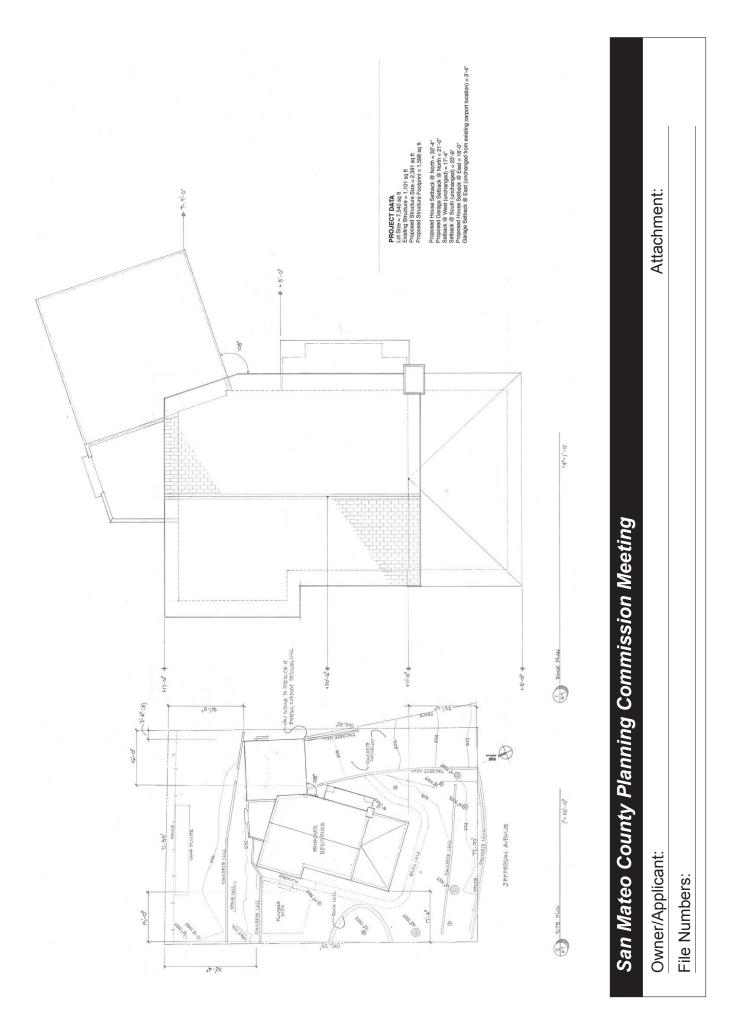
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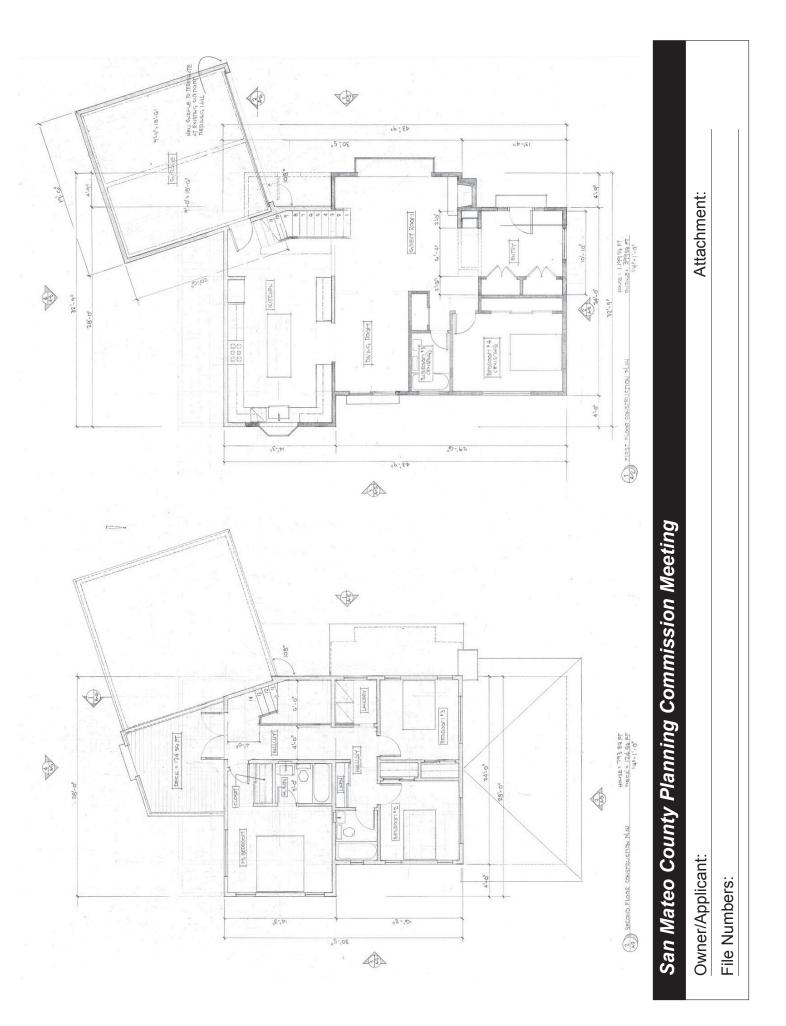


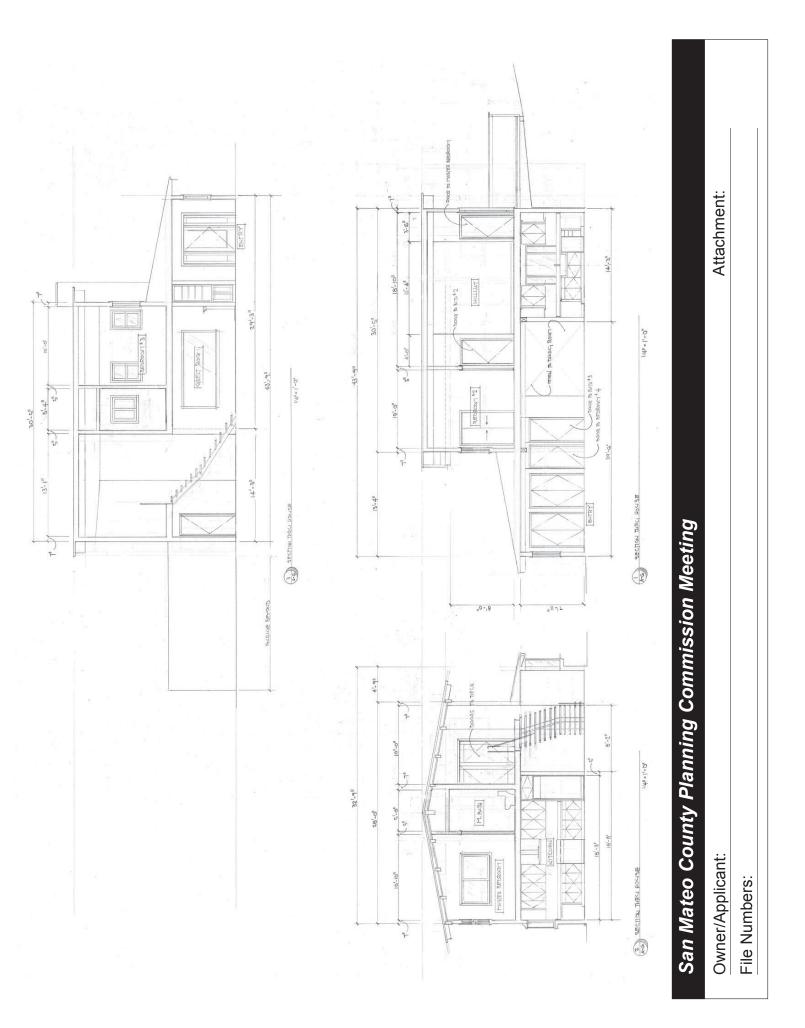


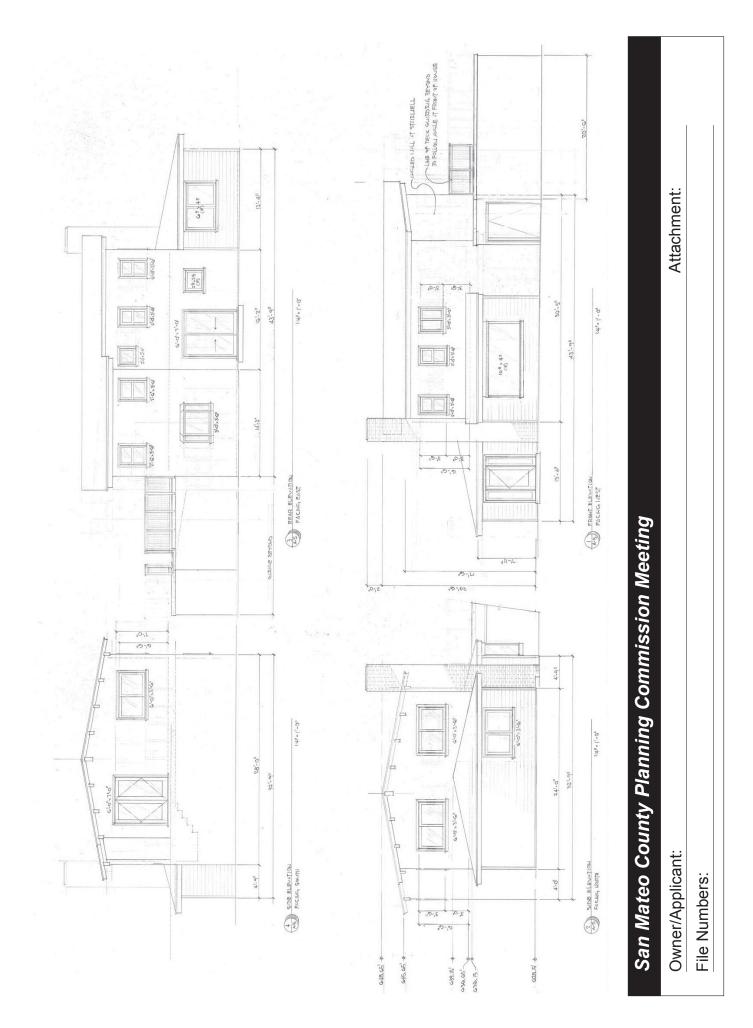




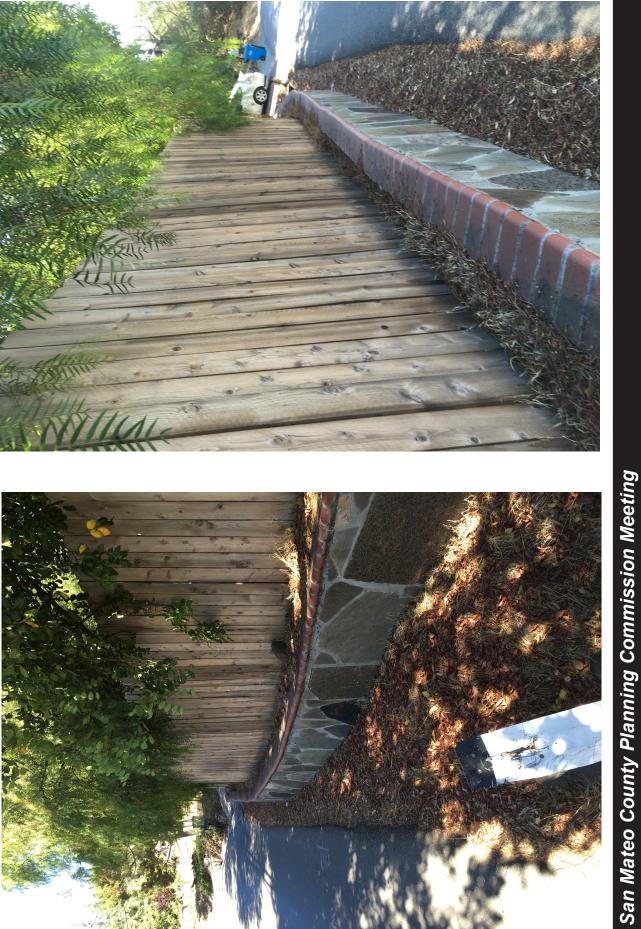












Attachment:

Owner/Applicant:

File Numbers:







Attachment:

# San Mateo County Planning Commission Meeting

Owner/Applicant:



May 2, 2017 Nick and Christine Schneider 4028 Jefferson Ave Emerald Lake Hills, CA 94062

File No: PLN2016-00055

Planning Commission Meeting No. 1630

Christine and I have submitted plans to do a major addition and remodel of our existing property at 4028 Jefferson Ave to meet the needs and next steps of our growing family. We have thoroughly reviewed the San Mateo County guidelines and regulations regarding major additions in the unincorporated area of Emerald Lake Hills including privacy, noise and environmental impact to name a few. With that, our proposal to increase the size of our square footage of our home including adding a garage and a second story is well within the outlined regulations of the county. Furthermore, we kept our neighbors in mind with the proposed construction by ensuring that our addition would not impede the privacy of any of our neighbors. As it currently stands, all of our neighbors have a vantage point into our property at some capacity. With the proposed design and second story addition, our vantage point will now be eye level with all adjacent property and fence lines. In other words, we will not be able to see into anyone else's backyard.

We took grading into account while planning our property and have minimized the need to grade our property as much as possible short of a small amount required for the garage which is required given the proposed addition. The garage is the only feature of the property which required us to submit the non-conforming use permit as there is no other viable location on the parcel to build. If we were to attempt to built the garage at the front of the driveway on the street side, we would have to grade and remove a large tree. Another other location would require even more grading. By teeing off the existing carport and retaining wall in place, we are ensuring that there is no additional unnecessary encroachment on the property line requirement and that all parties are not anymore impacted than what the property had when purchased by us.

Our design meets the standard of our neighborhood and is in line with the look and feel of other homes. Furthermore, we submitted with our design review a few months back signed copies of our proposed project where our neighbors had an opportunity to review the idea that we had. We received little pushback from anyone short of asking how much their privacy would be affected. As outlined above, there is no issue with privacy. With regards to noise, we kept the common areas of the home on the first floor as to keep the noise insulated as much as possible from our neighbors and moved these noisier areas of the home to more reserved / isolated locations on the property.

The proposed property brings the entire house up to code including the addition of a fire sprinkler system and stucco siding. This house will meet our needs as a young but growing

# **ATTACHMENT J**

family without requiring us to move out of a desirable area and neighborhood. We are locals who grew up around here and would love our kids to be able to do the same. We want the same opportunity as everyone else has in our neighborhood with regards to building and upgrading their residences to meet their needs. We want to ensure the planning commission and our community that we have taken into account all potential problem areas with our proposed project which is why it is designed as so. We appreciate everyone's time listening and reviewing our plans. We hope we can move our project forward to realize the next step of our time in Emerald Lake Hills.

Thank you,

Nick and Christine Schneider

# **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 15, 2016

Nick and Christine Schneider 4028 Jefferson Avenue Redwood City, CA 94062

Dear Mr. and Ms. Schneider:

SUBJECT: Emerald Lake Hills Design Review Recommendation 4028 Jefferson Avenue, Emerald Lake Hills APN 068-185-200; County File No. PLN 2016-00055

At the April 5, 2016 meeting, the Emerald Lake Hills Design Review Officer (DRO) considered your design review application to allow construction of a major remodel of an existing 1,101 sq. ft. single-family residence which includes a 361 sq. ft. first floor addition, a new 793 sq. ft. second floor, and a new 400 sq. ft. garage on a legal 7,540 sq. ft. parcel. No significant trees are proposed to be removed. A Non-Conforming Use permit is required to allow a 3-foot right side yard setback where a minimum of 7.5 feet is required. A decision on the Non-Conforming Use Permit will occur at a public hearing.

All property owners within 300 feet of the subject property and the Emerald Lake Hills Homeowners Association were notified on March 26, 2016. Two members of the public submitted email correspondence about the project, and one member of the public attended and spoke at the hearing. The concern expressed in the correspondence pertained to the impact of the new second story to light and privacy.

At the hearing the DRO addressed public concerns and stated that the first design submission, which included a deck over the garage that would encroach into the side yard setback, would have greatly impacted privacy. The plans reviewed at the hearing were revised from the initial submission, at staff's request, and did not have a deck over the garage, allowing the project to comply with the site planning standard for maintaining privacy of outdoor living areas. In addition, the DRO mentioned that the new second story does not include any windows which look directly into windows of the neighboring properties and exceeds the minimum right side setback of 7.5 feet which is required by the Residential Hillside (RH) zoning regulations.

In a review of compliance with the design standards, the Emerald Lake Hills Design Review Officer determined that the proposed house design does not incorporate any materials recommended by the design review standards. A condition of approval was added to ensure



Nick and Christine Schneider

that a material such as stone or wood is integrated into the design, to improve facades and increase articulation. Revised plans must be provided prior to scheduling of a hearing for the Use Permit.

The DRO found that, as conditioned, the proposed residence complied with the design review standards in Section 6565.15 of the San Mateo County Zoning Regulations. The DRO stated that the proposal, as conditioned, complies with the standards regarding respect for privacy of neighboring houses, incorporates facades which prohibit massive blank walls, has proper scale of windows and doors, and uses recommended materials and colors.

Based on the plans, application forms and accompanying materials submitted, the Emerald Lake Hills Design Review Officer recommended approval of the design review portion of your project with the exception of the Non-Conforming Use Permit, subject to the following findings and conditions of approval. A final decision on the design review approval and associated Non-Conforming Use Permit, along with additional conditions of approval (as applicable), will be made at a public hearing.

### FINDINGS

### For the Environmental Review

The Design Review Officer found that:

1. This project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 15301, Class 1, relating to structures less than 10,000 sq. ft. in an urbanized area where all public services and facilities are available and the project area is not environmentally sensitive. The existing residence is served by water and sewer and the project site is located within an urban, residential community that is not environmentally sensitive.

### For the Design Review

The Emerald Lake Hills Design Review Officer found that:

- The proposed house design, as designed and conditioned, 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 on April 5, 2016.
- 3. After consideration of public testimony and additional correspondence, the DRO found that the proposed house design, as proposed and conditioned, is in compliance with the Design Review Standards because the project: (a) has a well-articulated front facade and other elevations, (b) uses materials which comply with the Design Review Standards, and (c) respects privacy of neighboring houses.

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### RECOMMENDED CONDITIONS OF APPROVAL

### Current Planning Section

- 1. The project shall be constructed in compliance with the plans once approved by the County. 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 the Design Review Standards and in substantial compliance with the approved plans prior to being incorporated into the building plans. Adjustments to the project may be approved by the Emerald Lake Hills 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 Officer public hearing which requires payment of an additional fee of \$1,500, and surcharges.
- 2. A fence height exception shall be applied for to keep the 6-foot fence in the front yard. To maintain the existing fence, the Fence Height Exception must be obtained prior to the final approval of the building permit for the remodel.
- 3. No significant trees are approved for removal. Any additional tree removal is subject to the San Mateo County Tree Ordinance and will require a separate permit for removal.
- 4. Tree protection shall be shown on the plans for the oak tree in the left side yard.
- 5. Prior to scheduling of a public hearing for a Non-Conforming Use Permit, the applicant shall:
  - a. Receive final sign-off for the Department of Public Works.
  - b. Submit revised elevations showing the integration of a material specified in the Section 6565.15 of the design review standards.
- 6. Prior to any grading or construction activity on the project site, the property owner shall implement the following tree protection plan for trees that have not been approved for removal:
  - a. The property owner shall establish and maintain tree protection zones throughout the entire length of the project.
  - b. Tree protection zones shall be delineated using 4-foot tall orange plastic fencing supported by poles pounded into the ground, located as close to the driplines as possible while still allowing room for construction/grading to safely continue.
  - c. The property owner shall maintain tree protection zones free of equipment and materials storage and shall not clean any equipment within these areas.

Nick and Christine Schneider

- d. Should any large roots or large masses of roots need to be cut, the roots shall be inspected by a certified arborist or registered forester prior to cutting.
- e. Any root cutting shall be monitored by an arborist or forester and documented.
- f. Roots to be cut should be severed cleanly with a saw or toppers.
- g. Normal irrigation shall be maintained, but oaks should not need summer irrigation.
- 7. All new utilities shall be installed underground. If the location of an existing utility is modified from its current location, the new or re-installation shall comply with current regulations regarding location of utilities.
- 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 the 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. Once the building is under construction, prior to the below floor framing inspection or the pouring of the concrete slab (as the case may be) for the lowest floor(s), the applicant shall provide to the Building Inspection Section a letter from the licensed land surveyor or engineer certifying that the lowest floor height, as constructed, is equal to the elevation specified for that floor in the approved plans. Similarly, certifications on the garage slab and the topmost elevation of the roof are required.

If the actual floor height, garage slab, or roof height, as constructed, is different than the elevation specified in the plans, then the applicant shall cease all construction and no additional inspections shall be approved until a revised set of plans is submitted to and subsequently approved by both the Building Official and the Community Development Director.

- 11. The applicant shall adhere to all requirements of 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 vegetation removal, and a building permit have 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 Jefferson Avenue. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on Jefferson Avenue. There shall be no storage of construction vehicles in the public right-of-way.
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If you have questions or need further information, please contact me at 650/363-1828 or by email at eadams@smcgov.org.

Sincerely, Érica D. Adams

Design Review Officer

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cc: Interested Parties Mary Graczyk